

HARDING TOWNSHIP COMMITTEE

MONDAY, JUNE 8, 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 meeting to order at 5:30 p.m.

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on May 25, 2020 and published in the Observer Tribune on May 27, 2020.

Mayor Yates announced adequate notice of the June 8, 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, and Mr. Modi were present via telephone due to the COVID-19 emergency.

RESOLUTION TC 20-102 – 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 Mr. Platt, and with a roll call vote of all ayes, none opposed, the meeting recessed into executive session at 5:33 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.

Attorney Client Privilege:

1. Glen Alpin – J. Hague

2. Financial Contractual Obligations – R. Falzarano

Contracts:

1. PBA – R. Falzarano
2. Shared Services – R. Falzarano
3. Property Acquisitions – M. Roselli
4. The Farm – M. Roselli

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"/>

RECONVENE INTO PUBLIC SESSION – Mayor 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, and Mr. Modi are present via telephone.

ROLL CALL – Municipal Clerk

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

Mayor Yates asked for a roll call. Mrs. Sharp called the roll. All Township Committee members were present.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates opened the regular meeting, via conference 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 20-103 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Yates asked if there were any comments or questions regarding the May 11, 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: **May 11, 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: **May 11, 2020.**

Mayor Yates asked for a motion to accept the Township Committee meeting minutes. *Upon a motion made by Mr. Platt and seconded by Township Committee Member 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

There were no announcements, presentations, reports or correspondence to report.

DISCUSSION ITEMS:

Mayor Yates asked Mary Prendergast to discuss the Glen Alpin Artifacts.

1. Glen Alpin Artifacts – Mary Prendergast

Mrs. Prendergast, resident, thanked the Township Committee for including this topic for discussion this evening. On March 27, 2020, Mr. Josh Butchko, an Archeologist with Hunter Research, did the archeological investigation and management plan for the Township as a grant funded project in 2006 contacted Mrs. Prendergast given her connection with the Glen Alpin Conservancy. There is one (1) box of artifacts which are the limited items found during the excavation at Glen Alpin. This includes pieces that are pre-1820 ceramics (of the Kimbles) and pre-1840 ceramics (from the Dewey & Houst's), and some remnants of building materials that would tell where a building might have stood. At that time Mrs. Prendergast knew that the Harding Township Historical Society had room for one box and offered to accept it after checking with the owners of the site, the Township and the Harding Land Trust. The Harding Land Trust passed and the Township put it on this evening's agenda. Mrs. Prendergast spoke with Janet Foster (NJ Historic Trust) and Jane Riley (Harding Historical Society) regarding the artifacts. Mrs. Prendergast believes it might be more appropriate for the Township, as long as they are the owner of the property, to hold the artifacts and the documentation, but to have an agreement that qualified agencies can borrow the artifacts for exhibit or research. Mrs. Prendergast

commented that qualified would mean that they have trained and experienced archivists, archeologists or a museum professional who would be responsible for the artifacts. Mrs. Prendergast asked who the private entity yet to be named. If the private entity cannot be named, does the Township have other thoughts where the materials are going or should go?

Mr. Jones Township Committee Member – commented that the only other entity that Mr. Jones would point out, is because of the easement on Glen Alpin will be held by the NJ Historic Trust that the artifacts and documentation should be logged with them and they should be tasked to figure out where the best place for these materials to be held is. Mr. Jones mentioned as the Township moves through their discussions with them, we will mention that there are artifacts here. Mrs. Prendergast commented that the Harding Historical Society can accept the box of artifacts temporarily if Hunter Butchko is anxious to move them along.

Mayor Yates – commented if there were other historical records that comprise the archives. Mrs. Prendergast explained that the Township has the records from 2004, feasibility study, etc., which should be in the archives of the Town Hall. Mr. Jones commented if it is a matter of timing, Mr. Butchko can send them to the Township. Mrs. Prendergast asked for some type of resolution that the artifacts would be available to the public in the future or do a qualified research or museum staff. Mr. Modi asked if the Glen Alpin Subcommittee could consider and discuss this issue and keep Mrs. Prendergast posted. Mayor Yates responded with yes.

