

HARDING TOWNSHIP COMMITTEE
MONDAY, JANUARY 28, 2019
REGULAR MEETING MINUTES
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the regular meeting of the Harding Township Committee to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates led 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 8, 2019, and published in the *OBSERVER TRIBUNE* on January 10, 2019; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 8, 2019, posted on the Harding Township website, and Notice was filed with the Municipal Clerk on January 8, 2019.

Mayor Yates announced that Adequate Notice of the Harding Township Committee was called to order in accordance with the Open Public Meetings Act. Mayor Yates asked for a roll call.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. There were about 24 members of the public in attendance.

RESOLUTION TC 19-060 -- RESOLUTION TO ADOPT 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: **January 14, 2019**; and

Mayor Yates asked if the Township Committee had any comments or questions regarding the January 14th meeting minutes. Upon a motion made by Mr. Jones, seconded by Mr. Platt, and with a roll call vote of all ayes, none opposed, the Township Committee meeting minutes were accepted.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – NONE

DISCUSSION ITEMS

1. 2019 Harding Township Budget Presentation – Andy Fiore

Mr. Fiore provided a presentation to members of the Township Committee and members of the public regarding the 2019 Harding Township Budget and 2019 Capital Budget. A copy of the presentations are appended to these minutes. Mr. Shah and Mr. Fiore answered questions from members of the public.

A discussion ensued regarding slide #16 (appropriation drivers).

Mrs. McHale, resident, asked if there any savings in shared services. Mr. Falzarano, Township Administrator responded that the Township saved \$34,000.00 with the reduction in cost of the Morris County Shared Services Contract. Mr. Platt mentioned that there are some areas that could fit in the shared services category. Mayor Yates explained that the Township has saved about \$100,000 with the shared services in the Municipal Joint Court. Mrs. McHale asked if shared services could be done with the school. Mayor Yates explained it is harder to do shared services with the school.

Mr. Balog asked why the fines and fees are down with the Joint Court. Mayor Yates explained it depends, this is an area that is hard to project.

Ms. Sarah Churgin, resident, asked if the Township would be anticipating taxes with the new zoning on Route 202. Mayor Yates explained the Township is not using any revenue forecasts.

Mrs. Christina McKittrick, resident, asked if there is revenue for the cell tower included in this presentation. Mr. Falzarano responded with no.

Mr. Himanshu Shah reported that Harding Township is ready with their 2019 budget but the State is not, therefore, the budget will be presented in March and then adopted in April.

Mayor Yates reported that the Township has reval this year and in 2020 there will be new tax rates. Mayor Yates explained that the Township will ask for a request for proposal for the valuation company. Mr. Falzarano reported that there will be a timeline which will show when the reval company is hired. Mr. Shah explained that information will be sent to all homeowners and there will be time to speak with the reval company. Mrs. McHale, resident, asked what the tax delinquency rate is for Harding. Mayor Yates responded that the Township's collection rate is about 99%. Mr. Shah explained that the reval is not meant to increase tax revenue. It is a neutral, fair assumption of market value.

Mr. Boyan, resident, asked how the Farm at Harding's revenue and expenses are tracked. Mr. Shah explained that they are tracked separately. Mayor Yates reported that the Township is seriously looking at the operations of the Farm. Capital needs will increase sharply.

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 Yates opened the meeting to members of the public at 7:40 p.m. for public comment.

Mr. Peter Allen, resident, read a statement regarding the Glen Alpin/Hurstmont Diversion. The following are a few statements from Mr. Allen; 1) Is there a provision to ensure age restriction; 2) Why should it all be on Mt. Kemble Avenue; 3) Tempe Wick Road is a historic space. Mayor Yates responded that much of what Mr. Allen said will fall out of the redevelopment study.

Mr. Jones, Committee Member, remarked that about twelve years ago the Township had complained about several telephone poles which were leaning. Mr. Jones explained that he is happy to report several of these poles have been removed and the Township has several new straight poles. A comment was made that not all poles that are leaning have been removed.

With no further comments from the public, Mayor Yates closed the Public Comment at 8:30 pm.

ORDINANCES FOR SECOND READING

ORDINANCE #01-2019 – AN ORDINANCE AMENDING CHAPTER 171 OF THE TOWNSHIP CODE ENTITLED “FEES” AND SPECIFICALLY CHAPTER 171-1 ENTITLED “PURPOSE; FEE SCHEDULE ESTABLISHED”

Mayor Yates asks Township Committee Member Modi to introduce Ordinance TC #01-2019.

Township Committee Member Modi introduced Ordinance TC 01-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #01-2019
AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 171 OF THE
TOWNSHIP CODE ENTITLED “FEES” AND SPECIFICALLY CHAPTER 171-1 ENTITLED
“PURPOSE; FEE SCHEDULE ESTABLISHED”**

Mr. Modi explained this Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

The Municipal Clerk States: Mrs. Sharp explained that a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #01-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mr. Falzarano explained that this ordinance enables the Township Committee to pass a resolution now. The fees have not been changed in two years. The fees will be amended by 2%.

Mayor Yates: Seeing no one wishes to be heard, Mayor Yates closed the public hearing.

Township Committee Member Modi offered Ordinance #01-2019 and moved its adoption.

