

**HARDING TOWNSHIP COMMITTEE  
MONDAY, DECEMBER 14, 2020  
EXECUTIVE SESSION at 5:30 PM  
REGULAR MEETING AGENDA AT 7:30 PM  
IN-PERSON / GOTOMEETING CALL**

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/hardingtowship>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (646) 749-3112

- One-touch: <tel:+16467493112,,923644741#>

Access Code: 923-644-741

**Kirby Hall, Blue Mill Road, New Vernon, New Jersey**

---

**CALL MEETING TO ORDER – Mayor Yates**

---

**ADEQUATE NOTICE** of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune and the Daily Record on November 25, 2020 and published in the Observer Tribune on December 3, 2020.

---

**ROLL CALL – Municipal Clerk**

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

---

**RESOLUTION TC 20-166 – Executive Session**

**RESOLUTION TO RECESS INTO EXECUTIVE SESSION**

**BE IT RESOLVED**, by the Harding Township Committee that it shall recess 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.

**Contracts:**

1. PBA – R. Falzarano / A. Abramson
2. Property Acquisitions – M. Roselli
3. Joint Court – R. Falzarano

**Personnel:**

1. Police Lieutenant Employment Agreement – R. Falzarano
2. R Falzarano Employment Agreement — D. Modi

**Vote on Resolution:**

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

**RECONVENE INTO PUBLIC SESSION – Mayor Yates**

**ROLL CALL – Municipal Clerk**

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

**PLEDGE OF ALLEGIANCE – Mayor Yates**

**ADEQUATE NOTICE** of this meeting of the Harding Township Committee was given as follows: Due to the State of Emergence, Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on September 29, 2020, and published in the *OBSERVER TRIBUNE* on October 8, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on October 8, 2020, and Notice was filed with the Municipal Clerk on October 8, 2020.

**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION) NONE**

**DISCUSSION ITEMS:**

**RESOLUTION TC 20-167 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Municipal Clerk’s office: **November 9, 2020.**

**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: **November 9, 2020.**

**Mayor Yates** asks for a motion to accept the Township Committee meeting minutes.

**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"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

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

**ADD-ON RESOLUTIONS:**

**TC Resolution 20-191 – Resolution Recognizing Township Committee Member Devanshu L. Modi For His Exemplary Service to the Township of Harding**

**WHEREAS**, on November 14, 2014 Devanshu L. Modi was elected by the voters of the Township of Harding to serve a 3-year term on the Harding Township Committee; he was re-elected to a second 3-year term by the voters on November 17, 2017; and

**WHEREAS**, during his six years in elected office, Township Committee Member Devanshu L. Modi “Dev” continually sought to improve the quality of life for Harding Township residents and expertly demonstrated foresight, leadership, and fiscal responsibility in policy decisions and operations of Township government; and

**WHEREAS**, during his tenure on the Township Committee, Dev devoted innumerable hours on the Glen Alpin Committee to ensure the diversion would maintain the historic building features, listened and synthesized the many pieces of information that had been generated through the town’s ownership of Glen Alpin, listened to many constituents concerns and spent countless hours considering all of the facts and worked to present those facts as clearly as possible to the residents of Harding Township; and

**WHEREAS**, he helped to improve the municipal operations through insisting the development and implementation of policy and procedures; and

**WHEREAS**, he served as member of the Joint Court until 2020; and

**WHEREAS**, through his professional expertise as a member of the Planning Board he contributed to the re-examination of the Master Plan; and

**WHEREAS**, as an elected official over the past six years, Township Committee Member Modi further served as Finance and Insurance Standing Committee Chairman, Personnel Standing Committee Chairman, Healthcare and Insurance Standing Committee Vice Chairman, Planning and Zoning Standing Committee Chairman, Technology Standing Vice Chairman, Recreational and Advisory Standing Committee Vice Chairman; and

**WHEREAS**, Dev carried out his duties as an elected official and as a citizen of Harding Township with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated himself to advancing the spirit of volunteerism that has helped make Harding Township the town we love; and

**WHEREAS**, Dev will always be remembered for his kindness, camaraderie and fairness when dealing with residents, businesses, and the Township’s workforce.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that they hereby recognize and commend Dev on his leadership, dedication, and enthusiasm for our community as demonstrated throughout his tenure on the Township Committee; and

**BE IT FURTHER RESOLVED**, by the Township of Harding, on behalf of the entire Harding Township community, that they hereby extend their grateful appreciation to Dev Modi for his six remarkable years of service on the Harding Township Committee and commend him for all he has achieved during his tenure on the Township. We wish him and his family happiness and good health in the years to come. Dev, you will be missed!

