## HARDING TOWNSHIP COMMITTEE **MONDAY, JANUARY 17, 2023 IN-PERSON**

## **EXECUTIVE SESSION at 5:30 PM REGULAR MEETING AGENDA at 7:00 PM** Kirby Hall, Blue Mill Road, New Vernon, New Jersey **MEETING MINUTES**

### CALL MEETING TO ORDER - Mayor

Mayor Jones called the January 17, 2023 Township Committee meeting to order at 5:34 pm.

ADEQUATE NOTICE of this January 17, 2023, meeting of the Harding Township Committee was sent to the Observer Tribune on January 5, 2023 and published in the Observer Tribune on January 12, 2023.

Mayor Jones announced that adequate notice of this January 17, 2023 Township Committee meeting was called in accordance with the Open Public Meeting's Act.

**ROLL CALL – Municipal Clerk** 

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr.

Jones

Mayor Jones asked the Municipal Clerk for a roll call.

Mrs. Sharp called the roll as follows:

Present: Ms. Chipperson, Dr. Lacz, Mr. Yates, Mr. Jones

Absent: Mr. Platt

Also Present: Mr. Falzarano, Township Administrator; Mr.

> Edwards, Township Counsel, Mr. DeNave, Assistant Administrator; *Township* Mr. Coskey.

Redevelopment Attorney; and Ms. Mertz, Planner

Public Present: None

#### RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Jones asked for a motion to recess into Executive Session. A motion was made by Township Committee Member Lacz and seconded by Township Committee Member Chipperson. Mrs. Sharp called the roll.

#### Resolution TC 23-060- Resolution to Recess into Executive Session

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

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

## **Contracts:**

- 1. Hurstmont Redevelopment Plan R. Goldsmith & M. Mertz
- 2. Glen Alpin Sale & Redevelopment R. Goldsmith
- 3. Highlands T. Jones
- 4. KRE Settlement Agreement M. Edwards

#### Litigation:

1. Verizon - M. Edwards

## **Vote on Resolution:**

Ms. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones	MOTION  1st 2nd	FOR APPROVAL	AGAINST APPROVAI		TAIN	ABSENT	
RECONVENE INTO PUBLIC SESSION – Mayor  Mayor Jones reconvened the public session at 7:09 pm.							
ROLL CALL – Municipal Clerk  Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones							
Mayor Jones as	sked the Mu	Mayor Jones asked the Municipal Clerk for a roll call.					

Present:

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr.

Jones

Absent:

None

Also Present:

Mrs. Sharp called the roll as follows:

Mr. Falzarano, Township Administrator; Mr.

Edwards, Township Counsel, Mr. DeNave, Assistant

Township Administrator

Public Present:

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## PLEDGE OF ALLEGIANCE - Mayor

Mayor Jones led members of the Township Committee and members of the public in 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 5, 2023 and published in the OBSERVER TRIBUNE on January 6, 2023; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 6, 2023, and Notice was filed with the Municipal Clerk on January 6, 2023.

Mayor Jones announced that adequate notice of this January 17, 2023, Township Committee meeting was called in accordance with the Open Public Meeting's Act.

# RESOLUTION TC 23-061 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asked Township Committee Member Lacz to proceed with Resolution TC 23-061.

Township Committee Member Lacz read the following:

**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: **January 5, 2023.** 

Mayor Jones asked for a motion to accept the Township Committee meeting minutes.

Township Committee Member Lacz made a motion to accept the Township Committee Minutes for January 5, 2023, seconded by Township Committee Member Chipperson.

Mayor Jones 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. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones	2 <sup>nd</sup> 1 <sup>st</sup>				

### ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE - NONE

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

**DISCUSSION ITEMS: NONE** 

#### MEETING OPEN TO THE PUBLIC

#### NOTICE OF PUBLIC COMMENT TIME LIMIT

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

Mayor Jones opened the public comment portion of the meeting for public comment at 7:11 pm. Upon no comments from members of the public, the public comment period was closed at 7:11 pm.