BE IT RESOLVED, that this Ordinance was read by title on second reading, after the public hearing at this meeting, adopted and finally passed. Township Committee member Jones seconded the motion.

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

Vote on Adoption:

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

ORDINANCES FOR SECOND READING

ORDINANCE #02-2019 – AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY 7-31 ENTITLED “POLICE DEPARTMENT”

Mayor Yates asked Township Committee Member DiTosto to introduce Ordinance TC #02-2019.

Township Committee Member DiTosto introduces Ordinance TC #02-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #02-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY 7-31 ENTITLED “POLICE DEPARTMENT”

Mrs. DiTosto explained that this Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

***The Municipal Clerk states:** Mrs. Sharp explained that a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #02-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.*

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Yates: Seeing no one wishing to be heard, Mayor Yates closed the public hearing.

Township Committee Member DiTosto offered Ordinance #02-2019 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 Platt seconded the motion.

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

Vote on Adoption:

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

ORDINANCES FOR SECOND READING

ORDINANCE #03-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 171-3 REGARDING DEVELOPMENT FEES

Mayor Yates asked Township Committee Member DiTosto to introduce Ordinance TC #03-2019.

Township Committee Member DiTosto introduced Ordinance TC #03-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #03-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 171-3 REGARDING DEVELOPMENT FEES

Mrs. DiTosto explained that this Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

***The Municipal Clerk States:** Mrs. Sharp explained that a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #03-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.*

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mr. Dietz, resident, asked if this creates a new trust fund. Mr. Roselli, Township Attorney, explained that development fees were adopted by the State in 2005. There is a COAH Trust fund which about 2.5% is accessed commercial and 1.5% is residential.

Mayor Yates: Seeing no one else wishing to be heard, Mayor Yates closed the public hearing.

Township Committee Member DiTosto offered Ordinance #03-2019 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 Platt seconded the motion.

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

Vote on Adoption:

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

ORDINANCES FOR SECOND READING

ORDINANCE #04-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING THE GENERAL CODE OF THE TOWNSHIP OF HARDING BY REPLACING PART 5 OF CHAPTER 225, ENTITLED “AFFORDABLE HOUSING REGULATIONS,” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS

Mayor Yates asked Township Committee Member DiTosto to introduce Ordinance TC #04-2019.

Township Committee Member DiTosto introduced Ordinance TC #04-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #04-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING THE GENERAL CODE OF THE TOWNSHIP OF HARDING BY REPLACING PART 5 OF CHAPTER 225, ENTITLED “AFFORDABLE HOUSING REGULATIONS,” TO ADDRESS THE REQUIREMENTS OF THE FAIR

HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

Mrs. DiTosto explained that this Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

***The Municipal Clerk States:** Mrs. Sharp reported that a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #04-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.*

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Ms. Sarah Churgin, resident, asked if there was going to be strip malls. Mr. Roselli, explained that this Ordinance is for how the Township files their notices.

Mr. Peter Allen, resident, asked if the Township was going to consider anything different with Hurstmont. Mayor Yates responded that is part of the redevelopment study.

Mayor Yates: Seeing no one else wishing to be heard, Mayor Yates closed the public hearing at 8:40 p.m.

Township Committee Member DiTosto offered Ordinance #04-2019 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 Modi seconded the motion.

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

Vote on Introduction:

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

ORDINANCES FOR SECOND READING

ORDINANCE #05-2019 – "AN ORDINANCE OF THE TOWNSHIP HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE A AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS, AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP"

Mayor Yates asked Township Committee Member DiTosto to introduce Ordinance TC #05-2019.

Township Committee Member DiTosto introduced Ordinance TC #05-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #05-2019**

"AN ORDINANCE OF THE TOWNSHIP HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE A AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS, AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP"

This Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

The Municipal Clerk States: *Mrs. Sharp reported that a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #05-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns, to the Morris County Planning Board, and to all parties within the 200 foot list zones.*

Mr. Roselli, Township Attorney, explained that on page 4, paragraph D-Maximum Residential Densities, section (2) letter I, the Block should be 46.01 not 43.01 and on page 5, Section III top paragraph sentence four, Block 46.01 is missing Lots 10 and 13.02. The notice for this ordinance was properly noticed. Therefore, the Township Committee will make a motion to accept the changes and then make a motion to adopt the Ordinance.

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Yates read a prepared statement from the Township Planner (a copy is appended to these minutes). Mayor Yates explained that the corrections do not affect any areas where the overlay zone is.

Mr. Dietz, resident, mentioned that the zoning maps exclude some Open Space. It is critical that the map be accurate. Mayor Yates replied you are correct, this is a process. The Township is looking at ways on how to include it on the zoning map.

Ms. Churgin, resident, asked what is going on the map. Mr. Roselli, Township Attorney, explained two items are going on the map; 1) Block 46.01, Lot 7, the CPNJ Group Home (Township owned parcel) and 2) AHO1 – AHO2 lots and block and lots identified in the Ordinance on page 4. A discussion ensued regarding the overlay zone. The reason for the overlay; a property owner could develop per the overlay zone. They would have to present a plan. They could possibly have sewer by way of Bernard's Township. No Developer can force a property owner to sell their property.