**Mayor Yates** asks for a motion to accept the Township Committee meeting minutes.

**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"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

**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 and 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.

**ORDINANCES FOR SECOND READING:**

**ORDINANCE #13-2020 --“AN ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 250, ARTICLE I OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §250-1 ENTITLED “SPEED LIMITS”**

**Mayor Yates** asks Township Committee Member Modi to read Ordinance TC #13-2020.

**Township Committee Member Modi** reads Ordinance TC 13-2020 by title as follows

**TOWNSHIP OF HARDING  
 ORDINANCE #13-2020**

**“AN ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 250, ARTICLE I OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §250-1 ENTITLED “SPEED LIMITS”**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on November 9, 2020.

**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 November 9, 2020 to the Observer Tribune indicating that Ordinance #13-2020 was introduced and passed on first reading at the November 9, 2020 meeting and indicated that the second reading and public hearing were to be held on December 14, 2020 at 7:30 pm on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the 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:** closes the public hearing.

Township Committee Member Modi: I offer Ordinance #13-2020 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 Adoption:**

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

---

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:  
NONE**

---

**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 20-168 THROUGH RESOLUTION TC 20-189 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 20-168 through TC 20-189.

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"/>				
Mr. Jones	<input type="checkbox"/>				
Mr. Modi	<input type="checkbox"/>				
Mr. Platt	<input type="checkbox"/>				
Mr. Yates	<input type="checkbox"/>				

**CONTRACTS:**

**Resolution TC 20-168 – Resolution To Authorize the Grant Agreement Known as the Local Government Fund Program**

**WHEREAS**, the Township of Harding applied for Local Government Emergency Fund Program Grant funding to the Department of Community Affairs on November 9, 2020 and as authorized by Resolution TC 20-158; and

**WHEREAS**, on November 27, 2020, the Township of Harding received notification that their request for grant funding had qualified the Township of Harding for funding in the amount of \$34,602.00; and

**WHEREAS**, the Local Government Emergency Fund Grant Agreement must be executed and returned to the Division of Local Government Services prior to December 10, 2020 in order to access funding; and

**WHEREAS**, the Township’s Chief Administrative Officer must sign on Page 2 of the attached grant agreement, and the recipient information on pages 13-14, and Recipient Appropriations Line Items and Reimbursement Amounts in Exhibit A (attached).

**BE IT RESOLVED**, the Township of Harding does memorialize the authorization of the signing of the Grant Agreement known as Local Government Emergency Fund Program Grant Agreement FY 2020/2021 # 1413 by the Municipal Clerk, Lisa A. Sharp and Mayor, Christopher M. Yates.

**Resolution TC 20-169 – Resolution to Authorize Repairs to the Township Municipal Building’s Septic Tank and Laterals**

**WHEREAS**, the Septic System for Township Municipal Building, 21 Blue Mill Road, New Vernon, requires repairs that necessitate replacement of a septic tank and laterals; and

**WHEREAS**, the Township Qualified Purchasing Agent secured quotes and explored options as to how to best provide for those items; and

**WHEREAS**, the quote submitted by Harrington Construction Company, Inc in the amount of \$40,611.00 has been determined to be the best option by the Township Qualified Purchasing Agent, Department of Public Works Director, and the Township Construction Official; and

**WHEREAS**, the anticipated value of the work is not expected to exceed the Township’s Public Bid Threshold; and

**WHEREAS**, Harrington Construction Company, Inc., will perform complying with Prevailing Wage (N.J.S.A. 34:11-56.25 et seq.), the Pay-to-Play Law (N.J.S.A. 19:44A-20.4 et seq.), and Business Registration Certification (N.J.S.A. 52:32-44); and

