

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

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

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

You can also dial in using your phone.

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

United States: +1 (646) 749-3112

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

Access Code: 923-644-741

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

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the meeting to order at 5:30 pm

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

Mayor Yates announced adequate notice of the December 14, 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 was absent and Mr. Platt was on via GoToMeeting.

RESOLUTION TC 20-166 – 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. Modi, seconded by Mr. Jones, and with a roll call vote of all ayes, none opposed, the meeting recessed into Executive Session at 5:32 pm.

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

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

Contracts:

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

Personnel:

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

Vote on Resolution:

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

Mayor Yates reconvened the meeting into public session at 7:34 pm and asked the Municipal Clerk for a roll call.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that Mr. Platt is joining the meeting via GoToMeeting and Mrs. DiTosto is absent.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates led members of the Township Committee and members of the Public and members on the GoToMeeting in the Pledge of Allegiance.

ADEQUATE NOTICE of this meeting of the Harding Township Committee was given as follows: Due to the State of Emergence, Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on November 25, 2020, and published in the *OBSERVER TRIBUNE* on December 3, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on December 3, 2020, and Notice was filed with the Municipal Clerk on December 3, 2020.

Mayor Yates announced that adequate notice of the December 14, 2021 Township Committee meeting was called in accordance with the Open Public Meetings Act.

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

DISCUSSION ITEMS:

There were no discussion items to be heard.

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

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

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

Mayor Yates asked for a motion to accept the Township Committee meeting minutes. A motion was made by Township Committee Member Jones, seconded by Township Committee Member Modi.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	2 nd	<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"/>

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

ADD-ON RESOLUTIONS:

Mayor Yates read Resolution TC 20-191 in its entirety.

RESOLUTION TC 20-191 -- RESOLUTION RECOGNIZING TOWNSHIP COMMITTEE MEMBER DEVANSHU L. MODI FOR HIS EXEMPLARY SERVICE TO THE TOWNSHIP OF HARDING

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

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

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

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

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

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

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

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

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

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

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

Mayor Yates asked for a motion to accept Resolution TC 20-191. A motion was made by Township Committee Member Jones and 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Mayor Yates provided Mr. Modi with a framed copy of the resolution. Mayor Yates commented it has really been a pleasure serving with Dev and while Mayor Yates looks forward to Mrs. Chipperson joining the Township Committee, it is a sad day recognizing that this is Mr. Modi's last meeting.

Township Committee Member Jones commented that in January 2021, announcements will be made that it might not be Mr. Modi's last meeting. Mr. Jones explained the Township Committee will miss Mr. Modi here on the ad dais.

Township Committee Member Platt commented that he has served with Mr. Modi and sat next to him for three years and he agonized over every decision, and we joke about unintended consequences, but he looked at every aspect of every vote Mr. Modi took and we appreciate him for doing that. Mr. Modi thanked Mr. Platt for his comments.

Mr. Roselli, Township Attorney commented that as a previous mayor and elected official and as an attorney, Mr. Roselli appreciated Mr. Modi's examination of every issue from every side and at times he challenged Mr. Roselli which he appreciated as a Municipal Attorney. Certainly, I welcomed the opportunity to work with Mr. Modi, it was a pleasure, and Mr. Roselli appreciated all his thoughtfulness and diligence. Mr. Modi helped make Mr. Roselli's easier at times and he appreciated it. Mr. Roselli stated that Mr. Modi did Harding Township a service for providing six (6) years of your life and thank your family who had to lose that time with you, which is exceedingly difficult as well; especially when you have young children. Mr. Roselli thanked Mr. Modi's family for allowing Dev to provide a public service.

Mr. Falzarano, Township Administrator commented that he would like to extend his appreciation to Mr. Modi. Mr. Falzarano has been in government for 46 years and worked with a number of elected officials over that 46 years; some were good and some were not so good and some were great. The great category, which is very few, Mr. Modi is in this category. Given the fact that you are around Mr. Falzarano's eldest daughter's age, Mr. Falzarano is speaking more like a father now in saying what Mr. Roselli stated, let me echo that. Hold onto these year, they sure go fast and they are gone before you know it. Mr. Modi and Mr. Falzarano go back to the Joint Court, this is where Mr. Falzarano first met Mr. Modi. It is one thing that was great, Mr. Platt introduced Mr. Falzarano to Mr. Modi at the Joint Court. Mr. Falzarano commented that Mr. Modi is an exceptional elected official. Mr. Modi is caring, he always tries to understand the issue from all angles, he does not take one particular road to a decision, he takes many paths which is a remarkable thing for any elected official to be able to do this because usualyl they make up their mind and then go out to find the facts to support that decision. Mr. Modi does the opposite, he collects the data and analyzes it, then makes an informed decision and that is, as far as Mr. Falzarano is concerned, a mark of a true professional. Mr. Modi is a process policy person which is what Mr. Modi and Mr. Falzarano have in common the most. Congratulations and spend the time with your family.