Mr. Peter Allen, resident, asked what the rules on Hurstmont are. Mr. Roselli, Township Attorney, explained there are very specific requirements. Mayor Yates mentioned that Hurstmont is not being rezoned.

Mayor Yates explained that an applicant would have to go before the Planning Board. All this does is zone it. An applicant would have to meet all the County and State ordinances.

Ms. Goldberg, resident, asked if the overlay zone is a line to have public sewer and water. Mayor Yates responded with no. They can meet with septic, but water is hard. Cannot offer a property that is an island. If it is not realistic, the court will not accept it.

Mr. Peter Allen, resident asked if the Township is looking at Hurstmont as a redevelopment area. Mr. Roselli, Township Attorney responded with yes. Mayor Yates explained that there will be multiple opportunities for public hearings.

Ms. Goldberg, resident, asked if this is up in 2025. Mayor Yates explained this round is up in 2025. The state will look at regional growth in the future.

Mr. Modi stated that if you have concerns, look at the Township website and attend the Planning Board and Township Committee meetings.

Mayor Yates: Seeing no one else wishing to be heard, Mayor Yates closed the public hearing.

Mayor Yates asked for a motion to accept the amendments to TC Ordinance #05-2019. Upon a motion made by Mrs. DiTosto, seconded by Mr. Platt, and with a roll call vote of all ayes, none opposed, the amendments to Ordinance #05-2019 were accepted.

Township Committee Member DiTosto offered Ordinance #05-2019 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 called the roll.*

Vote on Adoption:

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

ORDINANCES FOR SECOND READING

ORDINANCE #06-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”

Mayor Yates asked Township Committee Member DiTosto to introduce Ordinance TC #06-2019.

Township Committee Member DiTosto introduces Ordinance TC #06-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #06-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”

This Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

***The Municipal Clerk States:** Mrs. Sharp reported a legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #02-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.*

Mayor Yates: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mr. Roselli, Township attorney explained that Ordinance #06-2019 will require a minor amendment to page 2, Paragraph B, last sentence the word “below” should be “herein”. Mr. Roselli reported that Mr. Gary Hall, Planning Board Attorney provided a memorandum to the Harding Township

Committee from the Planning Board who reviewed the four ordinances for Master Plan consistency. The Planning Board determined that all of the pending ordinances were consistent with the Master Plan, subject to one exception; Ordinance #06-2019 which would repeal and replace Article XXXVI, entitled Affordable Accessory Resident Program, consisting of Sections 225-165 and 166. Mr. Roselli explained that the Township has an ordinance from 2009 that is exactly the same as ordinance #06-2019. The Township Committee believes it is consistent, the language did not change, and there is consistency from 2009. The law allows the Township Committee to adopt a resolution per Chapter 40:55D-62 describing why they disagree and adopt by majority of the Township Committee. Based on review of the resolution to be adopted and provided by the Township Planner and Township Attorney, the ordinance #06-2019 is consistent.

Mr. Roselli read Resolution TC 19-071 in its entirety into the minutes.

Resolution TC 19-071 – Resolution Setting Forth Reason of the Township Committee for Rejecting the Planning Board’s Finding that Section 225-166 B of Ordinance #06-2019 is Inconsistent with the Township Master Plan

WHEREAS, on January 14, 2019, the Township Committee introduced Ordinance #06-2019 entitled “AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING CHAPTER 225, ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26 (a), the Township Committee referred Ordinance No. #06-2019 to the Township Planning Board for its review for consistency with the Township Master Plan; and

WHEREAS, the Township Planning Board Attorney Gary Hall, Esq., issued a Memorandum dated January 25, 2019 to the Township Committee whereby he advised that the Planning Board reviewed and discussed Ordinance No. #06-2019 (along with Ordinances 003-2019, 004-2019 and 005-2019) at its January 21, 2019 meeting, the Board deemed proposed new §225-166(B) included within Ordinance #06-2019 to be inconsistent with the Master Plan “based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations”; and

WHEREAS, Ordinance No. 06-2019 was otherwise deemed to be consistent with the Master Plan; and

WHEREAS, N.J.S.A. 40:55D-26 (a) requires that a governing body, when considering the adoption of a development regulation, revision or amendment thereto, to review the Planning Board report and further permits the governing body to “disapprove or change any recommendation” by a vote of a majority of its full authorized membership and to record in its minutes the reasons for not following such recommendations; and

WHEREAS, N.J.S.A. 40:55D-62 further provides that a governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of building and structures thereon, “... after the planning board has adopted the land use plan element and the housing plan element of the master plan, and all the provisions of such zoning ordinance ... shall either be substantially consistent with the land use plan and the housing element of the master plan or designed to effectuate such plan elements”; and

WHEREAS, the Harding Township Committee considered the Mr. Hall’s January 25, 2019 Memorandum at its regularly scheduled meeting on January 28, 2019; and

WHEREAS, after considering the contents of Mr. Hall’s memo as it relates to the supposed Master Plan

inconsistency as it relates to proposed new §225-166(B) included within Ordinance #06-2019, the Township Committee takes exception to the Planning Board's determination that §225-166(B) of Ordinance #06-2019 is inconsistent with the Township Master Plan and otherwise disapproves of the Planning Board's conclusion set forth in Mr. Hall's January 25, 2019 memorandum as it relates to this section of the ordinance; and

WHEREAS, N.J.S.A. 40:55D-62 (a) further provides in pertinent part that a governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing element upon an affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; and

WHEREAS, the Township Committee has determined to adopt Ordinance #06-2019, notwithstanding the Planning Board's "deeming" §225-166(B) of Ordinance #06-2019 to be inconsistent with the Master Plan "based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations" and memorialize its reasons for doing so and its disapproval of the Planning Board's report by adoption of this resolution.

