

HARDING TOWNSHIP COMMITTEE

MONDAY, MAY 11, 2020

VIA TELEPHONE CALL IN

Call in number: (973) 821-8321

Conference Code: 641083

No Attendee Pin Needed

5* will allow you to raise your hand during the Q & A portion

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

MEETING MINUTES

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the telephone call-in meeting to order at 6:00 p.m.

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on May 4, 2020 and published in the Observer Tribune on May 7, 2020.

Mayor Yates announced adequate notice of the May 11, 2020 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that Mrs. DiTosto, Mr. Modi, and Mr. Platt were present via telephone due to the COVID-19 emergency.

RESOLUTION TC 20-092 – Executive Session

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Yates asked for a motion to recess into Executive Session. Upon a motion made by Mr. Jones, seconded by Mrs. DiTosto, and with a roll call vote of all ayes, none opposed, the meeting recessed into executive session at 6:03 pm.

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.

Contracts:

1. Redevelopment – J. Hague

2. Property Acquisitions – M. Roselli

3. The Gatehouse – M. Roselli

Attorney Client Privilege:

1. Financial Contractual Obligations – R. Falzarano

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECONVENE INTO PUBLIC SESSION – Mayor Yates

ROLL CALL – Municipal Clerk

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

Mayor Yates asked for a motion to reconvene into public session. Upon a motion made by Mr. Jones, seconded by Mr. Platt and with a roll call vote of all ayes, the meeting reconvened into general session at 7:30 pm. Let the record show that Mrs. DiTosto, Mr. Modi, and Mr. Platt are present via telephone.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates opened the regular meeting, via telephone call, of the Township Committee to the public at 7:33 pm and asked that all join in the saying of the Pledge of Allegiance.

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, 2020, and published in the *OBSERVER TRIBUNE* on January 9, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2020, and Notice was filed with the Municipal Clerk on January 7, 2020.

Mayor Yates announced that adequate notice of this meeting was published in accordance with the Open Public Meetings Act.

RESOLUTION TC 20-093 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Yates asked if there were any comments or questions regarding the April 13, 2020 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: **April 13, 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: **April 13, 2020.**

With no comments, the Mayor asked for a motion to accept the April 13, 2020 minutes. A motion was made by Mr. Platt and seconded by Mr. Jones.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

Mayor Yates thanked everyone who has called in for this meeting this evening and mentioned that we look forward to the time when we can open the Municipal Building back up for these meetings and we can meet face to face.

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.

Mayor Yates opened the meeting to public comment:

1. David Dietz, Lake Trail East – *commented that the agendas are on the website but the meeting minutes from March 9th are not on the website. Mrs. Sharp commented that the meeting minutes from April's meeting will be posted tomorrow and prior minutes are on the website. Mayor Yates commented that we will look into Mr. Dietz's comment.*

Mr. Dietz asked if resolution #20-99, #20-100, and #20-101 could be removed from the Consent Agenda for discussion. Mayor Yates explained that a Township Committee member is the person to ask for a resolution to be removed from the Consent Agenda. Mayor Yates made the request to remove the three resolutions.

2. Amanda Richardson, Woodland Road – *commented if video conferencing would be used for future meetings. There are options on video conferencing that you can share presentations. Ms. Richardson commented it might make it easier to follow these meetings. Mayor Yates commented there are no plans to add video conferencing.*

3. Chris Allyn, Lake Trail West – *commented he was disappointed that the attachments associated with the resolutions were not available. Mr. Allyn commented that means they are not available at all. Mr. Allyn commented that Ordinance #06 and #07 2020 and Resolutions #094 and #095 cover two projects at the Hurstmont property; the townhouse and the assisted living/independent living units. These projects take place on two separate parcels as a result of an intended subdivision of the original property. Is it planned or anticipated that the ownership operation of the two parcels and the associated dwellings will separate into independent entities in the future. Mayor Yates commented that the Townhouse project and the Assisted Living/Independent Living part of the project are being done by the same developer. There will be a subdivision of the two properties and at some point in the future, the developer has the right to sell one or both of the projects. Mayor Yates explained that he cannot anticipate if the developer will do this, but the developer has the right to do this.*

Mr. Allyn commented; *“Why are the statutory authorities for the tax exemptions for the two projects different?” Mr. Hague, Redevelopment Attorney responded there are two statutes. One covers the long term tax exemption program and that is 40A:20-1 and the immediate following chapter in the book is 21 which covers the short term five year tax exemption. Mr. Hague commented that Mr. Falzarano forwarded Mr. Allyn’s questions to his attention. Mr. Hague responded to one of the questions. The townhouse section will, prior to the commencement of construction, be transferred to the Urban Renewal Entity. The reason is, the Urban Renewal Entity is a requirement of Section 20 in the Statutes. There are certain covenants that have to go into their articles of incorporation to qualify them as an Urban Renewal Entity, which they have done. It gets signed off by the Attorney General’s office and by the Department of Community Affairs. That entity will be a wholly owned subsidiary of Hurstmont, the redeveloper. The redeveloper is Hurstmont Estate Acquisition LLC. They will have a wholly owned subsidiary called Hurstmont Estate Urban Renewal Entity LLC, which will own and develop the townhouses. The redevelopment agreement requires in section 7.3a that it be a subsidiary of the parent Hurstmont entity. When the redeveloper provides the Township with the actual assignment documents, it will include the certification of the ownership.*

Mr. Allyn commented that the requirement is that it be and remain a wholly owned subsidiary for the duration of the project. Mr. Hague explained there are provisions in the redevelopment agreement that allows transfer. There are specific qualifications for the financial capability of the transferee. Mr. Hague commented that if they do a transfer, it probably would be a stock transfer or an entity owner transfer because the Urban Renewal Entity must stay intact. Mr. Hague commented, they could create a new one as well.

Mr. Allyn commented; *if the ownership of the two entities are identical? Mr. Hague explained for now but it does not have to stay that way, subject to qualifications. Mr. Allyn commented has it been revealed what the ownership is. Mr. Hague commented yes, it is in the application forms. Mr. Hague commented that the owners were provided in June 2019. Mr. Allyn commented if the ownership is specified in the redevelopment agreement itself. Mr. Hague only in reference to their application. Mayor Yates commented that the name of the entity is the Endeavor Group. They are based in Pennsylvania and they have a website that can be reviewed if you would like to read about their principles. Mayor Yates explained that the Endeavor Group has formed Hurstmont Acquisitions LLC.*

David Dietz, Lake Trail East – *commented that he would like to second Mr. Allyn’s concern about the lack of availability of the attachments. Mr. Dietz commented that he discussed this with other Town attorneys’ that are members of New York and New Jersey local government. Their concerned about the issue of public availability to public documents and open meetings. Mr. Dietz commented if this group of distinguished Municipal Attorneys are concerned about this and includes the lack of video, it should be so noted. Mr. Dietz commented that the Township should reconsider the things you are doing. Mr. Roselli, Township Attorney commented on Mr. Dietz’s point that it’s the matter of agreements themselves that the Township Committee did not have an opportunity for a final review of the agreements due to the timeframe until the executive session before this Township meeting. The Township Committee did not discuss the agreements and determine if the conditions*

were acceptable or if any changes had to be made. As a matter of fact there was no opportunity before this time for the Township Committee to meet and discuss the terms of the agreement. From a practical point of view, the documents could not be made available but they will certainly be made available after this evenings meeting. Mr. Roselli commented that it is not a matter of not wanting to, it is a matter of not being able to base upon the timing of the meeting and the inability to go on the website before this particular meeting.