**WHEREAS**, Harrington Construction Company, Inc. has submitted all required paperwork and has performed work for Harding Township in the past; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$40,611.00 as follows:

\$25,000	Buildings and Grounds	01-2020-1310-0310-2-00064
\$15,611	Capital Fund – Improvement to Municipal Facilities	04-2018-201817-4024-4-04042

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the repairs to the Township Municipal Septic System at 21 Blue Mill Road, is hereby approved; and

**BE IT FURTHER RESOLVED**, that all Township employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

---

**Resolution TC 20-170 – Resolution to Authorize an Increase to the Professional Services Contract for Greener By Design LLP**

**WHEREAS**, at the January 4, 2020 Township Committee meeting, the Township Committee authorized \$15,000.00 for the services of Greener By Design LLP, under their professional services contract; and

**WHEREAS**, at the September 14, 2020 Township Committee meeting the Township Committee authorized additional monies in the amount of \$10,000; and

**WHEREAS**, it is necessary to increase the authorization for the services of Greener By Design 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 \$10,000.00 from account number #01-2020-1110-0100-2-00020; and

**WHEREAS**, the total amount shall not exceed \$35,000.00.

**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; and

**BE IT FURTHER RESOLVED**, that all Township employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Glen Alpin Disposal/Diversion Greener By Design	1/1/20 to 12/31/20 \$175.00 per hour Not to exceed \$35,000.00 01-2020-1110-0100-2-00020
---	---

---

**Resolution TC 20-171 – Resolution to Authorize an Increase to the Professional Services Contract for Greenbaum Rowe Smith & Davis LLP**

**WHEREAS**, at the January 4, 2020 Township Committee meeting, the Township Committee authorized \$25,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, at the August 10, 2020 Township Committee meeting, the Township Committee authorized and additional \$85,000 from account number # 05-5000-0000-0170-2-00000; 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 diversion tasks; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$40,000 from account number # 05-5000-0000-0170-2-00000; and

**WHEREAS**, the total amount shall not exceed \$150,000.00.

**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; and

**BE IT FURTHER RESOLVED**, that all Township employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Redevelopment Attorney	Greenbaum Rowe Smith & Davis LLP 75 Livingston Avenue, Suite 301 Roseland, NJ 07068	1/1/2020 to 12/31/2020 Not to Exceed \$150,000.00 05-5000-0000-0170-2-00000
------------------------	---	---

---

**Resolution TC 20-172 – Resolution of the Harding Township Committee Consenting to Sewer Service Area Amendment**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court handed down its decision in In re Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), which terminated COAH's jurisdiction to administer and approve municipalities' affordable housing plans, determined that the Court would reassert primary jurisdiction over the same and directed interested municipalities to petition the Court for immunity while constitutionally compliant housing plans were prepared; and

**WHEREAS**, the Township of Harding was previously granted Substantive Certification for the Third Round on May 14, 2009 from COAH; however, due to the invalidation of the prior Third Round Rules and the decision of the New Jersey Supreme Court in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), on or about July 7, 2015, the Township filed a declaratory judgment action in the case entitled In the Matter of the Township of Harding for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan, bearing Docket No. MRS-L-1762-15 (the "Township's DJ Action") seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and also petitioned the Court for temporary immunity from builder's remedy lawsuits; and

**WHEREAS**, by Order dated September 1, 2015, the Township was granted temporary immunity from builder's remedy actions, and continues to have immunity as of the date of this Agreement; and

**WHEREAS**, by Order dated February 26, 2016, S/K Mt. Kemble Associates, LLC (hereinafter "Mt. Kemble") was granted leave to intervene in the Township's DJ Action; and

**WHEREAS**, the Township and Mt. Kemble executed a Settlement Agreement on February 9 and February 12, 2018, as amended (hereinafter "Settlement Agreement"), as part of the DJ Action, that was reviewed and approved by the Court in accordance with the requirements of Morris County Fair Housing Council v. Boonton Township, 197 N.J. Super. 359, 364 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986) and East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328 (App. Div. 1996), thereby finding that the Settlement Agreement adequately protected the interests of lower-income persons for whom the affordable units proposed by this settlement are to be built; and