BE IT RESOLVED, by the Township Committee of the Township of Harding that it does hereby disapprove of the January 25, 2019 "report" of the Township Planning Board regarding its review of Ordinance #06-2019 in regards to the Planning Board deeming" §225-166(B) of Ordinance #06-2019 to be inconsistent with the Master Plan "based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations" for the reasons set forth below:

- (1) The Township Committee does not find that §225-166(B) of Ordinance #06-2019 is inconsistent with the Township's Master Plan.
- (2) On July 7, 2015, the Township of Harding filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), entitled In the Matter of the Application of the Township of Harding, County of Morris, Docket No. MRS-L-1672-15, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its "fair share" of the regional need for low- and moderate-income housing pursuant to the "Mount Laurel doctrine.
- (3) In connection with this lawsuit, the Township simultaneously secured a protective order providing Harding and its Planning Board immunity from all exclusionary zoning lawsuits while the Township pursued approval of its Amended Housing Element and Fair Share Plan. The Township also engaged in negotiations with the Fair Share Housing Center (hereinafter "FSHC") and S/K Mt. Kemble Associates, L.L.C. (hereinafter "Mt. Kemble Associates").
- (4) As a result of those negotiations, the Township entered into an agreement with FSHC and a separate agreement with Mt. Kemble Associates, which was incorporated in the agreement with FSHC and a Fairness Hearing was held on November 2, 2018, at which the settlement agreements were approved and the approval was later memorialized by an Order entered by the County on November 14, 2018.
- (5) In accordance with the terms of the settlement agreements and the Court's November 14, 2018 Order, the Township's planner prepared an Amended Housing Element and Fair Share Plan and upon notice duly provided pursuant to

N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Amended Housing Element and Fair Share Plan on December 17, 2018 and adopted the Amended Housing Element and Fair Share Plan on the same day; and

- (6) Ordinance #06-2019, including §225-166(B), is substantially consistent with the Township's land use element and housing plan element of the master plan and is specifically designed to effectuate such plan elements as it is specifically intended to allow the Township to meet its affordable housing obligations that are set forth in the Township's Amended Housing Element/Fair Share Plan that was adopted by the Township Planning Board at a public hearing conducted on December 17, 2018.
- (7) The Planning Board failed to specify or identify which section and/or findings of the Township's Master Plan is at odds with §225-166(B) of Ordinance #06-2019.
- (8) § 225-166(B) permits "an existing unoccupied space previously used as separate living quarters... may be converted to an affordable accessory residence." This same provision was specifically endorsed and recommended in the adopted 2008 Township Housing Element & Fair Share Plan. Specifically, the Plan states "10 units will be permitted consistent with the COAH limitation for this type of program. An important objective of the program is to foster the establishment of affordable accessory residences throughout the community. To help promote this objective, the ordinance should permit the conversion of an existing vacant accessory residence to an affordable accessory residence regardless of the zoning district in which it is located. In addition, new affordable accessory residences should be permitted in both the R-1 and RR zones, which together represent most of the privately-owned land in the township. These are the zones in which Harding has allowed traditional accessory residences for many decades." This Plan received substantive certification from COAH in 2009 and in connection therewith, the Township Committee adopted Ordinance #05-09 on June 10, 2009 that included the same language set forth hereinabove.
- (9) It should be noted that when the Township Planning Board reviewed the referral Ordinance in order to implement the accessory apartment ordinance as recommended in the 2008 Housing Plan, the Planning Board deemed the ordinance consistent with the goals and objectives of the Master Plan, as reflected in the Planning Board minutes from the May 18, 2009 meeting.

BE IT FURTHER RESOLVED, that the Township Committee has determined to adopt Ordinance #06-2019, notwithstanding the determination made by the Planning Board in regards to §225-166(B) that is included within Ordinance #06-2019.

Vote on Resolution:

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

Mayor Yates: Seeing no one else wishing to be heard, Mayor Yates closed the public hearing.

Mayor Yates asked for a motion to accept the amendment to Ordinance #06-2019, seconded by Mr. Jones and with a roll call vote of all ayes, the amended Ordinance #06-2019 was accepted.

Township Committee Member Jones offered a motion to adopt Ordinance #06-2019.

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 Modi seconded the motion.

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

Vote on Adoption:

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

ADD-ON RESOLUTIONS

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

Mr. Chris Allyn asked if Resolution TC 19-066 be removed from the Consent Agenda for discussion. Mayor Yates asked for Resolution TC 19-066 be removed for discussion and then vote.