Mayor Yates asked if there were any further comments. With no further public comments, closed the public comment section at 7:55 pm.

ORDINANCES FOR SECOND READING

ORDINANCE #06-2020 -- “AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH HURSTMONT ESTATE URBAN RENEWAL ENTITY, LLC AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH”

Mayor Yates asked Township Committee Member Jones to proceed with Ordinance TC #06-2020.

Township Committee Member Jones read Ordinance TC 06-2020 by title as follows:

HARDING TOWNSHIP ORDINANCE #06-2020

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH HURSTMONT ESTATE URBAN RENEWAL ENTITY, LLC AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH”

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 13, 2020.

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

The Municipal Clerk States: *Mrs. Sharp explained that a legal notice was sent for publication on April 13, 2020 to the Observer Tribune indicating that Ordinance #06-2020 was introduced and passed on first reading at the April 13, 2020 meeting and indicated that the second reading and public hearing were to be held on May 11, 2020 at 7:30 p.m. 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.*

Chris Allyn, Lake Trail West – *commented with respect to the attachments. Attachment A which is the application for long term exemption has a schedule in it. When reviewing the sums of the intervals of the schedule, it's 54 months which is 4 ½ years from the point at which the site plan is submitted. If one presumes that the site plan is submitted on January 1, 2021, then the project is not complete until July 1, 2025. In the fiscal plan there are fairly substantial revenues that start in 2022, is this reasonable. Mayor Yates commented*

that the timeframes are based on assumptions when projects start. They will start when they start and run a length of time. Mr. Hague commented that when you review the schedule, the revenue ramps up over time. They are not anticipating 100 percent absorption. It is a period of time before they get to full occupancy in the assisted living and in the apartments, so their income is ramped up based on this. This is how you receive income earlier before you have the actual completion. Mr. Allyn commented that it is a very aggressive schedule. They do not receive Planning Board approval or Building Department approval till 2022 and yet they are projecting income in 2022. This impacts the pilot (payment in lieu of taxes) as well as other things. Mr. Allyn commented this seems to be a fairly significant impact on the overall financial stature of the project. Mayor Yates commented that the Township does not know when they will actually make application or their site plan approval. The Township has not required the redeveloper to meet a particular deadline. These are projections that have to start somewhere. Mr. Allyn commented do the projections go to the question on just how attractive or how positive the whole proposal is. Mr. Hague commented that this was vetted in detail by a financial consultant for the Township. The financial consultant spent a long period of time looking at the numbers and they vouched for those numbers. Mr. Hague commented that yes it is aggressive but it is the format that the redeveloper presented it in. Mr. Jones commented that the pilot starts one month to the first day of the month following issuance of a certificate of occupancy for the project phase. This is when the revenues start to come in. They can seem aggressive, but realistically, the Township will see these revenues at some point. The Township is not losing money because there are also minimum rent projections. They cannot go below even if the revenue does not match it, the pilot still has to be paid.

Mr. Allyn – *commented with respect to the fiscal plan and the pilot, what is the net value that the Township is offering by tax exemption to the developer for this project. Mayor Yate commented when you say net value what do you mean. Mr. Allyn commented that the Mayor's letter says; "certain extraordinary expenses which the developer had to expend in order to satisfy requirements that the Township had for redevelopment and the negotiation was an attempt to match something the Township was offering against those extra expenses". Mr. Allyn commented there must be a net value that was put on the table with respect to tax abatement or exemption that encouraged the developer to go ahead with the project. Mayor Yates reported that the discount for the townhouse portion is ten (10) percent off what their taxes would otherwise be for five (5) years. Whatever their taxes would be, which changes based on the status of the development, would be 10% for five year then 100 %. Mr. Allyn commented are you speaking about the townhouses with the current ordinances. Mayor Yates responded he believed that was Mr. Allyn's question.*

Mr. Allyn *commented that the current ordinance is a 30 year tax exemption for the two large buildings, Mr. Allyn asked; what is the total amount of tax abatement or exemption that was put on the table to encourage the developer to build those two buildings? Mr. Hague explained that when you review exhibit D of the application, this provides the estimated payments in lieu of taxes over the 30 years, which comes out to \$24,634,000. Mr. Hague mentioned there are also calculations in there of what the taxes would have been and you can arrive at the difference from those. The difference was intended to provide assistance to the developer with respect to some of the costs primarily related to the septic system, the retaining walls which are necessary due to the severe topography, and there will be export of fill. There will be costs involved in that. These are types of items the Township Committee was trying to give the developer relief on.*

Mr. Allyn *commented wouldn't that number be important for the residents of Harding to see in terms of the commitment the Township needs to make this project happen. Mayor Yates commented when you look at Municipal tax revenue, under the projection over the life of the project, the town will reap \$19.5 million more out of the pilot than it would get from conventional tax. Mr. Allyn commented that he is lost, this makes no sense. Mayor Yates explained when you pay your taxes you pay money to the town, county, and school. Under a pilot arrangement, the town keeps 95% of that tax revenue and the county gets 5% and the school receives no part of this that is on the tax that is paid on a commercial property which is key to the rentals on that property. They pay the underlying land tax which is split between 25% to Town, 25% to County, and 50% to School. The tax on the rental of the building, the developer pays the agreed upon pilot payments and the town keeps 95*

percent of it. Harding Township over the life of the project will be paid \$19.5 million more than it would have been paid had this project not been under a pilot. Mayor Yates explained you will see all these numbers laid out in the application.

Mr. Allyn commented that if the developer pays \$100,000 in year one and granted a credit in year two for the same land taxes for that \$100,000, would they pay \$110,000 the following year. This does not suggest they are paying land taxes. Mr. Hague explained the intention, which is Statutory and not a negotiated point. In year one, the developer would get a credit for the land tax (2020), that credit is frozen for the entire length of the term (the full 30 years). The credit does not increase over time. Simultaneously, the redeveloper actually receives a bill for the land tax which is based upon the assessed value of the real estate and subsequent re-evaluations in the future. The redeveloper will get charged for the difference between what 2020 was and the increase in taxes over time. The value of the land tax is actually built into the pilots. Mr. Hague explained that when you read the text in Section 4.4, page 1, this is the formula to follow. Mayor Yates reiterated that this structure is dictated by Statute. Mayor Yates commented that the Township did not negotiate these points. Mayor Yates reported the Township Committee decided to do a pilot structure, dictated by law, and worked on the projections.