2. Open Space Tax -- Mayor Yates

Mayor Yates -- *explained that the Open Space Tax is currently at four (4) cents and barring action from the Township Committee will remain at four (4) cents. Mr. Platt commented that Harding Open Space Trust Committee discussed the open space tax and unanimously recommended to raise the open space tax to five (5) cents. Mr. Platt proposed to raise the open space tax to five cents. Mr. Platt explained that the real estate market is opportunistic and mentioned that you never know when a sale will arise. The opportunity to increase the tax to five cents is important more now than ever. Open Space is very important to this community and the Township saw how it has helped during the COVID-19 in the past few months.*

Mr. Jones -- *commented that he does not have any comments from the HOST meeting. Mr. Jones mentioned that he sits on this topic in a different way. At the sub-committee level you should ask for as much funding as you can get. However, Mr. Jones believes the penny would be better served waiting and he is not in favor of raising the open space tax at this point.*

Mayor Yates *asked if there was any member of the public who would like to comment. If so, please dial five (5) star to be in the queue to be unmuted.*

Chris Allyn, resident -- *commented that at least the audio on his end his is bad and if it could be fixed that would be good. Mr. Allyn supports the increase to five cents and believes what Mr. Platt stated was appropriate.*

David Dietz, resident – *commented the audio is not good and mentioned that he has discussed at the HOST meetings for many years the need to go to five (5) cents. There is a lot that can be done with it and more material to have the funds available to implement the more aggressive maintenance plans for the open space properties.*

Elaine McHale, resident – *commented the audio is not good and also supports the five cents for the open space tax. It is a wise decision and is consistent for what most of the community desires. Does not believe it is asking too much to raise it to five (5) cents.*

Amanda Richardson, resident – *commented that she supports raising the open space tax to five (5) cents.*

Mayor Yates asked if Mr. Modi and Mrs. DiTosto had any comments regarding the open space tax. Mr. Modi and Mrs. DiTosto had no comment. Mayor Yates commented that he does not believe that tonight is the right time to raise the property taxes. The Township is not sure of the economic impact that the COVID-19 situation may have as we go into the third quarter. The State Assembly just passed a bill that was sent to the Senate that would impose a State property tax on our residents. Until the Township receives clarity with those issues it is not the right time to raise taxes. There is a fair amount of money in the Open Space funds at this point and the Township is looking at acquisitions and the tax can be raised in 2021. There are other mechanisms that can be used to purchase acquisitions if there is a shortage of funds.

Mr. Platt made a motion to increase the open space tax to five (5) cents. In the absence of a second, the motion to increase the open space tax to five (5) cents is not introduced. Mayor Yates thanked everyone for weighing in on this topic.

3. Dickson's Mill Bridge

Mr. Platt -- explained that the Dickson's Mill Bridge has been an ongoing saga since 1994. There has been many emails going back and forth between the County and the Township, there have been sub-committee meetings, and where the Township is right now is on July 15, 2019 at the Township Committee meeting we heard a presentation from Mr. Chris Vitz, County engineer. Mr. Vitz was asked if he would support our application to the State to receive funding for a narrower bridge. A narrower bridge would be 20 feet versus the one size fits all replacement bridges that the State puts in, which start at 26 feet. As Mr. Platt promised, he reached out to NJDOT Commissioner and has spoken with the Commissioner for about 45 minutes and discussed all the issues. Mr. Platt explained that this has to go before the State Historic Commission to get reviewed and then to the NJDEP. There are some concerns and the support from the County that the Township received during the evening that the Resolution was passed is not as sincere as we would have like it to have been. Mr. Platt discussed a letter he received from the Commission in May 2020. Mr. Platt would like to ask Mr. Falzarano, Township Administrator as he has been before the State Historic Commission with what is involved with regard to the next steps.

Mr. Falzarano -- commented that he was advised by the County that it will be heard from SHIPPO and they will ask for a representative from the Township to speak about the bridge. At that time, whoever the member is from the Township, will relay to SHIPPO that a resolution was passed in July 2019 and if the bridge were to be approved by the State for 20 feet, the County would go along with that. This was the discussion that was held in July 2019 and Mr. Falzarano believe this would be a major consideration when the Township is asked to be heard before SHIPPO. The decision for the Township Committee is going to be; the resolution is the resolution and as it stands it is clear. The designated representative will be the individual that will have the most influence as far as the Township's side when being heard by SHIPPO. The decision for the Township Committee is which member will be the designated representative for the Township.