**WHEREAS**, pursuant to the Settlement Agreement, Mt. Kemble, as owner of certain property identified as Block 23.02, Lot 5 on the Township's official Tax Map, comprised of approximately fifteen (15) acres (the "Mt. Kemble Property"), was permitted to construct ninety-six (96) units, sixteen (16) of which are to be reserved for, and affordable to, low- and moderate income households (collectively, the "Mt. Kemble Development"), subject to certain conditions and obligations set forth in the Settlement Agreement; and

**WHEREAS**, to complete the Mt. Kemble Development, it is necessary for Mt. Kemble to obtain approval from the New Jersey Department of Environmental Protection (NJDEP) to amend the existing sewer service area to include the Mt. Kemble Property; and

**WHEREAS**, the Mt. Kemble Development is within the jurisdiction of the Woodland Water Pollution Control Utility, the Morris County Office of Planning and Preservation and Harding Township; and

**WHEREAS**, the Mt. Kemble Development is a permitted use in accordance with the Township's Master Plan and Fair Share Housing Plan; and

**WHEREAS**, an independent study was conducted by the Township of Morris confirming that adequate capacity exists within its sewer system to serve the Mt. Kemble Development; and

**WHEREAS**, the Township's Engineer has reviewed the sewer service amendment request and has confirmed that it is consistent with the Settlement Agreement and the Mt. Kemble Development referenced therein; and

**WHEREAS**, Township Committee desires to express its support of the amendment to the sewer service area to include the Mt. Kemble Development, which is in accordance with the terms and conditions of the Settlement Agreement.

**BE IT RESOLVED**, by the Township Committee of Harding Township, Morris County, New Jersey that:

1. The recitals set forth above are incorporated herein and made a part hereof as if set forth at length.
2. The Township Committee on behalf of the Township of Harding hereby consents to the amendment to the Sewer Service Area Amendment referred to that certain letter dated November 23, 2020 from Timothy Aguilar, P.E. and Bradford A. Bohler, P.E. to Paul Fox, Township Engineer, which is incorporated herein by reference and made a part hereof.
3. A copy of the resolution shall be provided to NJDEP and S/K Mt. Kemble Associates, LLC.

---

**Resolution TC 20-173 – Resolution Appointing Heyer, Gruel & Associates as the Affordable Housing Administrative Agent for the Township of Harding Pursuant to N.J.A.C. 5:80-26.15(d)**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that McKinley Mertz is hereby appointed as Affordable Housing Administrative Agent for the Township of Harding pursuant to N.J.A.C. 5:5:80-26.15(d).

---

**FINANCE:**

**Resolution TC 20-174– 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.

---

**Resolution TC 20-175 – Resolution to Authorize the Refund of Overpaid Taxes**

**WHEREAS**, the following party overpaid taxes and is requesting a refund of this amount as listed below:

<b>Block</b>	<b>Lot</b>	<b>Name</b>	<b>Year</b>	<b>Amount</b>	<b>Reason</b>
12	9.01	Richard Swift	2020	\$8,460.29	100% Disabled Veteran Refund of Taxes Paid
<b>TOTAL</b>				<b>\$8,460.29</b>	

**BE IT RESOLVED**, that the Township of Harding Treasurer is hereby authorized to refund the overpayment of taxes to the record owner and the Tax Collector is hereby authorized to adjust the records accordingly.

**Resolution TC 20-176 – Resolution to Authorize the Cancellation of Taxes**

**WHEREAS**, the Tax Collector is requesting authorization to cancel taxes as listed below

<b>Block</b>	<b>Lot</b>	<b>Qual</b>	<b>Name</b>	<b>Year</b>	<b>Amount</b>	<b>Reason</b>
12	9.01		Richard Swift	2020	\$8,460.29	100% Disabled Veteran

**BE IT RESOLVED**, that the Tax Collector is hereby authorized to cancel the taxes and hereby authorized to adjust the records accordingly.