Township Committee Member Modi commented that he is speechless. He was not expecting this. The kind words mean a lot. Mr. Modi will remember them as he holds all the members in high regards and respect. Mr. Modi thanked his family for allowing him to do this. Mr. Modi commented that they may not be happy that he is around more but they had a ten year run. In all seriousness, Mr. Modi stated it is an honor and a privilege to

serve the residents of Harding Township. Mr. Modi truly thanks everyone for their trust and the opportunity to serve and commented that he learned a great deal working with each one of his colleagues on the ad dais and members of the Town Hall, the wonderful staff that the Township has here. Mr. Modi wished, Mrs. Chipperson and everyone all the best in their continued stewardship and protection of the Harding Township that we all choose to call Home. Mr. Modi stated if he can be of any assistance, you all know where to find him. Thank you very much. Mayor Yates stated thank you. Members of the public and Township Committee gave Mr. Modi a round of applause.

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 at 7:46 pm and asked that all comments be brief. If members of the public are joining the meeting virtually, please unmute yourself, say your name, address, and make your comment.

Nancy Weinstein, Long Hill Road – *commented it was a difficult decision but thanked all the Township Committee Members for allowing the Menorah on Memorial Park. There were a large number of residents there today plus Harding's Police Department. It was very important and Mrs. Weinstein wanted to thank you because it meant a great deal.*

Chris Allyn, Mt. Kemble Lake – *commented in the recent property evaluation, there were roughly twice as many properties that saw increases in their tax rate as there were who saw decreases. When does the Township Committee plan to hold a session to explain that situation? Mayor Yates commented March.*

Amanda Richardson, Woodland Road – *commented that on behalf of herself and Kate Barry said congratulations to Mrs. Chipperson and Mr. Yates and congratulations to the Town for such a great turn out in the last election.*

Larry Weppler, Lee's Hill Road – *commented on the checks to be cancelled there is one to a casino and would like that one explained please. Mayor Yates commented that was a payment for hotel accommodations for the League of Municipalities.*

Elaine McHale, resident – *commented that she would like to echo the comments made by Ms. Richardson. Congratulations to Mr. Yates and Mrs. Chipperson on a campaign well run. We thank you for your service and for everyone else who are serving and continue to serve on the Township Committee. Thank you, we appreciate the time you spend away to do it for us.*

Mrs. Sharp, Municipal Clerk *asked if there were any further public comments.*

Mayor Yates *commented on behalf of myself and Mrs. Chipperson, we thank Amanda Richardson and Kate Barry for running. The Township is always well served by competitive elections. We appreciate Amanda and Kate for offering themselves to the voters of Harding.*

Township Committee Member Modi – commented that the Township has received the final application, Part 1 approval which allows the Township to move forward with Part 2 which are public hearings. The first public hearing is scheduled for January 28, 2021, with a snow date of February 4, 2021. Mr. Modi explained that in the coming weeks, residents will see very large signs in multiple locations in town that are all related to the Glen Alpin Disposal/Diversion process. If there are questions, they can be raised at that time. It's very exciting, it's a big step forward, and the subcommittee wanted to share this with everyone this evening. Mayor Yates reported that these meetings will be advertised. The State was very specific with the signs and their size, and residents will notice this on the Glen Alpin site when driven by as well as by the Gatehouse property.

Township Committee Member Jones – commented that the signs will be three (3) 4 feet by 8 feet, the color was determined by them which is green with white letters, and will be at two locations on Glen Alpin.

Steve Balog, resident – commented was this approval hearing expected. Township Committee Member Modi commented that the subcommittee has after six (6) years realized that there was nothing that was guaranteed. Mr. Modi commented we were hopeful, optimistic, and went above and beyond to comply with the repeated requests, back and forth. The hearings happen in rapid session. Township Committee Member Jones commented that to summaries the hearings is impossible. What will happen is on January 28, 2021, launches the hearings. There will be four (4) hearings that night. Everything that happens afterwards, is based on what goes on January 28, 2021. There will be another type of hearing 90 days after January 28, 2021. There are many moving parts and is all good.

Mayor Yates – commented that we all owe Mr. Modi and Mr. Jones a great debt of gratitude. While this diversion process exists statutorily, no one that the Township has dealt with in Trenton wanted to do this diversion. It has been a miserable process, dragging them along, continually pointing out you do not have a choice this is what the statutes say, etc. A question was asked, if the Township was the first to break through. Mr. Modi commented that in this context, the Township is breaking new ground. Normally, you will see a diversion in other areas, usually utilities. To do what the Township is doing, this is all new ground. Mr. Roselli commented that it is not an everyday occurrence. If the Township is successful, it will be rare. Mayor Yates commented that Harding had the stamina to spend six (6) years, where most would have dropped out along the way. Mr. Modi commented that the Township owes a debt of gratitude to Mr. Falzarano because to navigate what the Township is doing, requires 40 plus years of experience to be able to make sense of it.