Mr. Allyn – commented in Section 4.4, it says in 2020 the re-evaluation year, not 2018. Mr. Hague explained when this was set-up, the tax collector's office used the year 2020. Mayor Yates reported that the tables are there to help the public understand the structure. Mr. Allyn disagreed and stated the table is not an example it is an exhibit to the agreement. Mr. Hague explained the table is an exhibit to the application form, so when the redeveloper made their application, they suggested to use 2018 and the Township said no the year to use is 2020. Mr. Allyn asked if there is an attachment to the agreement that corrects that number. Mr. Hague reported that Section 4.4 on page 11 is the control. A further discussion ensued. Mayor Yates explained that you are looking at the numbers before March 2020 but when you review Section 4.4 on page 11, this determines the structure of the payments and how they are to be calculated, and it establishes 2020 as the base year. These are reasonable projected numbers based on all the data that was received from the redeveloper, operating models, proformas etc. The financial consultant went through all the data, independently built this operating model which is what is on the projections. Mr. Allyn commented that the numbers in the application are the financial consultant's numbers. Mayor Yates reported they are what the Township's financial analyst and the redeveloper's financial analyst agreed to use as the operating model. The Township built our model, sat down with the developer and went through the model and agreed that these are the numbers that represented the best projection of the operation of the facility. Mayor Yates commented they are projections, they could be higher or lower than this, can start later than what this says, depending on when the facility is vetted and constructed and when it comes on line. Mr. Roselli commented when the redeveloper did the financials, they came up with a base amount for the service charge to use to propose those rents and after the actuals come in and adjustments are made, then the service charge will be based upon the actuals after the first year.

Township Committee Member Jones – commented that he would like to address Mr. Allyn's comments regarding Mayor Yates' letter. It should be noted that the Township Committee never solicited Hurstmont Estate LLC. Hurstmont approached the Township. Hurstmont went to Fair Share Housing. Hurstmont presented what they thought they could do and this is the result of years of negotiations to get the Township to this point. No one from the Township went and solicited this project.

David Dietz, Lake Trail East – commented what happens half way through this project, after clearing the land, the developer decides this is no longer viable and abandons it. Does the Town have any recourse? Mr. Hague explained there will be performance bonds that will be posted with respect to completion of the septic facility. There will be restoration bonds which will allow restoring the stability of the ground. Once the project starts, the redeveloper is committed to the septic facility. The redeveloper will have a lender who will want to complete the project. If the redeveloper walks away, they will have to deal with their lender. Mr. Hague mentioned the redeveloper will probably have some personal guarantees. The redeveloper will have a tremendous incentive to

finish the project. Mr. Dietz commented in today's environment, it is feasible they could end up saying they will not complete the project. Mr. Hague reported there was a change in the bonding statute that eliminated the authority of the Municipality to seek bonding which would restore a site completely or would compel the completion a project. There is no legal authority to be able to compel them to complete. Mr. Dietz commented that it sounds like serious risk and this should be built into the town's risk analysis. Mayor Yates commented keep in mind that it is private property. There is someone who owns the private property and they want to develop it. The Township is under Court order to allow this development to take place. Within the context of these two things, the Township has done as much as we can to ensure the project will be viable and once construction starts, it will be completed. Mayor Yates commented that Mr. Dietz is correct there are no guarantees. The redeveloper can get half way through and go bankrupt and it could sit there for years until someone else comes along to buy the project but there is noting the Township can do about that. If this was a publicly owned piece of property, the Township would have more control, but the Township does not because it is a privately owned piece of property.

Mayor Yates: *Seeing no one else wishing to be heard closed the public hearing at 8:20 pm.*

Township Committee Member Jones offered Ordinance #06-2020 and moved its adoption as follows:

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 Yates seconded the motion.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCES FOR SECOND READING

ORDINANCE #07-2020 -- "AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION IN THE TOWNSHIP OF HARDING OF THE "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW" PURSUANT TO N.J.S.A. 40A: 21-1"

Mayor Yates asked Township Committee Member Jones to proceed with Ordinance TC #07-2020.

Township Committee Member Jones read Ordinance TC 07-2020 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #07-2020**

**“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION IN THE TOWNSHIP OF
HARDING OF THE “FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW”
PURSUANT TO N.J.S.A. 40A: 21-1”**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 13, 2020.

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

The Municipal Clerk States: *Mrs. Sharp explained a legal notice was sent for publication on April 13, 2020 to the Observer Tribune indicating that Ordinance #07-2020 was introduced and passed on first reading at the April 13, 2020 meeting and indicated that the second reading and public hearing were to be held on May 11, 2020 at 7:30 p.m. 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.*

Chris Allyn, Lake Trail West – *commented that this ordinance does nothing more than enable the Town to grant the five (5) year tax exemption. Is this correct? Mr. Hague responded that is correct.*

David Dietz, Lake Trail East – *commented is this ordinance available to properties in Harding that meet the qualifications, like in Harding village, that meet the development zone, which includes Glen Alpin depending on the resolution of this case. Mayor Yates commented when Glen Alpin is sold and it is redeveloped, yes it would be eligible for a pilot. Mr. Jones commented that the village area, this area in redevelopment is not set-up for a pilot. When the B-1 redevelopment zone was done years ago, it was not set-up for a pilot. Mr. Hague explained in order to do a five (5) year and thirty (30) year program, a property has to be determined as being in an area in need of development or an area in need of rehabilitation, which is done by the Township Committee after the process at the Planning Board. Any other development in the Municipality would have to meet the qualification and make application. Right now, the only one property that could potentially meet the criteria would be Glen Alpin and they would have to make application.*

Mr. Dietz *commented who the tax agreement is between. Is it the town and the developer? Mr. Hague responded that is correct. Mr. Dietz commented that the developer is not the big building it would be the townhouses. Mr. Hague commented these would be the Townhouses and there is a resolution coming up which would effectuate that. Mr. Dietz commented if the tax agreement exists today. Mr. Hague responded there is a draft of a financial agreement to implement the subject matter by resolution. Mayor Yates explained there are two financial agreements; one is a thirty year agreement which says assisted living and independent living on the top of the agreement which is for the two large buildings. The second financial agreement is a five (5) year agreement, titled “This Financial Agreement”, which is a five year financial agreement on the townhomes. Both of these*

agreements are being adopted this evening as part of the ordinances and resolutions. Mayor Yates admits it is a bit convoluted but it is what the Statute requires the Township to do.

Elaine McHale, Blue Mill Road – *commented that there is disagreement amongst the Township Committee members. Could you provide us with the benefit of your thinking on why you support the agreement and why you do not? It is a complicated matter with apparently significant financial consequence. It would be useful to have an understanding of what is driving your vote.*

Mayor Yates *informed Ms. McHale that when we finish the public hearing on the ordinance then we can respond to your comment and the Township Committee members can explain their vote.*

Mayor Yates: *Seeing no one else wishing to be heard closed the public hearing at 8:35 pm.*

Township Committee Member Jones offered Ordinance #07-2020 and moved its adoption as follows:

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 Yates seconded the motion.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NON-CONSENT RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Jones to proceed with Resolution TC 20-094 listed on the Non-Consent agenda.

Township Committee Member Jones read Resolution TC 20-094 by title.