Resolution 19-066 – Resolution Approving the Spending Plan

WHEREAS, on September 21, 2018, the Township of Harding (“Township”) entered into a Settlement Agreement with Fair Share Housing Center (“FSHC”) that established the Township’s fair share obligation and preliminarily approved the Township’s compliance mechanisms in accordance with the March 10, 2015 decision of the New Jersey Supreme Court, which transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (“COAH”) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on November 2, 2018, the Honorable Maryann L. Nergaard, J.S.C. held a Fairness Hearing, and, subsequently, on November 14, 2018 issued a Court Order approving a Settlement Agreement between the Township and FSHC, finding it to be fair to those in need of low- and moderate-income household; and

WHEREAS, the Township’s Planning Board adopted a 2018 Housing Element and Fair Share Plan (“HEFSP”) consistent with the Court-approved Settlement Agreement on December 17, 2018; and

WHEREAS, the Township Committee endorsed the HEFSP on January 28, 2019 at a properly noticed public meeting; and

WHEREAS, the adopted and endorsed HEFSP and the Court-approved Settlement Agreement include the requirement to prepare a Spending Plan in accordance with N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes anticipated expenditures of funds through the end of the Third Round; and

WHEREAS, the Township requires approval of its Spending Plan in order to utilize any of the funds within the Affordable Housing Trust Fund; and

WHEREAS, the Township of Harding has prepared a Spending Plan consistent with N.J.S.A. 52:27D-301, et, seq., the Fair Housing Act, and the applicable COAH Regulations, as well as the Settlement Agreement entered into between the Township of Harding and FSHC on September 21, 2018; and

WHEREAS, the Township desires to submit its Spending Plan to the Court in connection with the Compliance Action for review and approval.

BE IT RESOLVED, the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey, hereby adopts the Spending Plan that is attached hereto as Exhibit A and requests that the Court review and approve the Township’s Spending Plan, so that it can expend the funds in its Affordable Housing Trust Fund.

Susan Gruel, Township Planner, stated if you are going to adopt Affordable Housing Trust Fund Account, the court requires a spending plan. Revenues must be projected for residential and non-residential and Administrative costs.

Mr. Chris Allyn, resident, stated that the spending plan is of significant interest to the public and asked if it could be placed on the website.

Mayor Yates asked for a motion. Upon a motion made by Township Committee Member Jones, seconded by Township Committee member Platt.

Mayor Yates asked the Municipal Clerk for a roll call. Mrs. Sharp called the roll.

Vote on Resolution:

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

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 19--061 THROUGH RESOLUTION TC 19-069 HAVE BEEN PLACED ON THE CONSENT AGENDA. Please note TC 19-066 was removed from the Consent Agenda.

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member DiTosto to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-061 through TC 19-069, except for TC 19-066 which was removed from the Consent Agenda for further discussion.

Committee Member DiTosto made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee. Seconded by Township Committee Member Platt.

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

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2 nd	<input 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 19-061 – Resolution Appointing Moderate Income Management as the Designated Administrative Agent for the Township of Harding

WHEREAS, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.,) the Township of Harding is implementing a program to provide affordable housing units to very-low, low- and moderate-income households within the Township; and

WHEREAS, the Township has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act; and

WHEREAS, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et. seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

WHEREAS, the Township of Harding has selected Moderate Income Management to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Township.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that the Township of Harding hereby appoints Moderate Income Management as its designated Administrative Agent.

Resolution TC 19-062 – Resolution Appointing Lorene Wright As The Designated Municipal Housing Liaison

WHEREAS, the Township of Harding has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide for the realistic opportunity for the development of its fair share of the regional need for very low-, low-, and moderate-income housing; and

WHEREAS, the Township's adopted Housing Element and Fair Share Plan will create the realistic opportunity for the development of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

WHEREAS, the Township Committee of the Township of Harding has determined to appoint and designate Lorene Wright as its Municipal Housing Liaison, to fulfill the duties set forth in the Township's General Code;

BE IT RESOLVED, by Township Committee of the Township of Harding, County of Morris, State of New Jersey, that the Township of Harding hereby appoints Lorie Wright as its designated Municipal Housing Liaison.

Resolution TC 19-063 – Resolution Endorsing the Amended Housing Element and Fair Share Plan Adopted by the Planning Board

WHEREAS, on July 7, 2015, the Township of Harding (hereinafter "Harding" or the "Township") filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), entitled In the Matter of the Application of the Township of Harding, County of Morris, Docket No. MRS-L-1672-15, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its "fair share" of the regional need for low- and moderate-income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, in connection with this lawsuit, the Township simultaneously sought, and ultimately secured, a protective order providing Harding and its Planning Board immunity from all exclusionary zoning lawsuits while the Township pursued approval of its Amended Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, prior to the Court ruling on the Township's motion, the Township engaged in negotiations with the Fair Share Housing Center (hereinafter "FSHC") and S/K Mt. Kemble Associates, L.L.C. (hereinafter "Mt. Kemble Associates"); and

WHEREAS, as a result of those negotiations, the Township entered into an agreement with FSHC and a separate agreement with Mt. Kemble Associates, which was incorporated in the agreement with FSHC; and

WHEREAS, a Fairness Hearing was held on November 2, 2018, at which the settlement agreements were approved, and said approval was later memorialized by an Order entered by the County on November 14, 2018; and

WHEREAS, in accordance with the terms of the settlement agreements and the Court's November 14, 2018 Order, the Township's planner prepared an Amended Housing Element and Fair Share Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Amended Housing Element and Fair Share Plan on December 17, 2018 and adopted the Amended Housing Element and Fair Share Plan on the same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Amended Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

WHEREAS, the Township Committee of the Township of Harding wishes to endorse the Amended Housing Element and Fair Share Plan and seeks approval of the Amended Housing Element and Fair Share Plan from the Court.