Mr. Platt -- commented that there is one item of disappointment; in February 2020, the Township received a request from the Freeholder Board to go out for review and find a vendor for the design work. Rather than support the 20 foot application as Mr. Vitz, County Engineer said he would, the Township did a resolution based on Mr. Vitz's assurance. Mr. Fox, Township Engineer received a call regarding the bridge being designed at 26 feet. There has been much going back and forth. Mr. Lanzerotti called and mentioned he would like to be a part of a group that would see that Harding Township received a bridge that they deserve. Mr. Platt commented that he would like to be the Township's designated representative. A further discussion ensued.

Mayor Yates -- explained that the Township will continue working with NJDOT and the consensus of the Township Committee was unanimous for Mr. Platt to be the designated representative to support Harding when it is heard by SHIPPO.

Mrs. Lotte Newlin, resident – commented that she does not see why the Township needs to have a narrower bridge at that place. Mrs. Newlin is concerned with emergency calls. Not having a wide enough bridge will take time away.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

Mayor Yates -- *reported that Resolution TC 20-105 is being removed from the Consent Agenda for further discussion. This resolution supports the developer's application at NJDEP to construct the onsite septic system for their development. Mayor Yates moved for the acceptance of Resolution TC 20-105, Mr. Jones seconded the motion. Mayor Yates explained now the Township Committee can proceed with a discussion.*

Mr. Modi – *commented which one of the Township professionals reviewed the application.*

Mr. Roselli, Township Attorney – *explained that the initial application was sent to Mr. Paul Fox, Township Engineer for review in 2019. The developer's initial application had 37,000 gallons per minute which was just for the Hurstmont site. Prior to placing the resolution on the agenda, Mr. Roselli reached out to Mr. Monahan for clarification because of the redevelopment plan and redevelopment agreement, it was agreed that the developer would provide for the opportunity to have an on-site septic that would service Hurstmont and if necessary, Glen Alpin. Mr. Monahan sent an updated letter that the total would be 47,000 gallons per minute. The application was reviewed by Mr. Fox. Mr. Modi asked why is it called the Hurstmont / Glen Alpin sewer service area. Mr. Roseilli explained that is the name the developer provided, as it will service the two properties. In the resolution and the application, the developer made it clear that it was made in conformance with what the redevelopment plan and redevelopment agreement stated. It would be onsite to serve these two properties.*

Mrs. DiTosto – *commented if there were any other changes to the water quality management plan other than the change in the number to 47,000. Mr. Roseilli commented no. The application was submitted to NJDEP in November 2019. As a condition, the developer has to obtain Municipal consent. This was a clarification that Mr. Roselli requested in reviewing the application back in November 2019.*

Mr. Modi – *commented what is the implication of the resolution. Mr. Roselli explained the implication is that the Township is giving consent to the developer to make the application to provide the onsite wastewater plan for Hurstmont and Glen Alpin. Under the NJDEP regulations, when a water quality management plan is amended, it requires Municipal consent. Mr. Modi asked if there was something in writing from Mr. Fox, Township Engineer. Mr. Roselli commented there is an email communication back in December 2019 and before this meeting. Mr. Modi commented he does not recall seeing the email communication. Mrs. DiTosto asked did we receive the communication from Mr. Fox. Mayor Yates explained Mr. Fox provided a memorandum in December 2019 supporting the Township's agreement to consent to the onsite wastewater plan. Mr. Fox, last week, reconfirmed his memorandum from December. Mr. Roselli spoke with Mr. Fox to reconfirm what the developer was requesting was appropriate and to ensure that Mr. Fox has seen the application with the calculations, which he did. The application submitted in November from the developer did not include Glen Alpin. Mr. Roselli reached out to Mr. Monahan regarding this and submitted the November letter and an updated letter including Glen Alpin with the 47,000 gallons per day for both properties. Mayor Yates explained this resolution allows Mr. Monahan to make application to the State for the onsite septic. This does not commit the Township to anything other than allowing the developer to make application and that the Township does not oppose the application. Mrs. DiTosto questioned if the language in the redevelopment plan and redevelopment agreement say sewer service. Mr. Roselli commented yes. There is a section in the redevelopment plan that discusses wastewater and mentioned that a wastewater sewer service would be provided for both Hurstmont and Glen Alpin. Mayor Yates commented that the State calls it a sewer service.*

Mayor Yates asked if any member of the public has any comments.