Resolution TC 20-094 – RESOLUTION APROVING THE REDEVELOPMENT AGREEMENT

WHEREAS, on November 19, 2018, the Township Committee of the Township of Harding (the “Township Committee”) adopted Resolution No.18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue and Block 34, Lot 1 (collectively referred to as the “Redevelopment Study Area”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, on February 19, 2019, the Planning Board of the Township of Harding (the “Planning Board”) conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates (“HGA”), dated February 1, 2019 (the “Preliminary Investigation Report”), and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report the Planning Board determined that the Redevelopment Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution No. TC-19-073, designated the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of the Township of Harding, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the “Glen Alpin/Hurstmont Redevelopment Plan”), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A.* 40A:12A-7; and

WHEREAS, the Planning Board considered the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Glen Alpin/Hurstmont Redevelopment Plan dated June 3, 2019 to the Township Committee; and

WHEREAS, on June 24, 2019 the Township Committee adopted a resolution accepting the Planning Board’s report on the Glen Alpin/Hurstmont Redevelopment Plan and responded in the resolution to the comments of the Planning Board; and

WHEREAS, on June 24, 2019, the Township Committee, after introduction and publication as required by law for adoption of general ordinances, conducted a public hearing on the Glen Alpin/Hurstmont Redevelopment Plan and the ordinance adopting the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, the Township Committee reviewed and considered the Glen Alpin/Hurstmont Redevelopment Plan and the Planning Board recommendations and determined that the Glen Alpin/Hurstmont Redevelopment Plan is consistent with the Master Plan; and

WHEREAS, on June 24, 2019, the Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 13-2019; and

WHEREAS, on June 24, 2019, the Township Committee designated Glen Alpin/Hurstmont Estate Acquisition, LLC as the “Redeveloper” of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, the Redeveloper presented concept plans to the Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper’s concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Township Committee conducted a public meeting concerning the Redeveloper's concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, special counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates reviewed those concept plans, and they proposed certain revisions to the Glen Alpin/Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Township Committee; and

WHEREAS, on September 12, 2019 on behalf of the Township of Harding, HGA prepared an amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Glen Alpin/Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to *N.J.S.A.* 40A:12A-7; and

WHEREAS, the Planning Board considered the amendment to the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Glen Alpin/Hurstmont Redevelopment Plan dated September 24, 2019 to the Township Committee; and

WHEREAS, the designation of the Redeveloper expired by passage of time as of September 23, 2019; and

WHEREAS, on September 30, 2019, the Township Committee, after introduction on September 12, 2019 and publication as required by law for adoption of general ordinances, conducted a public hearing on the amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Township Committee adopted the amendment of the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 16-2019; and

WHEREAS, on September 30, 2019 the Township Committee by Resolution No. TC 19-194 confirmed the designation of Hurstmont Estate Acquisition, LLC as the Redeveloper of the Senior Living District located within the Redevelopment Study Area as set forth in the amendment of the Glen Alpin/Hurstmont Redevelopment Plan approved by Ordinance No. 16-2019; and

WHEREAS, the Township Committee on January 30, 2010 by Resolution No. TC 20-067 and on April 13, 2020 by Resolution No. TC 20-087 extended the designation of the Redeveloper through May 15, 2020; and

WHEREAS, the Township of Harding and the Redeveloper entered into a Conditional Redeveloper Designation and Escrow Agreement as of January 31, 2020; and

WHEREAS, the Redeveloper and the Township Committee have negotiated a redevelopment agreement for the redevelopment of the Senior Living District, the terms of which are acceptable to the Township Committee; and

WHEREAS, the form of the redevelopment agreement is attached hereto as Exhibit A (the "Redevelopment Agreement"); and

WHEREAS, the Redevelopment Agreement will replace and supersede the Conditional Redevelopment Designation and Escrow Agreement; and

WHEREAS, the Township Committee desires to approve the Redevelopment Agreement with the Redeveloper.

BE IT RESOLVED by the Township Committee of the Township of Harding that:

1. Hurstmont Estate Acquisition, LLC is hereby confirmed as the Redeveloper of the Senior Living District; and
2. the Redevelopment Agreement is hereby approved; and
3. the Mayor is authorized to sign the Redevelopment Agreement and take such other actions as are necessary to implement the Redevelopment Agreement.

NON-CONSENT AGENDA VOTE:

Committee Member Jones made 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 Yates.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NON-CONSENT RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Jones to proceed with Resolution TC 20-095 listed on the Non-Consent agenda.

Township Committee Member Jones read Resolution TC #20-095 by title.

Resolution TC 20-095 – RESOLUTION APPROVING THE FINANCIAL AGREEMENT FOR A FIVE-YEAR EXEMPTION AND ABATEMENT WITH THE REDEVELOPER OF HURSTMONT SITE PURSUANT TO THE NEW JERSEY FIVE YEAR EXEMPTION AND ABATEMENT LAW (N.J.S.A. 40A:21-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (hereinafter referred to as the “Redevelopment Law”) provides a process for municipal entities to participate in the redevelopment and improvement of property designated as an “area in need of redevelopment;” and

WHEREAS, on November 19, 2018, the Township Committee of the Township of Harding (the “Township Committee”) adopted Resolution No.18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue and Block 34, Lot 1 (collectively referred to as the “Redevelopment Study Area”) qualify as a “non-

condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, on February 19, 2019, the Planning Board of the Township of Harding (the “Planning Board”) conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates (“HGA”), dated February 1, 2019 (the “Preliminary Investigation Report”), and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report the Planning Board determined that the Redevelopment Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution No. TC-19-073, designated the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of the Township of Harding, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the “Glen Alpin/Hurstmont Redevelopment Plan”), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board considered the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Glen Alpin/Hurstmont Redevelopment Plan dated June 3, 2019 to the Township Committee; and

WHEREAS, on June 24, 2019 the Township Committee adopted a resolution accepting the Planning Board’s report on the Glen Alpin/Hurstmont Redevelopment Plan and responded in the resolution to the comments of the Planning Board; and

WHEREAS, on June 24, 2019, the Township Committee, after introduction and publication as required by law for adoption of general ordinances, conducted a public hearing on the Glen Alpin/Hurstmont Redevelopment Plan and the ordinance adopting the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, the Township Committee reviewed and considered the Glen Alpin/Hurstmont Redevelopment Plan and the Planning Board recommendations and determined that the Glen Alpin/Hurstmont Redevelopment Plan is consistent with the Master Plan; and

WHEREAS, on June 24, 2019, the Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 13-2019; and

WHEREAS, on June 24, 2019, the Township Committee designated Glen Alpin/Hurstmont Estate Acquisition, LLC as the “Redeveloper” of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, the Redeveloper presented concept plans to the Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper’s concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Township Committee conducted a public meeting concerning the Redeveloper's concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, special counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates reviewed those concept plans, and they proposed certain revisions to the Glen Alpin/Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Township Committee; and

WHEREAS, on September 12, 2019 on behalf of the Township of Harding, HGA prepared an amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Glen Alpin/Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to *N.J.S.A.* 40A:12A-7; and

WHEREAS, the Planning Board considered the amendment to the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Glen Alpin/Hurstmont Redevelopment Plan dated September 24, 2019 to the Township Committee; and