#### ORDINANCES FOR SECOND READING -- NONE

ADD-ON RESOLUTIONS: NONE

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

#### CONSENT AGENDA

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

## RESOLUTIONS TC 23-062 THROUGH RESOLUTION TC 23-071 HAVE BEEN PLACED ON THE CONSENT AGENDA

#### **CONSENT AGENDA VOTE:**

**Mayor Jones** asked Township Committee Member Chipperson to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 23-062 through TC 23-071.

Township Committee Member Chipperson 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 Lacz.

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

## Vote on Resolution:

	MOTION	FOR	<b>AGAINST</b>	ABSTAIN	ABSENT
		APPROVAL	APPROVAL		
Ms. Chipperson	1 <sup>st</sup>	$\boxtimes$			
Dr. Lacz	2 <sup>nd</sup>	$\boxtimes$			
Mr. Platt		$\boxtimes$			
Mr. Yates		$\boxtimes$			
Mr. Jones		$\overline{\boxtimes}$			
		_	_	_	

#### **APPOINTMENTS:**

Resolution TC 23-062 – Resolution to Appoint Konstantinos Pappas as a Department of Public Works Laborer

**BE IT RESOLVED,** that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby appoints Konstantinos Pappas as a full-time laborer in the Department of Public Works; and

**BE IT FURTHER RESOLVED,** that the salary for this position is \$47,380.00 with a start date of February 1, 2023, which will be prorated for the remainder of 2023.

#### **CONTRACTS:**

#### Resolution TC 23-063 – Resolution to Award a Maintenance Contract to DeBlock Environmental

WHEREAS, Emergency Response back-up services are required for the Harding Township Sewage Collection System; and

WHEREAS, DeBlock Environmental Services, LLC submitted a contract proposal dated January 6, 2020; and

WHEREAS, the Harding Township Purchasing Agent has reviewed the contract proposal; and

WHEREAS, the Harding Township Committee authorized the award of contract by approving Resolution TC 20-064; and

WHEREAS, the Harding Township Committee authorized Resolution TC 22-065 for a one year renewal for the year 2022; and

WHEREAS, it has been determined that it is in the best interest of the Township to exercise its' final option to renew the contract for the year 2023, for an amount not to exceed as follows:

Year 2023	Licensed Operator	Special Project Hourly Rate (Est. 40 hrs.)	Emergency Response Hourly Rate (Est. 12 hrs.)	Total
DeBlock Environmental	Lump Sum	\$115/hr.	\$95/hr.	
Services, LLC	\$1,320	\$4,600	\$1,140	\$ 7,060

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the contract for 2023 submitted by DeBlock Environmental Services, LLC is hereby approved.

# Resolution TC 23-064 – Resolution to Authorize an Increase to the Professional Services Contract for Dorsey & Semrau

WHEREAS, at the January 3, 2022 Township Committee meeting, the Township Committee authorized \$30,000.00 for the services of Dorsey & Semrau, under their professional services contract; and

WHEREAS, at the November 14, 2022 Township Committee meeting, the Township Committee authorized an additional \$10,000.00 for the services of Dorsey & Semrau, under their professional services contract; and

WHEREAS, it is necessary to increase the authorization for the services of Dorsey & Semrau, under their professional services contract to perform special tax council services; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$4,000.00 from account number #01-2022-1150-0151-2-00035; and

WHEREAS, the total amount shall not exceed \$44,000.00.

**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.

Special Tax Council

1/1/22 to 12/31/22 Not to exceed \$44,000.00 01-2022-1150-0151-2-00035

# Resolution TC 23-065 – Resolution to Authorize an Increase to the Professional Services Contract for the Tree Conservation Officer

WHEREAS, at the January 3, 2022, Township Committee meeting, the Township Committee authorized \$5,000.00 for the services of John d. Linson, under their professional services contract; and

Harding Township Committee Agenda January 17. 2023 Regular Meeting

WHEREAS, it is necessary to increase the authorization for the services of John D. Linson, under their professional services contract to perform Tree Conservation Officer services; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$3,000.00 from account number # 01-2022-1165-0165-2-00038; and

WHEREAS, the total amount shall not exceed \$8,000.00.

