

**HARDING TOWNSHIP COMMITTEE  
MONDAY, AUGUST 12, 2019  
EXECUTIVE SESSION at 6:00 PM  
REGULAR MEETING at 7:30 PM  
Kirby Hall, Blue Mill Road, New Vernon, New Jersey  
AGENDA**

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**CALL MEETING TO ORDER – Mayor Yates**

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**ADEQUATE NOTICE** of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on July 23, 2019 and published in the Observer Tribune on July 25, 2019;

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**ROLL CALL – Municipal Clerk**

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates

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**RESOLUTION TC 19-167– Executive Session**

**RESOLUTION TO RECESS INTO EXECUTIVE SESSION**

**BE IT RESOLVED**, by the Harding Township Committee that it shall adjourn into executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b; and

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Harding provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Township Committee will return to public session after this executive session.

**Personnel:**

**1. Police Appointments – Chief Heller**

**Contracts:**

**1. Property Acquisitions – Mark Roselli**

**2. Developer’s Agreement – Bob Goldsmith**

**3. Shared Services – Chris Yates**

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**RECONVENE INTO PUBLIC SESSION – Mayor Yates**

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**ROLL CALL – Municipal Clerk**

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates

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**PLEDGE OF ALLEGIANCE – Mayor Yates**

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**ADEQUATE NOTICE** of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 7 2019, and published in the *OBSERVER TRIBUNE* on January 10, 2019; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2019, and Notice was posted on the website and filed with the Municipal Clerk on January 7, 2019.

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**RESOLUTION TC 19-168 -- RESOLUTION TO ADOPT TOWNSHIP COMMITTEE MEETING MINUTES**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: July 15, 2019 and August 1, 2019.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's Office: July 15, 2019 and August 1, 2019.

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**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates**

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**DISCUSSION ITEMS**

1. 2018 Audit – Robert Swisher
  2. Showgrounds Trail – Dev Modi
  3. Plastic Bags – Nic Platt
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**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

**NON CONSENT RESOLUTIONS**

**TC Resolution 19-169 – Resolution to Appoint Thomas Trommelen as a Harding Township Patrolman**

**WHEREAS**, there exists a vacancy in the position of Police Officer in the Harding Township Police Department; and

**WHEREAS**, Chief Erik Heller has conducted a detailed evaluation process and background check; and

**WHEREAS**, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the need for appointing a Police Officer; and

**WHEREAS**, Thomas Trommelen graduated from the Bergen County Police Academy for Basic Police Officers on December 15, 2016 and has been working as a Police Officer in Clifton, NJ; and

**WHEREAS**, Chief Erik Heller recommends that Thomas Trommelen be appointed as a full-time Police Officer, commencing with a one-year probationary period with the Harding Township Police Department that is effective on August 16, 2019.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Thomas Trommelen as a full-time Police Officer of the Harding Township Police Department at the annual salary of \$58,215 to be prorated for the remainder of 2019.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with Resolution TC 19-169 listed on the Non-Consent agenda.

Committee Member \_\_\_\_\_: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member \_\_\_\_\_.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**MEETING OPEN TO THE PUBLIC FOR PUBLIC COMMENT**

**NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

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**ORDINANCES FOR SECOND READING**

Mayor Yates asks Township Committee Member Modi to proceed with Ordinance #14-2019.

Township Committee Member \_\_\_\_\_ reads Ordinance #14-2019 entitled:

**ORDINANCE #14-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING IN PART ORDINANCE #05-2019 AND SPECIFICALLY CHAPTER 225, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 ZONING DISTRICT**

Which Ordinance was introduced and passed on first reading at a regular Township Committee meeting held on July 15, 2019.

Mayor Yates asks the Municipal Clerk to give a summary of the legal notice.

The Municipal Clerk States: A legal notice was sent for publication on July 15, 2019 to the Observer Tribune indicating that Ordinance #14-2019 was introduced and passed on first reading at the July 15, 2019 meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on August 12, 2019, on or any time thereafter for consideration of final adoption. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board. Copies of this Ordinance were made available to the general public, posted on the Harding Township website, and posted in accordance with the law.

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Yates: Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member \_\_\_\_\_: I offer the following Ordinance and Move its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee Member \_\_\_\_\_ seconds the motion.

Mayor Yates asks the Municipal Clerk for a roll call.

**Vote on Ordinance:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**ADD-ON RESOLUTIONS**

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**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

## CONSENT AGENDA

The following items are considered to be routine by the Harding Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Township Committee Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

## RESOLUTIONS TC 19-171 THROUGH RESOLUTION TC 19-176 HAVE BEEN PLACED ON THE CONSENT AGENDA

### CONSENT AGENDA VOTE:

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-171 through TC 19-176.