WHEREAS, the designation of the Redeveloper expired by passage of time as of September 23, 2019; and

WHEREAS, on September 30, 2019, the Township Committee, after introduction on September 12, 2019 and publication as required by law for adoption of general ordinances, conducted a public hearing on the amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Township Committee adopted the amendment of the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 16-2019; and

WHEREAS, on September 30, 2019 the Township Committee by Resolution No. TC 19-194 confirmed the designation of Hurstmont Estate Acquisition, LLC as the Redeveloper of the Senior Living District located within the Redevelopment Study Area as set forth in the amendment of the Glen Alpin/Hurstmont Redevelopment Plan approved by Ordinance No. 16-2019; and

WHEREAS, the Township Committee on January 30, 2010 by Resolution No. TC 20-067 and on April 13, 2020 by Resolution No. TC 20-087 extended the designation of the Redeveloper through May 15, 2020; and

WHEREAS, the Township of Harding and the Redeveloper entered into a Conditional Redeveloper Designation and Escrow Agreement as of January 31, 2020; and

WHEREAS, the Redeveloper and the Township Committee negotiated a redevelopment agreement (the "Redevelopment Agreement") for the redevelopment of the Senior Living District, and

WHEREAS, the Township Committee on May 11, 2020 by Resolution No. TC 20-094 approved the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement will replace and supersede the Conditional Redevelopment Designation and Escrow Agreement; and

WHEREAS, the Redeveloper submitted on March 12, 2020 an application (the "Application") to the Mayor and Township Committee for a tax exemption and payments in lieu of taxes, pursuant to the Five Year

Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. (the “FYEAL”), with respect to townhouse improvements to be constructed within the southerly portion of Block 27, Lot 2 in the Redevelopment Study Area; and

WHEREAS, on May 11, 2020, the Township Committee by Ordinance No. 07-2020 established in the Township of Harding the “Five-Year Tax Exemption and Abatement Ordinance” pursuant to the FYEAL; and

WHEREAS, the Redeveloper and the Township Committee have negotiated a financial agreement (the “Financial Agreement”) for a tax exemption and payments in lieu of taxes, pursuant to the FYEAL, the terms of which are acceptable to the Township Committee; and

WHEREAS, the form of the Financial Agreement is attached hereto as Exhibit A; and

WHEREAS, the Mayor has recommended the approval of the Financial Agreement; and

WHEREAS, the Township Committee has reviewed the Financial Agreement and wishes to approve same;

BE IT RESOLVED by the Township Committee of the Township of Harding that:

1. the Financial Agreement is hereby approved; and
2. the Mayor is authorized to sign the Financial Agreement and take such other actions as are necessary to implement the Financial Agreement.

NON-CONSENT AGENDA VOTE:

Committee Member Jones made 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 Yates.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor Yates asked Ms. McHale to ask her question of the Township Committee.

Elaine McHale, Blue Mill Road – *commented that there is disagreement amongst the Township Committee members. Could you provide us with the benefit of your thinking on why you support the agreement and why you do not? It is a complicated matter with apparently significant financial consequence. It would be useful to have an understanding of what is driving your vote.*

Mayor Yates -- *The Township Committee started this Affordable Housing process longer than four (4) years ago. As the rules shifted, it was about four (4) years ago when the Township Committee got into more detail on this. The Township reached a settlement with Mr. Kushner on the KRE property off of Blackwell. The*

Township Committee looked at and reached an agreement on the overlay on the south end of town for higher density housing. This was the piece where that the Township Committee agreed under the direction of the Court that the Township would allow the construction or development of that site as an Assisted Living facility with forty (40) affordable units. The Township actually receives 47 credits because the Assisted Living / Independent Living are rental units. To implement that agreement, the Township Committee had to go through this laborious and complicated process to declare the area in need of redevelopment, to reach an agreement with the redeveloper on how the site would be developed and that was done when the Township Committee adopted unanimously the Redevelopment Plan in the form of an Ordinance last year. That then required the Township Committee to go further and reach a Redevelopment Agreement with the developer. The Township started that last June 2019 in terms of the serious and significant discussions on what the Redevelopment Agreement should be. It is in complete conformity with the ordinance that was adopted; the redevelopment plan, which is a zoning ordinance. Everything in this agreement conforms to the redevelopment plan that was adopted. The process went on and the developer came to the Township as part of the negotiation with estimates of the costs of developing that site. Everyone who is familiar with the site, knows it is a difficult site to develop. There were some extraordinary costs. Initially the redeveloper wanted help with bonding and things like that but the Township declined to do that so we settled on a pilot. The structure of the pilot was discussed and Mayor Yates is confident when you look at the numbers that this is a very attractive way for Harding to proceed in the context in having to do something the Township does not want to do, which is to see that property developed that the Township is being forced to do. When Mayor Yates looks at the numbers, which will be up on the website, one is a significant benefit to Harding for the next thirty (30) year. Second, it solves the Township's affordable housing obligation for this round, and it develops a facility that has some utility for the residents of Harding. The option at this point is to accept this or reject it. If it was rejected, then our entire settlement with Fair Share Housing goes out the window and the Township is left exposed again to builder's remedy lawsuits, to developments in parts of Harding that we do not want to see developed, a whole array of nasty things that were discussed that we avoid by reaching a settlement. This is the last piece to have that settlement ratified and getting the Township's final order. This is why Mayor Yates believes it is important that we do this and it was important that it is adopted this evening.

Township Committee Member Jones -- Mr. Jones echoed Mayor Yates comments. Mr. Jones commented that we all moved to this community because it is rural independent. While this development may not be an example of rural independent, the way it came about is. About twelve (12) years ago, the owner was denied the ability to put four townhouses and six homes on that property. A few years later, it was subdivided to four lots that were never perfected. The law of unintended consequences brings us here. The Township made the best of an unfortunate situation. The Township was forced into an agreement with Fair Share Housing which includes this property. Like it or not, this is what is best for Harding and only the future will tell us if it gets built. Mr. Jones believes we have the right professionals together to defend Harding and ensure that we have the best foot forward for Harding residents.

Township Committee Member Platt – Mr. Platt commented that as many of the residents know he intends to be outspoken. Mr. Platt has been on the Township Committee for eleven (11) years and prior to that Mr. Platt moved back into Harding in 1987 and started attending meetings. Mr. Platt was very opposed to the Glen Alpin project when it was being introduced. When Hurstmont first came up, Mr. Platt attended all the Board of Adjustment meetings when the applicant was doing a D-Variance proposal. Mr. Platt commented he knows Harding well and knows the aging population wants to have a place to live. The residents do not want the responsibility of owning a home but they do not want to leave town either. It is a wonderful piece of property but is encumbered with the noise from Route 287 and Route 202. Mr. Platt's decision to support this started very early. Mr. Platt commented that we were blessed to have a great team of professionals; Mr. Goldsmith, Mr. Hague, Mrs. Gruel, Mr. Roselli, Mr. Falzarano, Ms. Mertz, all advising the Township Committee on how to navigate the affordable housing aspect and assisted living that the Township had no experience with. Mr. Platt believes that this is the best use for this property. Mr. Platt is a big believer in cluster zoning and by putting this facility up along that hill that the Township will be able to have more open space and be able to have a true

community where people can live together and enjoy what Harding Township has to offer. Mr. Platt commented he can be very difficult and in fact this evening was difficult with one of the issues which was resolved. Mr. Platt believes the Township has gotten some extraordinary concessions from the developer. By the developer conceding and agreeing to some of the concessions that Mr. Platt has asked for means that the developer wants this to be a world class facility. Mr. Platt believe there was no way the developer would have made these concessions if they did not want an investment in the town. The concerns of the first responders, the police department, and the fire department have been addressed. Mr. Platt believes this will be a successful project and that is why he supports it.