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

1. That it hereby endorses the Amended Housing Element and Fair Share Plan, as adopted by the Harding Township Planning Board on December 17, 2018 via the Planning Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Amended Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Township Committee endorsing the Amended Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Amended Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Amended Housing Element and Fair Share Plan, should that be necessary.

Resolution TC 19-064 – Resolution Adopting the “Affirmative Marketing Plan” For the Township of Harding

WHEREAS, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Township of Harding is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Township of Harding, are affirmatively marketed to low- and moderate-income households within Housing Region 2, the COAH Housing Region encompassing the Township of Harding.

BE IT RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Harding shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Township's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Township of Harding. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Harding, shall undertake, at the minimum, all of the following strategies:
 - 1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
 - 2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. Pursuant to N.J.S.A. 40:37A-114.1, preference for affordable housing within a housing project may be provided to homeless veterans, disabled veterans, and family members who are the primary residential caregivers to disabled veterans residing with them. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Harding is located in COAH Housing Region 2, consisting of Essex, Morris, Union, and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 - 1. All newspaper articles, announcements and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger* and *Daily Record*.
 - 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.

3. The advertisement shall include a description of the:
 - a. Location of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Size, as measured in bedrooms, of units;
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees.
 4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Morris County and the other two of which shall be circulated primarily outside of Morris County but within the housing region.
 5. The developer must provide satisfactory proof of public dissemination. See "Attachment A" COAH's *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution).
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Township Hall of Harding Township
 2. Harding Township Web Site
 3. Developer's Sales/Rental Offices
 4. Morris County Administration Building
 5. Essex County Administration Building
 6. Union County Administration Building
 7. Warren County Administration Building
 8. Morris County Library (all branches).
 9. Essex County Library (all branches)
 10. Union County Library (all branches)

11. Warren County Library (all branches)

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2*** (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Morris County Board of Realtors
Essex County Board of Realtors
Union County Board of Realtors
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Welfare or Social Service Board (via the Director)
Rental Assistance Office (local office of DCA)
Office on Aging
Housing Authority (municipal or county)
Community Action Agencies
Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

4. In addition, specific notification of the availability of affordable housing units in Harding (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association.

I. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren

Counties. Pursuant to the New Jersey Fair Housing Act (N.J.S.A.52:27D-311), a preference for very low, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township prior to the affirmative marketing of the units.

- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- L. All developers/owners of very low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

FINANCE:

Resolution TC 19-065 – Resolution To Appropriate Funds or Bonds in the Event of a Shortfall in Funding for the Township’s Affordable Housing Programs

WHEREAS, on or about July 7, 2015, the Township of Harding (hereinafter “Harding” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division, Morris County seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its constitutional obligation to provide the realistic opportunity for the development of its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Township simultaneously, and ultimately secured, a protective order providing Harding immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Township adopted an Amended Housing Element and Fair Share Plan on December 17, 2018; and

WHEREAS, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Township's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Township shall provide sufficient funding to address any shortfalls.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey that to the extent permitted by law, the Township Committee does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by the Council on Affordable Housing ("COAH"), such other agency or entity duly created to replace COAH, or a court of competent jurisdiction, after a finding that inadequate funding exists to complete the affordable housing programs included in the Township's Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Township agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and

BE IT FURTHER RESOLVED, that the Township may repay debt through future collections of development fees, as such funds become available.

Resolution TC 19-067 – Resolution Authorizing Release of Escrows

WHEREAS, the Township Engineer, Township Construction Official, Board of Adjustment Attorney, and/or the Tree Conservation Officer have certified that there are no outstanding invoices and have approved the release of the following escrows.

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey, that appropriate municipal officials be and are hereby authorized to release the following escrows as per N.J.S.A. 40:55D-53.1.

Grading, Engineering, Tech Review, Performance & Tree Escrow

Name	Type of Escrow	Block	Lot	Amount
Steven DiRienzo	Grading	51	20.02	\$99.60

Resolution TC 19-068– 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 19-069 – Resolution Adjusting the Fees of the Township of Harding for 2019

WHEREAS, the Township Committee of the Township of Harding, County of Morris, State of New Jersey is desirous of setting the Township Fees by resolution; and

WHEREAS, the fees (Appendix A) have been reviewed and increased in accordance with the published October 2018 Consumer Price Index "F", as provided for under Chapter 171.

BE IT RESOLVED, the fees shall become effective on March 1, 2019 the date approved by the Township Committee of the Township of Harding, County of Morris, State of New Jersey.

ORDINANCES FOR FIRST READING - NONE

RESOLUTION TC 19-070– Executive Session

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

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

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

Contracts:

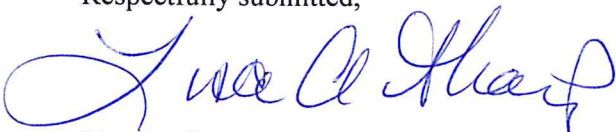
1. Property Acquisitions – Tim Jones

Mayor Yates asked for a motion to go into Executive Session. A motion was made by Mr. Jones, seconded by Mr. Modi, and will a roll call vote of all ayes, none opposed the meeting was adjourned into executive session.