Mr. Dietz, resident – *commented it was mentioned that the capacity for Hurstmont was 37,000 and now they are going to 47,000. Mayor Yates explained that Hurstmont itself is 35,000 gallons and Glen Alpin is 12,000 gallons per day, for a total of 47,000.*

With no further comments, Mayor Yates explained the resolution has received a first and second and called for a roll call vote. Mrs. Sharp called the roll as follows:

Resolution TC 20-105 – RESOLUTION OF THE TOWNSHIP COMMITTEE CONSENTING TO THE PROPOSED ON-SITE WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: DESIGNATION OF THE HURSTMONT/GLEN ALPIN SEWER SERVICE AREA

WHEREAS, the Township of Harding desires to provide for the orderly development of an on-site wastewater facilities for the Glen Alpin/Hurstmont Redevelopment Area only and as stated and in accordance with the Glen Alpin/Hurstmont Redevelopment Plan adopted June 24, 2019 and amended September 2019, within Harding Township, Morris County, New Jersey; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment to the Northeast Water Quality Management Plan as prepared by Natural Systems Utilities was filed with NJDEP in November 2019 for the Designation of the Hurstmont/Glen Alpin Sewer Service Area on Block 27 Lot 2 and Block 34 Lot 1 in Harding Township; and

WHEREAS, the wastewater producing project associated with the proposed WQM plan amendment is consistent with the land use identified in the municipal master plan and zoning ordinances.

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 entitled “Designation of the Hurstmont/Glen Alpin Sewer Service Area”, prepared by Natural Systems Utilities, for the purpose of its incorporation into the applicable WQM plan(s) for Glen Alpin/Hurstmont as it relates solely to the Glen Alpin/Hurstmont Redevelopment Area only and as stated and in accordance with the Glen Alpin/Hurstmont Redevelopment Plan adopted June 24, 2019 and amended September 2019 for the anticipated allocation for Glen Alpin and the anticipated allocation for Hurstmont.
3. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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.

Mayor Yates opened the meeting for public comment and asked that all members of the public introduce themselves and state their address.

Mr. David Dietz, 15 Lake Trail East – commented if resolution TC 20-111 could be removed for further discussion and with all the audio trouble this evening and previous meetings, does not understand why a different system with video capability is not being used. This is an unacceptable experience.

Mr. Chris Allyn, Lake Trail – commented if resolution TC 20-111 is removed from consent agenda he does not have any further comment but echoes Mr. Dietz's frustration with this system. It is very difficult to work with as a member of the public.

Mayor Yates -- commented that Mr. Weppeler has difficulty logging in during the open space tax discussion and asked if he would like to comment now. Mr. Weppeler commented that the Township Committee already voted and it does not make any sense for him to comment. Mr. Weppeler commented that he agrees with Mr. Dietz and Mr. Allyn that this is a non-workable system. Mayor Yates apologized for the difficulties and explained that the Township is working on purchasing a new system but with the COVID situation tech support and equipment has proved to be exceptionally hard to do. We agree the system should work better and we are working on it.

Elaine McHale – offer the Township to use the Library's Zoom account.

Mr. Chris Allyn, Lake Trail – commented on TC Resolution 20-111 – the fact that the resolution faults the Governor's Executive Orders without referencing the public health emergencies behind those orders unnecessarily politicizes and otherwise reasonable response to a bad situation.

Mr. David Dietz, resident – commented he is baffled by the ordinance and know that the restaurants in town have been begging for this capability for years and the Town has refused to provide it and now the Town is willing to do it on a temporary basis why not make it permanent.