Mr. Falzarano -- commented what is unique about this diversion is that it is usually slivers of land, for Harding there is a structure involved which is a historic structure this combined with overlapping easements with the County and Historic Preservation makes this very difficult and very unique.

Township Committee Member Platt – thanked Mr. Modi and Mr. Jones for putting all that work in. There is additional stamina of past Township Committees that may have borne proof this evening as today we received communication from Commissioner Gutierrez-Scaccetti of the NJDOT. This was a quest that started in 2004. It is in regards to the Dickson's Mill Bridge. It looks that the Township has received some traction and the Township may be able to have a narrower bridge. The County has indicated that they would support whatever the State came up with as long as they would fund the bridge. It looks as if the State is willing to fund the narrower bridge.

With no further comments from the public, Mayor Yates closed the public comment section at 7:59 pm.

ORDINANCES FOR SECOND READING:

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

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

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

TOWNSHIP OF HARDING

ORDINANCE #13-2020

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

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

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

The Municipal Clerk Stated that legal notice was sent for publication on November 9, 2020 to the Observer Tribune indicating that Ordinance #13-2020 was introduced and passed on first reading at the November 9, 2020 meeting and indicated that the second reading and public hearing were to be held on December 14, 2020 at 7:30 pm on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

Mayor Yates opened the public hearing on the Ordinance and stated any member of the public in the room or on the GoToMeeting may be heard.

Mayor Yates explained hearing no comments closed the public hearing at 8:01 pm

Township Committee Member Modi offered Ordinance #13-2020 and moved its adoption.

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

Township Committee Member Jones seconded the motion.

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

Vote on Adoption:

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

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

Township Committee Member Modi – *commented he wanted to confirm that the Township was very specific with in ordinance and in the zoning that there would be no interruption in the access to Blackwell and Sand Spring Road and wanted to understand why Harding was being asked to extend the sewer area for the Mt. Kemble property. Mr. Roselli, Township Attorney reported that as part of the Development of MKE that area did not have existing sewer and it needed sewer from Morris Township. It is not currently in the Morris Township sewer area so what happens is that Paul Fox, Township Engineer, received a letter from the Engineer for MKE indicating that they submitted the application for extension of the sewer to the MKE site. Typically what NJDEP asks the community in which the sewer will be located, that they are aware of it, and that they are consenting to the extension of the sewer service area for that particular site so that it can be provided.*

Mr. Falzarano *commented when he received the request he sent a series of questions to the engineer regarding this request to ensure that the development that was approved on the plan were not going to be modified. The questions asked were:*

- 1. Total number of units, including affordable units, was there any change there from the concept plan -- Response was no.*
- 2. Extension of the sewer service area beyond the original project area (will it go outside the envelope of the concept plan project area) -- Response was no.*
- 3. Was there any increase in the building height that is authorized by the ordinance? -- Response was no height will remain the same. .*
- 4. Will this require a new sewerage station for the Township? -- Response was no, they are connecting to the Morris Township sewer line.*
- 5. Will there be connection required to the existing Harding Township sewer pumping station. Response was no, the sewer line connection will be to Morris Township*
- 6. Will the pumping station need to be upgrade? Response was no, there is no requirement to upgrade the existing Harding Township sewer pumping station. The sewer line connection will be to Morris Township.*
- 7. Will the number of parking spaces increase or decrease or remain as proposed? Response was the number of spaces will remain the same.*

8. *Will the access to the development still be through the adjacent office complex; not through Frederick Place in Morris Township or Blackwell in Harding Township? Response was no it remains through the office complex.*

Mr. Falzarano explained the above were the questions asked. Mr. Modi thanked Mr. Falzarano. Mayor Yates commented that they will present their site plan to the Planning Board for approval in the first quarter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Yates asked for a motion to accept Resolution TC 20-172. A motion was made by Mr. Jones and seconded by Mayor Yates. Mayor Yates asked the Municipal Clerk to call the roll. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

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

Mr. Roselli reported that the Farm closed on November 30, 2020 and the Township received a request from Mr. Ricco from L&T that they would like to update flooring in the apartments by replacing the carpets with tiling. They are applying to the Morris County Community Development Block Grant Program for a \$100,000 grant and as part of that process, the MCCDBGP requires two (2) consent resolutions; Resolution 20-186 is a resolution that shows the Township is aware of this application and the Township

makes no objection to this. Resolution TC 20-187 is since the Township is providing Affordable Housing the Municipality as part of the JIF is not allowed to discriminate. As part of the application, these two (2) resolutions are required for L&T to submit grant program.