ADJOURNMENT

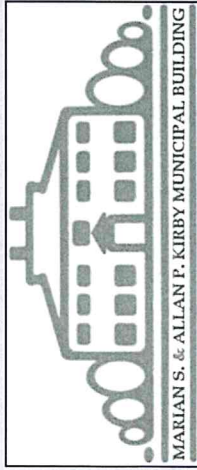
The meeting adjourned at 9:55 pm into executive session.

Respectfully submitted,



Lisa A. Sharp

Municipal Clerk



Harding Township

Harding Township, NJ 2019 Preliminary Budget

January 14, 2019

Appendices

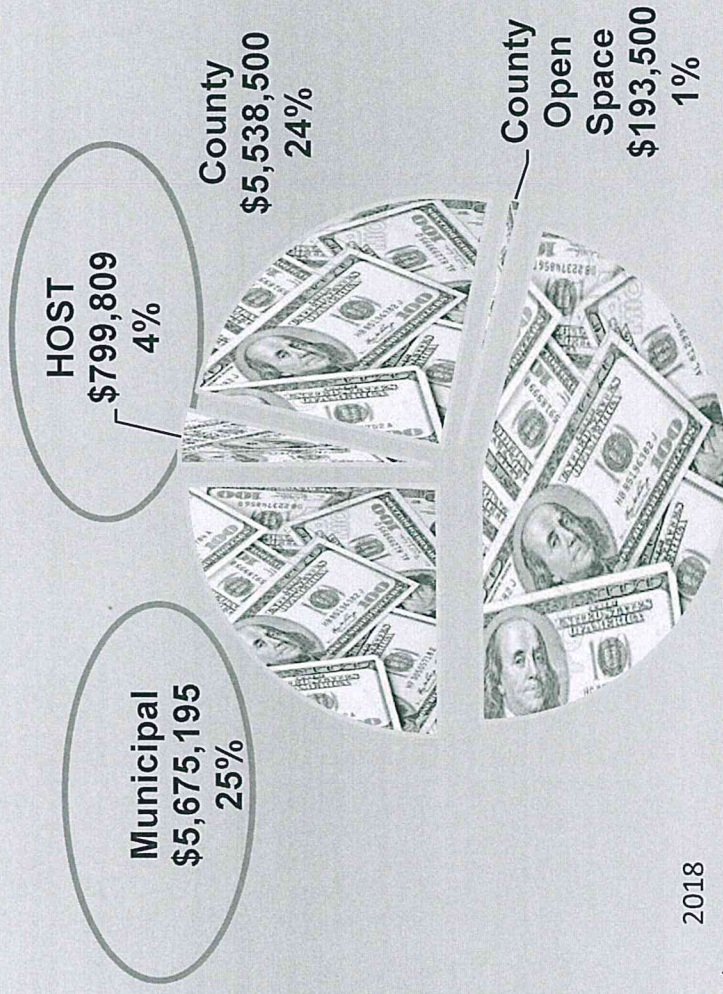
Presentation

1. Background, 2018 Taxes & Timeline
2. Township Debt Status – 2019
3. Open Space Tax
4. 2019 Budget
 1. Expenditure (Appropriation) Summary
 2. Other Expenses Details
 3. Expenditure (Appropriation) Drivers
 4. Revenue Summary
 5. Revenue Drivers
5. Assessed Value and Tax Rate

Background

- Under state law, a municipality must pass its annual budget in order to spend money or to tax residents for that year.
- Strict municipal budget form specified by the state:
 - Strict state oversight performed by Division of Local Government Services/Department of Community Affairs.
 - Budget is on a 'modified cash basis' (not GAAP).
 - By law taxes must equal appropriations (spending) less non-tax revenues.
 - Projected budget non-tax revenue cannot exceed last year's actual non-tax revenue.
 - Expenses cannot exceed the budgeted amount.
 - Transfer within "CAP" are only allowed in last two months of the fiscal year (Nov/Dec).

2018 Tax Revenue Allocation



	2018
HOST	\$799,809
County	\$5,538,500
County Open Space	\$193,500
School	\$10,385,445
Municipal	\$5,675,195
Total Taxes	\$22,592,449

2018:

Total Taxes	\$22,592,449
Net Taxable Valuation	\$1,999,521,290
Ave. Residential Property Value	\$1,039,252
Average Residential Tax	\$11,744