Mayor Yates explained that this is a Resolution that temporarily changes that. The process in making this permanent is different. It would go before the Planning Board for their review and their determination about any changes to the zoning for these districts. This is not designed to supplant the work of the Planning Board and review by the Township Committee. It is an effort to provide the restaurants in town that have clearly suffering and struggling an opportunity to take advantage of what is being offered by the State. It expires in September and at that point the Township does not know if we will still be in a State of Emergency or if there will be additional requirements from the State. This can be looked at again. Any permanent change to the zoning would have to follow regular order, be sent from the Township Committee to the Planning Board, the Planning Board would review it and send it back to the Township Committee. Mr. Dietz commented why not make a comment in the resolution for the Planning Board to review this. Mayor Yates explained this is an emergency measure to allow the restaurants to operate. The Township can take a look and decide to send it to the Planning Board for action or not or the Planning Board can tell the Township Committee they would like to change the zoning. This is an emergency measure to allow the businesses to open and if it was done by ordinance it would be much more time consuming. Under the current Executive Orders, June 15th the businesses can start operating with outdoor dining. Mr. Falzarano, Mr. Fornaciari, Construction Official, and Mr. Byrnes, Zoning Officer/Health have met and worked out the scope of the temporary measures that will govern how the businesses can operate which is being communicated to the businesses by letter and by email. Mr. Dietz asked if they have done all this work, can they make a recommendation as to whether they should make it permanent if they can. Mayor Yates explained no. Mayor Yates explained there is a lot going on right now and this is a temporary measure. When there is more time we can review and make a determination on whether this should be permanently. Mayor Yates commented that the people in the Municipal Building are working sixty hours a week to try to manage all that is going on. There are mandates coming from the State every day and they have to be responded to. The work load is up dramatically because of what the Township is facing right now. Mayor Yates commented that the Township Committee will take a look at this and mentioned that Mr. Dietz is on the Planning Board and if Mr. Dietz would like to place this issue on the Planning Board's agenda, Mayor Yates welcomes Mr. Dietz to do this.

Lotte Newlin, resident – commented that she personally welcomes anything that will help the community and mentioned she applauds the temporary measures being put in place.

With no further comments, Mayor Yates closed the open public meeting session.

ORDINANCES FOR SECOND READING: NONE

NON-CONSENT RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION): 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 20-104 THROUGH RESOLUTION TC 20-111 HAVE BEEN PLACED ON THE CONSENT AGENDA

Let the record show that Resolution TC 20-105 was removed from the Consent Agenda for further discussion and then a vote.

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member Platt to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 20-104 through TC 20-111. *Resolution TC 20-105 was removed for further discussion.*

Committee Member Platt 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 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"/>

CONTRACTS:

Resolution TC 20-104 -- RESOLUTION APPROVING DULY AUTHORIZED REPRESENTATIVE FOR DISPOSAL APPLICATION SUBMISSIONS FOR BLOCK 34, LOT 1 A/K/A THE GLEN ALPIN PROPERTY

WHEREAS, Block 34, Lot 1 in the Township of Harding is also known as the Glen Alpin property and is encumbered with restrictions against disposal from recreation and conservation uses by the New Jersey Department of Environmental Protection's Green Acres Program; and

WHEREAS, on May 15, 2017, the Township Committee of the Township of Harding (the "Township Committee") adopted Resolution No. 17-108 to pursue a disposal/diversion of the Glen Alpin property and endorsed the filing of a pre-application for the Glen Alpin property pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Township of Harding has applied to the Green Acres Program for approval of a major disposal of parkland under N.J.A.C. 7:36-26; and

WHEREAS, as part of the disposal application, Greener by Design, LLC prepared Preliminary Assessment Reports for properties being used to compensate for the release of the Green Acres' restrictions on a portion of the Glen Alpin property; and

WHEREAS, by memorandum from the Green Acres Program on March 12, 2020 and April 30, 2020, the Green Acres Program requested that Preliminary Assessment Reports submitted in conjunction with the pre-application be certified by the applicant; and

WHEREAS, by memorandum from the Green Acres Program on April 30, 2020, the Green Acres Program requested that since Block 8, Lot 5.01 (also known as the Culbertson Property) is used for agricultural purposes

that a Potential Historic Pesticide Contamination Certification Form be signed and submitted by the applicant to the Green Acres Program; and