Township Committee Member Modi – *Mr. Modi commented without getting into specifics and after having consulted with the Township Attorney, all Mr. Modi would like to say is that in his opinion the final version of the redeveloper's agreement did not go far enough in protecting Harding Township's Master Plan.*

Township Committee Member DiTosto – *Mrs. DiTosto agrees with Mr. Modi that this agreement does not go far enough to protect Harding Township Master Plan. Mrs. DiTosto commented that she spent the weekend reading and reviewing the Master Plan in light of this agreement and did find in several places where it did not protect the Master Plan. Mrs. DiTosto believes the agreement could have been much stronger in order to protect the Master Plan and to help and protect and maintain Harding's rural heritage and our environment sensitive land, and open spaces. Mrs. DiTosto commented that the Township Attorney has advised not to speak about process. The issues for Mrs. DiTosto are fundamentally important that she voted no.*

Ms. McHale commented if Mrs. DiTosto could elaborate more on why it violates the Master Plan. Mrs. DiTosto responded she did not say it violates the Master Plan, it is not consistent with it.

Mr. Roselli, Township Attorney – *Mr. Roselli commented that the Redevelopment Agreement is consistent with the Redevelopment Plan. If there is a specific provision that Township Committee Member. DiTosto objects to you, she can comment on that. Mr. Roselli reported you can comment but depending on what it is, you need to be careful it is not misconstrued by certain entities, including Fair Share Housing. Mr. Roselli explained that both Township Committee Member Modi and DiTosto spoke with Mr. Roselli who cautioned them about things that are discussed in public. Mr. Roselli explained the Township is already in 2020 and 2025 is around the corner and the next round will need to be looked at. They both had certain concerns with items they would have liked to see in the agreement and they are entitled to vote no, which they did. The Township is still in litigation, we do not have our final settlement so Mr. Roselli as Township Attorney, cautioned them on not to make statements that could be used against the Township.*

Ms. McHale -- *commented that it is complicated and frustrating to understand. We are trying to be informed members of the public and believes this is a completely un-lightened process.*

Mayor Yates -- *commented that it has been frustrating for everyone involved and appreciates Ms. McHale's comments. It is a rare thing that we have not been able to control our own destiny. It is frustrating and some of this information is extremely complicated. Mayor Yates mentioned he feels Ms. McHale's pain as she is sorting through this material. Mayor Yates explained that the Township Committee tried to do this completely in the public all along. There were extensive meetings as the Township when adopting the redevelopment plan last year. This resolution implements that plan. The fact that the Township had so much public input as the redevelopment plan was being developed last year, this agreement flows from that. There is nothing in this agreement that is contradictory of that plan. Mayor Yates wishes things were different but they are not.*

Chris Allyn, Lake Trail West – *commented he is dismayed that you went through the resolutions without any public comment, specifically as the redevelopment agreement presumably is the document that guides almost everything and again is was not available and because in the second document there is presumably the same*

kind of financial commitment on the part of the town that was offered to the developer to encourage them to go ahead with the project and would ask again what the scale of that financial commitment.

Mayor Yates informed Mr. Allyn that you will be able to read the documents for yourself but wanted to correct Mr. Allyn that the town has made no financial commitment. No town resources are being expended to support this developer. Mr. Allyn commented that it is a narrow interpretation. The town is agreeing that they will not pay the Township taxes going forward and presumably that is what the developer wanted to continue the process. That is a financial commitment. Mayor Yates explained that the town will collect almost \$20 million more money than it would have collected otherwise. Mayor Yates commented that you will be able to review these numbers and apologizes that they were not on the website earlier but they will be on the website tomorrow morning.

Mark Roselli, Township Attorney – commented with respect to the redevelopment agreement, just to recall there was a change made during the discussion, Exhibit F that is part of the agreement that will be posted and will be amended to incorporate revisions requested by Township Committee Member Platt. The language in Exhibit F will be modified.

Chris Allyn, Lake Trail West – commented about the five (5) year agreement; “Why is the Township doing a tax exemption for the townhouses?” Mayor Yates explained it is an effort to enhance the revenue flow to Harding. Again, the site improvement, many of which the Township informed the redeveloper they had to do, otherwise they would not have done it. The tax abatement which gives the redeveloper, essentially for five years, a 10 % discount on their taxes went towards the implementation of some of these requirements that the Township placed on the developer for the way the site is to be developed. Mr. Roselli commented because the fact that you have an inclusionary development and they have substantial costs. The Township Committee cannot impose unreasonable conditions to add to the costs to make the development impossible to be built. Under Hudak rules and the case law that has been developed, it is just a method that makes it more affordable because the fact it is an inclusionary development. Mr. Allyn commented that the Mayor mentioned there were costs put on the table by the developer that they thought were in excess of what they would need. What are those costs in dollar values? Mr. Roselli asked if he could finish if he could, but again these tools are available to a Municipality and redevelopment areas to ensure that these types of projects get completed. At the end of the day, it becomes a benefit to the Township. The Town is not losing anything in this regard, it is the way it evolved. If the project does not get developed, nothing changes but if it does get developed, the Township receives the benefit.

Mr. Allyn commented that he is not arguing there is a benefit, but there were costs alluded to in terms of the original approach by the developer, these are excess to their requirements, and presumably that was the basis of the negotiation. What are those costs? Mayor Yates explained what he said was for example; in the development stage of the redevelopment plans that was seen by the public last year, the Township required that all of the retaining walls, other than the very back wall, be of natural stone. The Township required that all of the driveways end in k-turns other than cul-de-sac. The Township required that only natural stone can be used on the construction of the building. Mayor Yates commented that there is a list of items that the Township required the developer to do that represents significant costs in excess of what the developer would otherwise have done. Mr. Falzarano, Township Administrator commented that the costs are about \$8 million. Mr. Allyn responded thank you.

Let the record show that Mr. John Hague, Redevelopment Attorney left the meeting at 8:57 pm.

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 20-096 THROUGH RESOLUTION TC 20-098 HAVE BEEN PLACED ON THE CONSENT AGENDA

Let the record show that Resolutions 20-099, 20-100, and 20-101 were removed from the consent agenda for further discussion. Let the record show that Mr. Yates abstained from voting on TC Resolution 20-097.

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member Jones to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 20-096 through TC 20-098.

Committee Member Jones made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee. Seconded by Township Committee Member Platt. Mayor Yates abstained from voting on Resolution 20-097.