---

**Resolution TC 20-177 – Resolution to Authorize the Purchase of a Dump Truck Through the NJ Cooperative Purchase Program**

**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, Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO to purchase goods or services, 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 Resolution #20-049; and

**WHEREAS**, the Township of Harding has a need to purchase a Brandon SSMDS Series Dump Body; and

**WHEREAS**, Cliffside Body Corporation has provided Quote # BK101420C through the ESCNJ 17/17-30 Contract and State Co-operative purchase contract #MCESCCPS in the amount of \$65,966.46; and

**WHEREAS**, the Chief Financial Officer of the Township of Harding as certified funds in the amount of \$65,966.46 from account number: 04-2020-202002-4003-4-04072.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding in the County of Morris, State of New Jersey, 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 Township Committee 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, 2020 to December 31, 2020.

**Resolution TC 20-178 – Resolution to Transfer Funds**

**WHEREAS**, there appears to be insufficient funds in certain accounts listed below to meet the demands thereon for the balance of the Current Year; and

**WHEREAS**, there appears to be a surplus in certain accounts listed below over and above the demand deemed to be necessary for the balance of the Current Year.

**BE IT RESOLVED**, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A 40A:4-58, part of the surplus in the accounts listed below be and the same are hereby transferred to the accounts listed below to meet the current demands; and

**BE IT FURTHER RESOLVED**, that the Treasurer be is hereby authorized and directed to make the following transfers:

**Current Fund Budget**

<b>FROM:</b>	<b>TO:</b>
Snow Removal – Other Expenses    \$25,000	Building & Grounds – Other Expenses    \$25,000

---

**Resolution TC 20-179 – Resolution to Authorize the Transfer of Rent Funds for The Farm to L&T Affordable Housing Urban Renewal Corporation**

**WHEREAS**, the Township of Harding sold the property known as Block 2 Lot 16, 1 through 24 MacDougal Lane, “The Farm” on November 30,2020; and

**WHEREAS**, the County of Morris Housing Authority, Morristown Housing Authority and the Gershen Group has submitted to the Township of Harding rental payments totaling \$4,006.00.

**BE IT RESOLVED**; the Township of Harding does hereby authorize the transfer of those funds in the amount of \$4,006.00 to the new Owner L&T Affordable Housing Urban Renewal Corp.

---

**Resolution TC 20-180 – Resolution of the Township Committee Approving Assignment of Leases, Rents, and Tenant Security Deposits Agreement with L&T Affordable Housing Urban Renewal Corporation**

**WHEREAS**, on June 8, 2020, the Township of Harding and L & T Affordable Housing Urban Renewal Corporation (hereinafter “L & T”) entered into a Contract for Sale of Real Estate for the sale and purchase (the “Contract”) of Township property known as The Farm at Harding and located at 700 Woodland Avenue, Tax Block 2, Lot 16, in Harding, New Jersey (the “Property”), as authorized by Ordinance No. 15-2019 of the Township, which was duly adopted at a public meeting held on December 9, 2019, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

**WHEREAS**, the closing was completed on November 30, 2020; and

**WHEREAS**, as part of the sales transaction, it is necessary for the Township of Harding to assign all leases, including amounts past due under said leases, rents that the Township may have receive on or after December 1,

2020 and all security deposits being held by the Township of Harding for tenants at The Farm in the amount of \$21,531.88 plus any additional interest accrued thereafter; and

**WHEREAS**, to memorialize the Township’s consent to the assignment of the leases, rents and security deposits to L & T, the Township Committee desires to approve and authorize the execution of an Assignment of Leases, Rents and Tenant Security Deposits agreement by the Mayor and Municipal Clerk on behalf of the Township of Harding.

**BE IT RESOLVED**, by the Township Committee of Harding Township, Morris County, New Jersey that it does hereby approve of the Assignment of Leases, Rents and Tenant Security Deposits agreement on file with the Municipal Clerk and it does hereby further authorize the Mayor and Municipal Clerk to execute said agreement on behalf of the Township of Harding; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be provided to L & T Affordable Housing Urban Renewal Corporation.