WHEREAS, by email on May 12, 2020, the Green Acres Program determined that the pre-application submitted by the Township of Harding substantially complies with the pre-application requirements set forth in N.J.A.C. 7:36-26.9 and authorized the Township of Harding to submit Part 1 of the final application in accordance with N.J.A.C. 7:36-26.11; and

WHEREAS, as part of the Green Acres Program's May 12, 2020 email, the Green Acres Program requested certain outstanding items from the pre-application; and

WHEREAS, the Township of Harding recognizes that as part of the application for the major disposal of a portion of the Glen Alpin property it will be necessary for certain forms and certifications to be signed on behalf of the applicant, the Township of Harding; and

WHEREAS, the Township Committee desires to authorize that Ben Spinelli of Greener by Design, LLC be designated as the duly authorized representative to execute the requested Preliminary Assessment Report certifications, the Potential Historic Pesticide Contamination Certification Form, and such other environmental certifications and documentation as may be needed in connection with the application for disposal of a portion of the Glen Alpin property.

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

1. Ben Spinelli of Greener by Design, LLC is designated as the duly authorized representative to execute the requested Preliminary Assessment Report certifications, the Potential Historic Pesticide Contamination Form, and such other environmental certifications and documentation as may be needed in connection with the application for disposal of a portion of the Glen Alpin property.

FINANCE:

Resolution TC 20-106– 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 20-107 – Resolution to Waive ACH Fees For Online Payments through December 31, 2020

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 9th, 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 9th, 2020, the Governor of the State of New Jersey declared and a 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 through the end of the year; and

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

BE IT RESOLVED, the convenience fees for ACH online payments is hereby waived through December 31, 2020.

Resolution TC 20-108 Amending the Fees of the Township of Harding for 2020 in Accordance with §171-1 and §171-4 of the Code of the Township of Harding

WHEREAS, the Township Committee of the Township of Harding, County of Morris, State of New Jersey sets the fees of the Township by resolution; and

WHEREAS, the fees (Appendix A attached) have been reviewed and increased in accordance with §§171-1 and 171-4 of the Code of the Township of Harding.

BE IT RESOLVED, by the Township Committee of the Township of Harding that it does hereby approve of the amended fees for the Township for 2020 as reflected on Appendix A attached heretoshall become effective on July 1, 2020; and

BE IT FURTHER RESOLVED, that said fees shall become effective as of July 1, 2020.

Resolution TC 20-109 – New Jersey Department of Transportation Division of Local Aid and Economic Development Resolution Recommending the Award for the Sand Spring Road Resurfacing (Milling/Paving) to Schifano Construction Corporation

BE IT RESOLVED, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Sand Spring Road Resurfacing (milling and paving) be awarded to Schifano Construction Corporation (MCCPC Contract #6) whose bid amounted to \$183,327.00 subject to the approval of the NJ Department of Transportation; and

BE IT FURTHER RESOLVED, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

Resolution TC 20-110 – New Jersey Department of Transportation Division of Local Aid and Economic Development Resolution Recommending the Award for the Sand Spring Road Resurfacing (roadway striping) to Denville Line Painting, Inc.

BE IT RESOLVED, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Sand Spring Road Resurfacing (milling and paving) be awarded to Denville Line Painting, Inc., (MCCPC Contract #36) whose bid amounted to \$2,122.75 subject to the approval of the NJ Department of Transportation; and

BE IT FURTHER RESOLVED, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

MISCELLANEOUS:

Resolution TC 20-111 – Resolution Temporarily Suspending Outdoor Dining and Signage Code Restrictions

WHEREAS, local small businesses and small business owners are the backbone of the Harding Township community by providing essential jobs, goods and services, opportunities for social interaction, and a significant and needed revenue source for the Township; and

WHEREAS, most local small business owners have invested countless hours of hard work and significant financial capital to ensure the success of their life's ambition; and

WHEREAS, Governor Murphy issued a series of Executive Orders that severely curtailed, and in many instances, prevented these same business owners from operating, thereby denying their fundamental right to work and continue their livelihood; and

WHEREAS, the Township Committee recognizes the need and responsibility to assist local business owners whenever and wherever they are able; and

WHEREAS, to assist local business owners owning and/or operating diners, restaurants and other eating establishments when current restrictions regarding their operations are ameliorated and ultimately lifted, the Township Council desires to temporarily suspend the application of certain limitations set forth in the Township Code regarding outdoor dining and signage until such time as the restrictions regarding dining are eased by the State of New Jersey and the Township of Harding.