Mayor Yates commented that this is an example as one of the reasons the farm was sold because these types of grants are not available to Municipalities but are available for a not for profit. Mr. Roselli commented that it is easier for L&T to obtain it and in this incidence, the Township is aware of it and not opposing it.

Chris Allyn, Mt. Kemble Lake – commented the Township has no ownership interest in that property anymore and the acknowledgement bears no relationship to an ownership interest. Mr. Roselli responded correct.

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

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

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

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

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

WHEREAS, pursuant to the Fair Housing Act and the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.), and N.J.S.A. 40A:20-1 et seq., the Township authorized a private sale of The Farm at Harding to L & T Affordable Housing Urban Renewal Corporation, a New Jersey not-for-profit and urban renewal corporation (hereinafter “L&T”) by Ordinance No. 15-2019 duly adopted at a public meeting held on December 9, 2019, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

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

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

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

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

Mayor Yates asked for a motion to accept Resolution TC 20-186. A motion was made by Mr. Jones and seconded by Mayor Yates. Mayor Yates asked the Municipal Clerk to call the roll. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

Mayor Yates reported that this is the second of the two resolutions requested from L&T.

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

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

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

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

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

Mayor Yates asked for a motion to accept Resolution TC 20-186. A motion was made by Mr. Jones and seconded by Mayor Yates. Mayor Yates asked the Municipal Clerk to call the roll. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

Mayor Yates reported that Resolutions TC 20-172, 20-186, and 20-187 are being removed from the Consent Agenda for further discussion.

RESOLUTIONS TC 20-168 THROUGH RESOLUTION TC 20-189 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asked Township Committee Member Modi to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 20-168 through TC 20-189 (TC 20-172, 20-186, and 20-187 were removed)

Township Committee Member Modi made a motion to accept the resolutions placed on this evening's Consent Agenda by consent of the Township Committee. 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	1 st	<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"/>

CONTRACTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, it is necessary to increase the authorization for the services of Greener By Design LLP, under their professional services contract to perform redevelopment tasks; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$10,000.00 from account number #01-2020-1110-0100-2-00020; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCE:

Resolution TC 20-174– Bill List

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Township of Harding, pursuant to N.J.S.A. 40 A: 11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program, the Morris County Cooperative Pricing Council, Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO to purchase goods or services, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System for any State or County contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, the Morris County Cooperative Pricing Council, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System as approved by TC Resolution #20-049; and

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

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

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

BE IT RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, State of New Jersey, authorizes the Purchasing Agent to purchase certain goods or services from Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO pursuant to all conditions of the individual State,

Morris County, Somerset County and Middlesex Regional Educational Services Commission Cooperative Pricing System Cooperative contracts; and

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

BE IT FURTHER RESOLVED, that the duration of the contracts between the Township of Harding and the Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO Contract Vendors shall be from January 1, 2020 to December 31, 2020.

Resolution TC 20-178 – Resolution to Transfer Funds

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

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

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

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

Current Fund Budget

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

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

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

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

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

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

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

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

WHEREAS, as part of the sales transaction, it is necessary for the Township of Harding to assign all leases, including amounts past due under said leases, rents that the Township may have receive on or after December 1, 2020 and all security deposits being held by the Township of Harding for tenants at The Farm in the amount of \$21,531.88 plus any additional interest accrued thereafter; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OUTSTANDING CHECK

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MISCELLANEOUS: NONE

PERSONNEL:

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

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

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

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

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

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

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

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

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

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Sophia Gomez as a police intern in which she will be receiving college credits from Montclair State University for her successful completion of the internship program.

ORDINANCE FOR FIRST READING: NONE

RESOLUTION TC 20-190 – Executive Session

Mayor Yates asked for a motion to adjourn into Executive Session. A motion was made by Mr. Jones, seconded by Mr. Modi. Mayor Yates asked for a roll call. Mrs. Sharp called the roll.

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

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

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

Contracts:

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

Personnel:

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

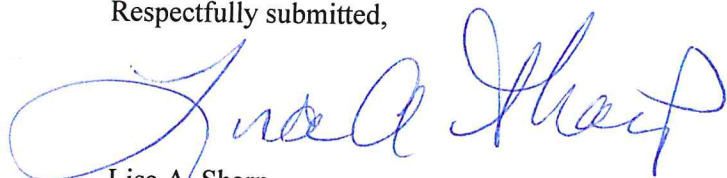
Vote on Resolution:

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

ADJOURNMENT – Mr. Yates

With no further comments or questions, the meeting adjourned into Executive Session at 8:20 pm.

Respectfully submitted,



Lisa A. Sharp
 Municipal Clerk