Mayor Yates asked the Municipal Clerk for a Roll Call: Mrs. Sharp called the roll as follows

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Let the record show that Mr. Roselli, Township Attorney asked that Resolutions TC 20-097 through TC 20-101 be conducted individually.

CONTRACTS:

Resolution TC 20-096 – Resolution to Authorize Purchases Using Approved Cooperative Purchasing Contracts

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 Cooperative Purchasing Contracts as approved by TC-20-049; and

WHEREAS, the 2020 Capital Budgets are approved and include the following items:

Morris County Cooperative:

Shivano Construction — 02-2020-2740-0740- 2-04044 - Not to Exceed \$225,000.00 – Sand Spring Road Repaving

Educational Services Commission of NJ

Breyer Ford — 04-2020-202002-4007- 4- 04062 - Not to Exceed \$79,941.30 – 2 Police Vehicles

BE IT RESOLVED, by the Township Committee of the Township of Hardin, the County of Morris and State of New Jersey, that the Shivano Construction, Sand Spring Road expenditure, and the purchase of two (2) police vehicles is here by approved; and

BE IT FURTHER 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 the approved Co-Operative Purchasing 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 Township Administrator, Purchasing Agent, and all other Township Officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

FINANCE:

Resolution TC 20-097– Bill List

Mayor Yates recused himself from this resolution and asked Mr. Jones to proceed with the resolution.

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.

Vote on Resolution: *Upon a motion made by Mr. Platt and seconded by Mr. Jones. Mrs. Sharp called the roll as follows:*

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

FINANCE:

Resolution TC 20-098 – Resolution to Amend Resolution TC 15-084 Requesting Permission for the Dedication by Rider for Joint Insurance Fund Safety Incentive Program Distribution

WHEREAS, Resolution TC 15-084 was adopted by the Township Committee at their May 11, 2015 meeting; and

WHEREAS, there is a need to amend the statutory authorization utilized as follows:

Amend paragraphs two, three and five to read from: “N.J.S.A. 40A:5-29” to “PL 1996, c. 113 and N.J.S.A. 40A: 10-36.2”

BE IT RESOLVED, that the Municipal Clerk of the Township of Harding, County of Morris, State of New Jersey is hereby directed to forward two certified copies of this amended resolution to the Director of the Division of Local Government Services.

Mayor Yates asked for a motion. Upon a motion made by Mrs. DiTosto and seconded by Mr. Jones. Mayor Yates asked for a roll call. Mrs. Sharp called the roll as follows:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

FINANCE:

Resolution TC 20-099 – Resolution to Increase the Contract Amount for the Township Engineer

WHEREAS, it is necessary to increase the authorization for the services of Apgar Associates, Inc, under their professional services contract awarded via Resolution TC 20-003 in order to perform Open Space tasks relating to the Glen Alpin Disposal/Diversion; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$15,000.00 from account number #05-5000-0000-0170-2-00000.

BE IT RESOLVED, that the Township Purchasing Agent is hereby directed to prepare requisitions subject to approval by the Harding Township Committee as stated above.

Mayor Yates asked for a motion. Upon a motion made by Mr. Jones and seconded by Mrs. DiTosto.

Mayor Yates asked if there was a concern on this resolution, please use star 5 to ask your question.

Mr. Allyn, Lake Trail – commented this resolution talks about certain tasks that describe Glen Alpin. Can you Describe those tasks? Mr. Falzarano explained that this resolution is for Paul Fox, Township Engineer. Mr. Fox was involved with the diversion requirements; the disposal area maps. Mr. Fox is responsible to ensure that things like the pathway, where that is going to be, where the sewer line connection will cross the driveway that is there or if there is enough room in the disposal diversion area for a septic system to be created. Mr. Jones commented to ensure that what the State is telling the Township is actually accurate. Mr. Allyn commented on just a name question. Mr. Allyn thought this was a disposal not a diversion. Mr. Jones explained that the application is for disposal/diversion. Mr. Jones commented it is not clear from the State.

Mayor Yates asked for a roll call. Mrs. Sharp called the roll as follows:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

MISCELLANEOUS:

Mayor Yates explained that Mr. Modi will rotate off of Finance and Mr. Jones will rotate on. Mayor Yates explained that the Township Committee started this procedure several years ago. The Township Committee would not change members of the Finance Committee in the middle of a budget cycle. At the beginning of 2020 Mr. Modi indicated that he would rotate off the Finance Committee and Mr. Jones would rotate on. This was delayed until the budget was adopted.

Resolution TC 20-100 – Resolution to Amend Resolution #20-002 Standing Committee Appointments

WHEREAS, Resolution TC 20-002 appointing the Township Committee Standing Committee members was adopted by the Township Committee at their January 6, 2020; and

WHEREAS, there is a need to amend the Vice Chair Committee member for the Finance & Insurance Committee as follows:

Committee	Was:	Vice Chair	To:	Vice Chair
Finance & Insurance		Mr. Modi		Mr. Jones

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey that the above amendment is hereby accepted.

Mayor Yates asked for a motion to adopt Resolution TC 20-100. Upon a motion made by Mr. Jones and seconded by Mrs. DiTosto. Mayor Yates asked for a roll call. Mrs. Sharp called the roll as follows:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

PERSONNEL:

Mayor Yates explained that a Department of Public Works employee is leaving to devote his own time to his personal business.

Resolution TC 20-101 – Resolution to Accept the Resignation of D.I.

BE IT RESOLVED, by the Township Committee of the Township of Harding accepts the resignation of D.I. effective April 24, 2020.

Mayor Yates asked for a motion. Upon a motion made by Mr. Jones and seconded by Mr. Platt. Mayor Yates asked for a roll call. Mrs. Sharp called the roll as follows:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCES FOR FIRST READING: NONE

ADJOURNMENT – Mr. Yates

Mayor Yates asked if there were any remaining questions from the public. Mayor Yates asked for a motion to adjourn at 9:02 pm. A motion was made by Mr. Jones and seconded by Mrs. DiTosto.

Chief Heller informed Mayor Yates that there were a few more people waiting to ask a question.

Mr. David Dietz, Lake Trail East – *commented why we were not able to ask comments on the resolutions. Mayor Yates explained there was the open public comment section at the beginning of the meeting but certainly if you feel you would like to comment go ahead. Mr. Dietz commented that we asked to comment on Resolutions #094 and #095. It was discussed when we got to the ordinances but when we got to the resolutions (094/095) there was not an opportunity to comment and there was no discussion amongst the Township Committee. Mr. Dietz asked if this was another change in procedures that you are only allowed to ask questions at the very beginning. Mayor Yates commented no and reported that the Township Committee takes more questions and allow more public comment at our meetings than any other town does around Harding. Mayor Yates commented that we may stray away from the agenda but it is not accurate for you to say you do not have an opportunity to comment. Mr. Dietz commented that Resolutions 094 and 095 were critical and we did not have the opportunity to comment. Mr. Jones commented that the Township Committee held Ms. McHale's question till the end of Resolutions 094 and 095 and the Township Committee answered every time a question was raised. Mr. Dietz commented that is not true. Mr. Dietz said he raised his hand five times and he was not allowed to speak. Mr. Jones mentioned that we have an Officer of the Law behind the electronic device and your electronic hand did not register to ask a question. Mr. Dietz commented that this is why video conferencing would come in to play. The entire process is questionable. Mr. Dietz commented on the legality of an open meeting content and there is 45 days to appeal it and then the entire thing could be over ruled. Mayor Yates reported that is Mr. Dietz's prerogative.*

Mayor Yates reported that we had a motion to adjourn with a first and second, all in favor. Let the record show that the Township Committee members all motioned with ayes to adjourn.