BE IT RESOLVED, by the Township Committee of Harding Township, Morris County, New Jersey, as follows:

1. §225-141 B (5) (b) [1]-[4] of the Township Code regarding certain limitations pertaining to outdoor dining in the Township's B-1 Historic Village Business Zone and §225-145 A to the extent that it limits food consumption only within the Restaurant, are hereby temporarily suspend until such time as the restrictions regarding dining are eased by the State of New Jersey and the Township of Harding

2. §225-118D and §225-118F are temporarily suspended until such time as the restrictions regarding dining are eased by the State of New Jersey and the Township of Harding.
3. The Township Zoning Officer prescribe an application and process for the issuance of approval for the temporary suspension of these provisions for any business or property owner desiring to take advantage of the temporary suspension of these restrictions.
4. There shall be no fee for the filing of such application and issuance of approval by the Zoning Officer.

BE IT FURTHER RESOLVED that the remaining provisions of Chapter 225 shall continue to apply to any applicant for which approval is issued by the Zoning Officer pursuant to the provisions of this resolution.

ORDINANCES FOR FIRST READING:

Mayor Yates commented that this ordinance related to exchanging interest between the Harding Land Trust and the Township to facilitate the diversion/disposal.

ORDINANCE #07-2020—“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING EXCHANGE OF INTEREST IN LANDS JOINTLY OWNED BY THE TOWNSHIP OF HARDING FOR INTEREST IN LANDS JOINTLY OWNED BY THE HARDING LAND TRUST”

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #05-2020.

Mr. Jones explained that the Township will be swapping the ownership interest in Glen Alpin that the Harding Land Trust owns for the Gatehouse property. This transaction will allow the Township to move forward with the transfer. A further discussion will occur at next the next meeting.

Township Committee Member Jones introduces Ordinance TC 05-2020 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #05-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING EXCHANGE OF INTEREST IN LANDS JOINTLY OWNED BY THE TOWNSHIP OF HARDING FOR INTEREST IN LANDS JOINTLY OWNED BY THE HARDING LAND TRUST”

Township Committee Member Jones explained the purpose of the Ordinance and moved for introduction on first reading.

Township Committee Member Jones read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 8, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 13, 2020 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Jones offered Ordinance #05-2020 and moved its introduction. Township Committee Member Platt seconded the motion.

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

Vote on Introduction:

	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 type="checkbox"/>	<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 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"/>

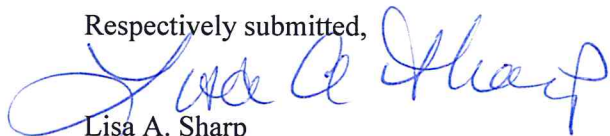
Mr. Dietz, resident – *commented in the fifth whereas it speaks about the interest agreement between the two interests, will the agreement memorializing the terms of the agreement, will this be made available for the public. Mayor Yates responded with yes. Mr. Dietz commented that part of this parcel is in Morris Township, how does this come into play in this whole scenario. Mr. Jones commented that Harding Land Trust will own the property in its entirety. Right now it is owned by Harding Township and Harding Land Trust and we own part of Morris Township.*

ADJOURNMENT – Mr. Yates

Mr. Dietz, resident – *commented in the fifth whereas it speaks about the interest agreement between the two interests, will the agreement memorializing the terms of the agreement, will this be made available for the public. Mayor Yates responded with yes. Mr. Dietz commented that part of this parcel is in Morris Township, how does this come into play in this whole scenario. Mr. Jones commented that Harding Land Trust will own the property in its entirety. Right now it is owned by Harding Township and Harding Land Trust and we own part of Morris Township.*

With no further business, Mayor Yates asked for a motion to adjourn. Upon a motion made by Mr. Platt and seconded by Mr. Jones, and with a vote of all ayes, the meeting adjourned at 8:45 p.m.

Respectively submitted,



Lisa A. Sharp
Municipal Clerk