---

**Resolution TC 20-181 – Resolution to Waive ACH Fees For Online Payment Through June 30, 2021**

**WHEREAS**, Coronavirus disease 2019 (“COVID-19) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

**WHEREAS**, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional “Persons Under Investigation” spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

**WHEREAS**, on March 9, 2020, the Governor of the State of New Jersey declared and proclaimed that a public health emergency and state emergency does exist in the State of New Jersey; and

**WHEREAS**, in order to promote the safety and welfare of the residents of the Township of Harding by reducing the need to make municipal payments in person, the need exists for to promote online payments for tax and sewer utility billing; and

**WHEREAS**, the Township Committee recognizes that the ACH (Automatic Clearing House) transaction convenience fees collected should be waived during this emergency period; and

**WHEREAS**, the Township Committee passed TC 20-089 on April 13,2020 waiving the fees for 60 days; and

**WHEREAS**, the Township Committee passed TC 20-107 on June 8, 2020 waiving the fees through December 31, 2020.

**BE IT RESOLVED**, the convenience fees for ACH online payments is hereby waived through June 30, 2021.

---

**Resolution TC 20-182 – Resolution to Authorize the Cancellation of Outstanding Checks**

**WHEREAS**, there are certain checks that have been outstanding in excess of one (1) year, lost, or otherwise need to be cancelled; and

**WHEREAS**, it is necessary to formally cancel the outstanding or lost check listed below:

**OUTSTANDING CHECK**

Date	Vendor	Fund	Amount
8/13/2019	Beyer Ford	Current	\$ 226.00
8/22/2019	Golden Nugget Atlantic City, LLC	Current	\$ 234.52
11/19/2019	Fast Signs	Current	\$ 120.00
11/19/2019	Public Agency Training Council	Current	\$ 325.00
12/10/2019	George Byrnes	Current	\$ 51.50
6/25/2019	Consolidated Contracting Corp.	Grading Operating	\$ 3.06
12/10/2019	Sandra Waxgiser	Grading Operating	\$ 275.70
6/25/2019	DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis Lehrer, &	Affordable Housing Trust	\$ 513.96

**BE IT RESOLVED** by the Township Committee of the Township of Harding that the above listed outstanding check totaling \$278.76 from the Grading Operating Fund, \$513.96 from the Affordable Housing Trust, and \$957.02 from the Current Fund be cancelled.

**Resolution TC 20-183 – RESOLUTION AUTHORIZING CONTRACT WITH APPROVED NATIONAL COOPERATIVE CONTRACT VENDOR PURSUANT TO N.J.S.A. 52:34-6.2 and P.L.2011, c139 --**

**WHEREAS**, the Township of Harding, pursuant to N.J.S.A. 52:34-6.2 and P.L. 2011m c139, may by resolution and without advertising for bids, may make purchases and contract for services using a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

**WHEREAS**, the Township of Harding desires to purchase a 2022 Kenworth Model T370 4X4, 50,000 GVW and has determined that the use of a cooperative purchasing agreement shall result in cost savings after all factors, including charges for service, equipment, and delivery, have been considered; and

**WHEREAS**, the Township of Harding desires to enter contracts with Gabrielli Truck Sales through The National Joint Powers Alliance (NJPA), SOURCEWELL, of which the Township of Harding is a member ID# 98249, for the purchase of a 2022 Kenworth Model T370, 4X4 50,000 GVW; and

**WHEREAS**, the QPA has verified that the original bid offering by the NJPA had been advertised as a national cooperative contract, that the vendor has complied with applicable New Jersey procurement documentation requirements and the contract has not been awarded as a NJ State contract open to use by local governments; and

**WHEREAS**, Gabrielli Truck Sales has completed and submitted a Business Entity Disclosure Certification which certifies that Gabrielli Truck Sales nor any of its principles or employees have made any reportable contributions to a political or candidate committee in the Township of Harding in the previous one year, and that the contract will prohibit Gabrielli Truck Sales and any of its principles or employees from making reportable contributions through the term of the contract; and

**WHEREAS**, the QPA advertised the “Notice of Intent to Award Contract” in the Observer Tribune, to current contract holders and prospective bidders of the Borough’s decision to utilize a national cooperative purchasing agreement that would otherwise require public bidding; and

**WHEREAS**, Chief Financial Officer for the Township of Harding has certified that funds are available in the amount of \$128,797.97 for this purpose.