**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.

Tree Conservation Officer

1/1/22 to 12/31/22 Not to exceed \$8,000.00 01-2022-1165-0165-2-00038

Resolution TC 23-066 – Resolution to Designate A Conditional Redeveloper and Authorize the Execution of a Conditional Redeveloper Designation and Escrow Agreement for the Glen Alpin Parcel Pursuant to N.J.S.A. 40:A12A-1 et seq.

WHEREAS, on November 19, 2018, the Township Committee of Harding Township adopted Resolution #18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue (the "Hurstmont Parcel") and Block 34, Lot 1 (the "Glen Alpin Parcel") (collectively referred to as the "Redevelopment Study Area") qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, et seq. (the "Redevelopment Law"); and

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

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

WHEREAS, the Harding Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution #TC-073, designated the Redevelopment Study Area as a "non-condemnation" redevelopment area; and

**WHEREAS**, on May 13, 2019, on behalf of Harding Township, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the "Glen Alpin/Hurstmont H 01-13-2023

**Redevelopment Plan**"), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A.* 40A:12A-7; and

WHEREAS, the Planning Board considered the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of May 20, 2019, and determined such plan to be consistent with the Harding Township Master Plan and submitted a report of its review of the Glen Alpin/Hurstmont Redevelopment Plan dated June 3, 2019, to the Harding Township Committee; and

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

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

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

WHEREAS, on June 24, 2019, the Harding Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance #13-2019; and

**WHEREAS,** on June 24, 2019, the Harding Township Committee designated Hurstmont Estate Acquisition, LLC as the "Redeveloper" of the Hurstmont Parcel pursuant to Township Resolution No. TC 19-136; and

WHEREAS, on September 30, 2019, the Harding Township Committee adopted Ordinance #16-2019 to amend the Glen Alpin/Hurstmont Redevelopment Plan; and

**WHEREAS**, the Harding Township Committee desires to designate Glen Alpin Preservation Partners, LLC as the conditional redeveloper (the "Conditional Redeveloper") of the Glen Alpin Parcel, subject to the negotiation and execution of a redevelopment agreement; and

WHEREAS, the Harding Township Committee shall during the Interim Period, as defined in the Conditional Redeveloper Designation and Escrow Agreement, negotiate exclusively with the Conditional Redeveloper with regard to the concept for the redevelopment of the Glen Alpin Parcel; and

**WHEREAS**, the Redevelopment Law, *N.J.S.A.* 40A:12A-8, authorizes the Township to arrange for or contract with a selected redeveloper for the planning, construction and/or undertaking of any project or redevelopment work upon the adoption of a redevelopment plan; and

WHEREAS, the parties shall negotiate in good faith a redevelopment agreement upon the execution of the Conditional Redeveloper Designation and Escrow Agreement and the deposit of Escrow Funds, as defined within the agreement; and

WHEREAS, the Harding Township Committee desires to authorize the execution of the Conditional Redeveloper Designation and Escrow Agreement with the Conditional Redeveloper for the purpose of establishing a framework for the negotiation and execution of a redevelopment agreement.

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

- 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
- 2. Glen Alpin Preservation Partners, LLC is hereby conditionally designated as Conditional Redeveloper of the Glen Alpin Parcel.
- 3. The within designation is expressly contingent upon the execution of a Conditional Redeveloper Designation and Escrow Agreement by January 31, 2023, and in accordance with the terms thereof, and is also made for a limited period until August 1, 2023, unless extended by the Harding Township Committee.
- 4. The Mayor is authorized to execute the Conditional Redeveloper Designation and Escrow Agreement.

#### FINANCE:

#### Resolution TC 23-067 – 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 23-068 – 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 previous budget 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 previous budget 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:

## 2022 Current Fund Budget

 $\overline{\text{FROM}}$ :

Group Insurance – Other Expenses \$4,000 Cost of Tax Appeal – Other Expenses \$4,000

TOTAL: \$4,000 TOTAL: \$4,000

## Resolution TC 23-069 – Resolution to Cancel Certain Capital Ordinance Balances

WHEREAS, certain General Capital Ordinance balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended funded balances may be returned to the Capital Improvement Fund or credited to Capital Surplus, and unfunded debt authorizations may be cancelled; and

WHEREAS, Capital Ordinances with balances to be cancelled are as follows:

Capital Ordinance	Description		Balance
		Φ.	27.0. 20.22.2.10.000.0000
05-14	Affordable Housing	\$	37,500.00
06-10	Affordable Housing	\$	37,500.00
07-11	Design/COAH - New Units	\$	14,000.00
13-03	COAH - Various Improvements	\$	50,000.00
14-04	COAH - Various Improvements	\$	86,000.00
	\$	225,000.00	

Error! Not a valid link.BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey that the unexpended and dedicated Capital Ordinance balances listed above be cancelled and funded balances returned to the Capital Improvement Fund or credited to Capital Surplus and unfunded debt authorizations cancelled.