Committee Member \_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member \_\_\_\_\_.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

### Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## APPOINTMENTS:

### Resolution TC 19-171 – Resolution to Appoint Members to the Board of Adjustment

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following appointments as members of the Harding Township Board of Adjustment commencing August 15, 2019 be made:

Thomas Addonizio  
Regular Member

4 year unexpired term expiring  
December 31, 2021

Elizabeth Solovos  
Alternate #1

2 year unexpired term expiring  
December 31, 2019

Michael Cammarata  
Alternate #2

2 year unexpired term expiring  
December 31, 2020

**CONTRACTS:**

**Resolution TC 19-172 – Resolution to Reject the Bid for the DPW Salt Building**

**WHEREAS**, the Township of Harding publicly advertised for and received bids on at July 9, 2019 at 11:00 a.m. for the construction project known as Harding Township DPW Salt Shed project; and

**WHEREAS**, five bids were received from the following entities:

	<u>Base Bid</u>	<u>Option</u>
Dutchman Contracting, Reinhold, PA	\$244,409.00	70.00
Frankoski Construction, Orange NJ	\$260,000.00	39.00
CB Structures, New Holland, PA	\$279,814.00	50.00
Samson Concrete, Phillipsburg, NJ	\$370,000.00	20.00
MBT Contracting, LLC, Lincoln Park, NJ	\$377,183.25	125.00

**WHEREAS**, N.J.S.A. 40A:11-13.2 (a) allows a governing body to reject all bids when the lowest bid substantially exceeds the cost estimates for the services; and

**WHEREAS**, the bids submitted substantially exceed the Township Architect's cost estimate for the project; and

**WHEREAS**, based upon the bid received and recommendation of the Qualified Purchasing Agent, the Township Committee has determined to reject the bid pursuant to N.J.S.A 40A:11-13.2 (a) as the lowest responsible bid substantially exceeds the cost estimate for the services.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that all bids for the Department of Public Works Salt Shed project be and are hereby rejected pursuant to N.J.S.A. 40A:11-13.2 (a); and

**BE IT FURTHER RESOLVED**, a copy of this resolution shall be provided to Qualified Purchasing Agent, Township Attorney, and Chief Financial Officer for the Township of Harding.

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**Resolution TC 19-173 – Resolution Authorizing Contracts with Certain Approved State and County Cooperative Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a**

**WHEREAS**, the Township of Harding, pursuant to N.J.S.A. 40 A: 11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program, the Morris County Cooperative Pricing Council, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System for any State or County contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, the Morris County Cooperative Pricing Council, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System as approved by TC 19-049; and

**WHEREAS**, the Township of Harding has the need to add Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO to purchase goods or services.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Township of Harding authorizes the Purchasing Agent to purchase certain goods or services from Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO pursuant to all conditions of the individual State, Morris County, Somerset County and Middlesex Regional Educational Services Commission Cooperative Pricing System Cooperative contracts; and

**BE IT FURTHER RESOLVED**, that the governing body of the Township of Harding pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

**BE IT FURTHER RESOLVED** that the duration of the contracts between the Township of Harding and the Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO Contract Vendors shall be from January 1, 2019 to December 31, 2019.

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**Resolution TC 19-174 Resolution to Increase the Contract for Greenbaum Rowe Smith & Davis LLP - Redevelopment Attorney for the Township of Harding**

**WHEREAS**, at the March 18, 2019 Township Committee meeting, the Township of Harding awarded a contract for a redevelopment attorney from the firm Greenbaum Rowe Smith & Davis LLP for redevelopment purposes for the Township, in the amount not to exceed \$5,000.00; and

**WHEREAS**, at the May 13, 2019 Township Committee meeting, the Township Committee authorized an additional \$5,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, at the June 24, 2019 Township Committee meeting, the Township Committee authorized an additional \$30,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, at the July 15, 2019 Township Committee meeting, the Township Committee authorized an additional \$10,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, it is necessary to increase the authorization for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract to perform redevelopment tasks; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$5,000.00 from account number #25-9999-1110-0170-2-00037; and

**WHEREAS**, the total amount shall not exceed \$55,000.00.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby awarded for a one year period:

Redevelopment Attorney	Greenbaum Rowe Smith & Davis LLP	1/1/2019 to 12/31/2019
	75 Livingston Avenue, Suite 301	Not to Exceed \$50,000.00
	Roseland, NJ 07068	25-9999-1110-0170-2-00037

**FINANCE:**

**Resolution TC 19-175 Bill List**

**WHEREAS**, vouchers for payment have been submitted to the Township Committee by various municipal departments.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

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**Resolution TC 19-176 Resolution Approving the 2018 Audit Review**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments" and "Recommendations;" and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the annual Report of Audit, and specifically the sections of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB52 to wit:

R.S. 52:27BB52- "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.



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**MISCELLANEOUS: NONE**

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**PERSONNEL:**

**Resolution TC 19-177 Resolution to Accept the Resignation of J.K.**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding accepts the resignation of J.K. effective as of August 2, 2019.

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**ORDINANCES FOR FIRST READING -- NONE**

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**RESOLUTION TC 19-178-- Executive Session**

**RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

**BE IT RESOLVED**, by the Harding Township Committee that it shall adjourn into executive session to discuss the following subject matter(s) without the presence of the public in accordance with the provisions of R.S. 10:4-12b; and

**BE IT FURTHER RESOLVED**, the matter(s) discussed will be made known to the public at such time as appropriate action is taken on said matter(s), and when disclosure will not result in unwarranted invasion of individual privacy or prejudice to the best interests of the Township of Harding provided such disclosures will not violate Federal, State or local statutes and does not fall within the attorney-client privilege. The Township Committee will not return to public session after this executive session.

**Contracts:**

**Personnel:**

**Attorney Client Privilege:**

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**ADJOURNMENT – Mr. Yates**