Capital Account            DPW TRUCK            04-2020-202002-4003-4-04072

**BE IT RESOLVED**, that the Township of Harding authorizes the purchase of the 2022 Kenworth Model T370, 4X4 50,000 GVW, pursuant to all conditions of the N.J.S.A. 52:34-6.2 and P.L. 2011m c139, in the amount not to exceed \$128,797.97.

---

**Resolution TC 20-184 – Resolution Authorizing Release of Performance Guarantee Escrow and Acceptance of Maintenance Bond Jodi Lane LLC, 30 Lee’s Hill Road, Block 49, Lot 8**

**WHEREAS**, Jodi Lane LLC request the release of the performance guarantee escrow with the Township of Harding previously posted for Block 49, Lot 8, on 30 Lee’s Hill Road; and

**WHEREAS**, pursuant to a memorandum from the Township Engineer dated December 9, 2020, the developer has completed the subdivision improvement work and recommended that the remaining performance bond be returned; and

**WHEREAS**, Mr. Fox conducted an inspection of the subject property and confirmed that all site improvements have been satisfactorily completed; and

**WHEREAS**, in accordance with the Township Code, the developer is required to post a 2-year maintenance guarantee in the amount equal to 15% of the construction cost for completed work; and

**WHEREAS**, the developer, as a condition of the release being granted hereby and pursuant to the Engineer’s December 9, 2020 Memorandum, is required to post a maintenance guarantee bond in the amount of \$11,094.00.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey on the 14<sup>th</sup> day of December 2020 as follows:

1. That the remaining performance bond posted by Jodi Lane LLC shall be released upon receipt by the Township from the developer of a two year maintenance guarantee in the amount of \$11,094.00 and payment of a \$500 engineering inspection escrow deposit.
2. The applicant shall provide the Township with the identity of the owner of the LLC and his/her ability to act on the owner’s behalf.
3. This resolution shall take effect as provided by law.

---

**Resolution TC 20-185 – Resolution Authorizing Release of Performance Guarantee Escrow and Acceptance of Maintenance Bond Lancor/McShane, Cherry Lane, Block 8, Lots 2,5,5.02/5.03**

**WHEREAS**, Lancor Development, Inc. requests the release of the remaining performance guarantee escrow with the Township of Harding previously posted for Block 8, Lots 2, 5, 5.02, & 5.03 on Cherry Lane; and

**WHEREAS**, pursuant to the memorandum from the Township Engineer dated December 9, 2020, Lancor Development Inc. has completed the subdivision improvement work and recommended that the remaining performance bond be returned; and

**WHEREAS**, Mr. Fox conducted an inspection of the subject property and confirmed that all site improvements have been satisfactorily completed; and

**WHEREAS**, in accordance with the Township Code, the developer is required to post a 2-year maintenance guarantee in the amount equal to 15% of the construction cost for completed work; and

**WHEREAS**, the developer, as a condition of the release being granted hereby and pursuant to the Engineer's December 9, 2020 Memorandum, is required to post a maintenance guarantee bond in the amount of \$23,304.62.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey on this 14<sup>th</sup> day of December, 2020 as follows:

1. That the remaining performance bond posted by The Ridge at Sand Spring shall be released upon receipt by the Township from the developer of a two year maintenance guarantee in the amount of \$23,304.62 and payment of a \$3,000 inspection escrow deposit.
2. This resolution shall take effect as provided by law.