Township Committee Member Platt -- *commented that the Township Committee can adjourn the meeting but he would like to respond to Mr. Dietz on record that of his 25 years of attending lots and lots of Township Committee meetings and when Mr. Platt was Mayor they would take questions at the end of a meeting. Mr. Platt remembers that there would be public members in the back of the meeting room that would usually take the Township Committee to 11 pm. Prior to Mr. Platt becoming Mayor, Mr. Lanzerotti would entertain not only comments but a debate that would go to 11 pm. Mr. Platt has to say that Mayor Yates does an extraordinary job keeping a certain schedule on how he introduces, having the public comment, and Mr. Platt commented he is very critical of many things but this is not one of the criticisms. Mr. Platt mentioned that he used to be very upset when he would attend Township Committee meetings as a member of the Harding Land Trust or Open Space, and the Committee would leave the public comment to the end of their meeting. This has all changed. Every Mayor has their own technique but Mr. Platt does not agree with Mr. Dietz at all. Mr. Platt certainly does not agree that the Township Committee is not extraordinarily transparent. Mr. Platt does not know what Mr. Dietz is speaking about with regards to video. Mr. Platt is opposed to videotaping public meetings because part of what makes Harding and small town government special is the discourse and the conversation between the neighbors physically in an area where you can hear each other, ask questions, and discuss and Mr. Platt does not appreciate the idea that folks can be watching on a television at home and when their issue comes up they race to the Town Hall and get up. The Township Committee puts an extraordinary amount of time into this job and if someone is truly concerned about something, they should show up at 7:30 p.m. and go through the entire evening with the Township Committee.*

Mr. Mark Roselli, Township Attorney – *explained that the Open Public Meetings Act only requires that a meeting be open to the public for comment. Mr. Roselli reported clearly that was done this evening. The requirements of the Open Public Meeting Act have been met. There is no requirement that the meeting is open to discussion other than for second readings of ordinances which was also done. Mr. Roselli reported there is no requirement that you have open discussions about resolutions on the agenda. You have a Public Session, the meeting is opened to the public, and that is all the Township is required to have. With regard to the two financial agreements not on the website as they were in connection with the ordinances, this was an oversight that they were not available. Mr. Roselli apologizes for this as it was a misunderstanding on his part that the agreements were not placed on the website when Mrs. Sharp pose this question. Mr. Roselli explained that the*

redevelopment agreement was not posted on the website because it had not been discussed with the Township Committee. Mr. Roselli commented when he hears things that they are not transparent, the Township Committee has been transparent for the last four years dealing with these redevelopment issues, open to the public for discussion, and every person has had the opportunity to comment on the redevelopment plan, this redevelopment agreement, and everything with regards to this process. It has been four years and the Township Committee has provided everyone with more opportunities than most Municipalities would even think about. The Township Committee has gone above and beyond in this process. Mr. Roselli apologizes if he seems upset, but he gets upset when someone says the Governing Body is not open, especially a Governing Body that Mr. Roselli represents. Harding Township goes above and beyond which is regard by law.

Elaine McHale, Blue Mill Road – *commented that now that the Township is getting back to normal business, little bit further beyond the COVID-19 situation, what is the plan for the Township coming back for the opportunity to hear from the Assessor Company regarding the process and the methodology for the re-evaluation. Are their plans to reschedule this and will you let the residents know when this will be? Mayor Yates commented he will look into this.*

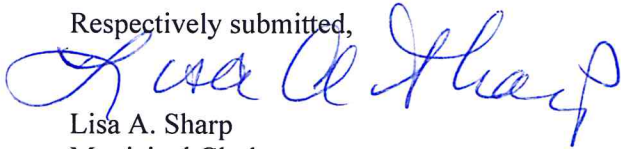
Ms. McHale *commented that she disagrees with Mr. Platt's position on video conferencing but respects that Mr. Platt holds it firmly. Ms. McHale commented that especially now that it is not apparent how long this COVID-19 situation will continue, and if this is the way the Township will participate in the next several meetings, it is really hard to follow. Ms. McHale believes video could be a learning tool, it is not an attack on whether you're transparent enough, it is simply the mechanics during this situation. Ms. McHale asked that the Township Committee reconsider video conferencing. Mayor Yates thanked Ms. McHale for her comments and mentioned the Township Committee will discuss. Mr. Platt commented that maybe a GoToMeeting would work, but does not see why the Township Committee would want cameras in the Township Committee meeting room.*

Chris Ally, Lake Trail West – *commented with respect, the Town has had a practice in the past of looking to the audience as resolutions are considered and when an audience member raises their hand the Township Committee takes their comments. Specifically, for Resolutions 094 and 095 that did not happen at all this evening and there are very significant issues associated with the two resolutions, including the fact that data was not available for them that should have been addressed. Mr. Allyn takes issue with Township Committee Member Platt in the context the behavior was normal, it was not. Mayor Yates commented that he noted Mr. Allyn's comment.*

Mr. David Dietz, Lake Trail East – *commented that he is not sure if the word transparent was used this evening. Mr. Dietz commented that his concern is he is trying to understand what is going on and we are absolutely totally frustrated with understanding what is happening so we can ask logical, reasonable questions. Mr. Dietz commented on Mr. Allyn's comment regarding costs and Mr. Dietz believes we should review them. Mayor Yates explained these requirements developed in the last year when we went through the construction of the redevelopment plan. Mayor Yates commented if you recall Mr. Dietz you were invited to be on that committee, Mr. Dietz was going to be away for several months, so you could not serve, but the Township had other people from the Planning Board and the Community, and other bodies on that committee and that is where these standards; use of natural stone, lighting, etc., came from. Mr. Platt explained that we wanted it to fit into the Harding Community. Mr. Dietz commented that is find but at the time we did not know it was going to cost us to get the old Hurstmont look to it. Mr. Platt disagreed with Mr. Dietz. Mr. Platt explained if the Township had a developer that tried to cut corners that would go with cheaper building materials, did not care for the highest quality, then attract people who are like minded of Harding residents. Mr. Dietz commented that \$9 million is a lot of money. Mr. Platt commented that the developer wants to build something that they can be proud of.*

Mayor Yates *asked for a vote to adjourn. With a vote of all ayes the meeting adjourned at 9:16 pm.*

Respectively submitted,

A handwritten signature in blue ink, appearing to read "Lisa A. Sharp". The signature is fluid and cursive, with the first name "Lisa" being particularly prominent.

Lisa A. Sharp
Municipal Clerk