## Resolution TC 23-070 - Resolution to Authorize the Purchase of a Police Vehicle

WHEREAS, there is a need to purchase vehicles for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account #04-2022-202205-4007-4- 04062 in the amount of \$38,801.00; and

WHEREAS, public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

**WHEREAS**, Hertrich Fleet Services, Inc, 1427 Bay Road, Milford, DE is an approved vendor under 47-CPCPS (Crandord Co-Op)

**BE IT RESOLVED,** by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

	State Contract/				
Vendor	Cooperative #	Department	Quantity	Item	Price
Hertrich Fleet	Cranford Police	Police	1	White Dodge	\$38,801
Svcs, Inc	Cooperative Pricing			Durango SUV	
	System 47-CPCPS				
				TOTAL:	\$38,801

#### **MISCELLANEOUS:**

# Resolution TC 23-071 – Resolution to Authorize Submission of a Highlands Initial Assessment Grant Application

WHEREAS, in recognition of the costs associated with local government efforts to confirm to the Regional Master Plan (RMP), the Highlands Act provided a funding mechanism through the creation of the Highlands Protection Fund; and

WHEREAS the Highlands Protection Fund includes significant grant funds that are available for municipalities and counties seeking to conform or considering voluntary conformance with the RMP; and

WHEREAS, the Highlands Water Protection and Planning Council (Highlands Council) has adopted an initial Assessment Grant Program. This grant program will fund preliminary Municipal and County Plan Conformance activities for lands throughout the Highlands Region. These grants will allow local jurisdictions and counties to engage their professionals to assess the requirements and benefits of Plan Conformance; and

WHEREAS the Township of Harding believes that it is in the best interest of the Township of Harding to apply to the Highlands Council for an initial Assessment Grant to assist it in assessing whether it is in the Township's best interest to conform voluntarily with the Regional Master Plan.

**BE IT RESOLVED,** that the Township Committee of the Township of Harding, County of Morris, State of New Jersey, herby authorizes the submission of the aforementioned Highlands Initial Assessment Grant Application to the Highlands Council.

#### ORDINANCES FOR FIRST READING

ORDINANCE #01-2023 – Ordinance of the Township of Harding, County of Morris, State of New Jersey Adopting an Amendment to the Glen Alpin/Hurstmont Redevelopment Plan"

Mayor Jones asked Township Committee Member Yates to introduce Ordinance #01-2023.

Township Committee Member Yates introduced Ordinance #01-2023 by title as follows:

## HARDING TOWNSHIP ORDINANCE #01-2023

## "AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY ADOPTING AMENDMENT TO THE GLEN ALPIN/HURSTMONT REDEVELOPMENT PLAN"

Township Committee Member Yates explained this ordinance is to finalize the Redevelopment Plan for Hurstmont and reflects final comments from both sides. Township Committee Member Yates read the following:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on January 17, 2023.

**BE IT RESOLVED,** that at the Township Committee meeting to be held on February 14, 2023 at 7:00 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 Yates offered Ordinance #01-2023 as amended and moved its introduction, seconded by Township Committee Member Chipperson.

Mayor Jones asked 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. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones	2 <sup>nd</sup> 1 <sup>st</sup>				

## ADJOURNMENT - Mr. Jones

With no further comments, Mayor Jones asked for a motion to adjourn the meeting. Upon a motion made by Township Committee Member Yates, seconded by Township Committee Member Chipperson and upon a vote of all ayes, none opposed, the meeting adjourned at 7:15 pm.

Respectfully submitted,

Ale Ol Huse of

Lisa A. Sharp Municipal Clerk