---

**MISCELLANEOUS:**

**Resolution TC 20-186 – Resolution Consenting to Application of L&T Affordable Housing Urban Renewal Corporation to Morris County Community Development Block Grant Program**

**WHEREAS** the Township of Harding previously owned certain real property located at the intersection of Woodland Avenue and Kitchell Road in the Township, comprised of approximately 8.3 acres, and designated on the Harding Township Tax Maps as Lot 16 in Block 2 and having an address of 700 Woodland Avenue (the "Subject Property"); and

**WHEREAS**, the Township previously developed a housing plan to provide for its fair share of affordable housing for the period 1987-1999 consistent with then COAH rules and as part of that process, the Township obtained substantive certification of the housing plan from COAH; and

**WHEREAS**, the Township's approved Housing Plan for the period of 1987-1999 designated the Subject Property for the construction of a 24-unit multifamily affordable housing development to be rented to low and moderate income households at affordable rates in compliance with COAH rules and regulations; and

**WHEREAS**, the Township arranged for and constructed a 24-unit multifamily affordable housing development which is now commonly referred to as "The Farm at Harding"; and

**WHEREAS**, pursuant to the Fair Housing Act and the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.), and N.J.S.A. 40A:20-1 et seq., the Township authorized a private sale of The Farm at Harding to L & T Affordable Housing Urban Renewal Corporation, a New Jersey not-for-profit and urban renewal corporation

(hereinafter “L&T”) by Ordinance No. 15-2019 duly adopted at a public meeting held on December 9, 2019, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

**WHEREAS**, L&T is a duly incorporated nonprofit and urban renewal corporation that provides for the development, construction, operation, management, sale, rehabilitation, renovation, and disposition of low- and moderate-income residential housing units and other affordable housing communities; and

**WHEREAS**, L&T advised the Township that it is filing an application to the Morris County Community Development Block Grant (CBDG) Program for a \$100,000.00 grant for the installation of new flooring in the apartment units at The Farm at Harding and as part of that application, it is necessary to secure the Township’s consent for the application; and

**WHEREAS**, the Township of Harding desires to enhance its affordable housing program by providing consenting to the filing of application that will allow for the improvement to the units that will benefit the tenants and improve the overall aesthetics at The Farm at Harding.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby gives consent to the filing of the application by L& T Affordable Housing Urban Renewal Corporation to the Morris County Community Development Block Grant Program.

---

**Resolution TC 20-187 – Township Committee of Harding Township Fair Housing Resolution**

**WHEREAS**, the Township of Harding supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of Harding Township to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Township of Harding further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap, or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Township Committee of Harding Township do hereby approve the following resolution.

**BE IT RESOLVED**, that within available resources, the Township of Harding will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate; and

**BE IT FURTHER RESOLVED**, that the Township of Harding shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances; and

**BE IT FURTHER RESOLVED**, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**PERSONNEL:**

**Resolution TC 20-188 – Resolution to Accept the Resignation of C.Z.**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding accepts the resignation of C.Z. effective November 16, 2020.

---

**Resolution TC 20-189 – Resolution to Appoint Sophia Gomez as a Harding Township Police Intern**

**WHEREAS**, an important component of a college education is a professional internship; and

**WHEREAS**, Chief Erik Heller has developed a police internship program, in partnership with Montclair State University Justice Studies Department; and

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

**WHEREAS**, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the importance of an internship program, which will be beneficial for both the intern and Harding Township Police Department; and

**WHEREAS**, Sophia Gomez is a senior at Montclair State University majoring in Justice Studies and will be pursuing a career in law enforcement; and

**WHEREAS**, Chief Erik Heller recommends that Sophia Gomez be appointed as a Harding Township Police Department Intern, commencing on January 19, 2021.

**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 Sophia Gomez as a police intern in which she will be receiving college credits from Montclair State University for her successful completion of the internship program.

---

**ORDINANCE FOR FIRST READING: NONE**

---

**RESOLUTION TC 20-190 – 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:**

1. PBA – R. Falzarano
2. Property Acquisitions – M. Roselli
3. Joint Court – R. Falzarano

**Personnel:**

1. Police Lieutenant Employment Agreement – R. Falzarano
2. R Falzarano Employment Agreement — D. Modi

**Vote on Resolution:**

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

---

**ADJOURNMENT – Mr. Yates**