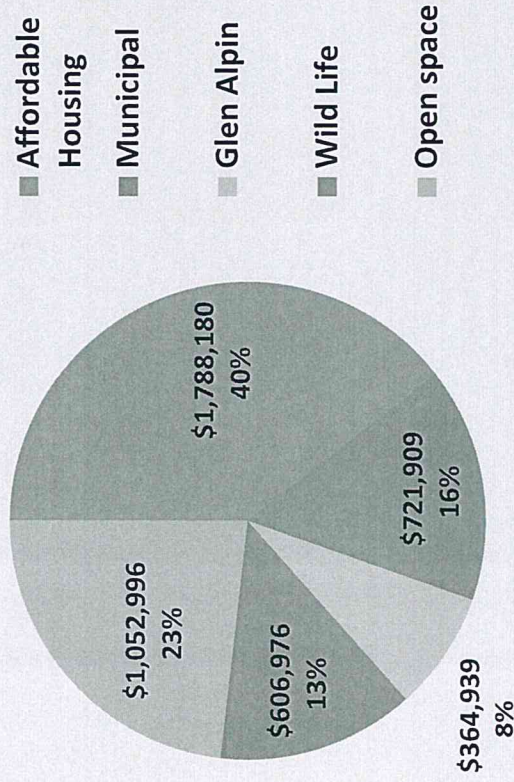
Budget Time Line

- Preliminary Budget Presentation – Tonight
- Preliminary Capital Budget Presentation - Tonight
- Introduction of Budget – March 2019
- Public Hearing and Adoption of Budget – April 2019
- Introduction of Capital Budget – March 2019
- Adoption of Capital Budget – April 2019
- Cap Bank Ordinance Introduction – March 2019
- Cap Bank Ordinance Adoption – April 2019

Township Debt

- Township policy is to pay down outstanding debt
- Harding debt rating: AAA
- Township's outstanding debt refinanced in 2017
- Savings from refinancing to begin being realized in 2019

2019 Debt Funding Purpose

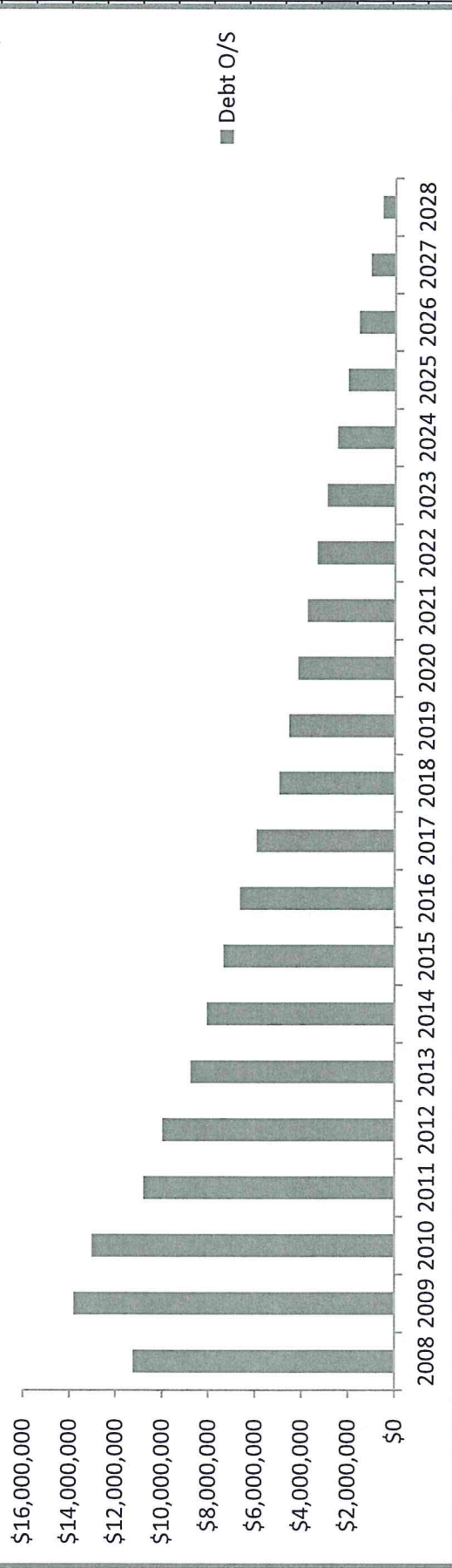


Year	Debt O/S	Principal Payment	Interest Payment	Servicing Payments
2008	\$11,252,068	\$333,836	\$283,592	\$617,428
2009	\$13,798,232	\$774,293	\$431,715	\$1,206,008
2010	\$13,023,939	\$779,489	\$406,546	\$1,186,035
2011	\$10,804,450	\$813,730	\$380,455	\$1,194,185
2012	\$9,990,720	\$762,720	\$353,354	\$1,116,074
2013	\$8,758,000	\$695,000	\$326,997	\$1,021,997
2014	\$8,063,000	\$705,000	\$300,457	\$1,005,457
2015	\$7,358,000	\$715,000	\$273,567	\$988,567
2016	\$6,643,000	\$723,000	\$246,327	\$969,327
2017	\$5,920,000	\$400,000	\$218,731	\$618,731
2018	\$4,950,000	\$415,000	\$190,813	\$605,813
2019	\$4,535,000	\$390,000	\$178,675	\$568,675
2020	\$4,145,000	\$395,000	\$167,875	\$562,875
2021	\$3,750,000	\$410,000	\$155,800	\$565,800
2022	\$3,340,000	\$425,000	\$143,275	\$568,275
2023	\$2,915,000	\$435,000	\$128,200	\$563,200
2024	\$2,480,000	\$450,000	\$110,500	\$560,500
2025	\$2,030,000	\$470,000	\$89,750	\$559,750
2026	\$1,560,000	\$495,000	\$65,625	\$560,625
2027	\$1,065,000	\$520,000	\$40,250	\$560,250
2028	\$545,000	\$545,000	\$13,625	\$558,625

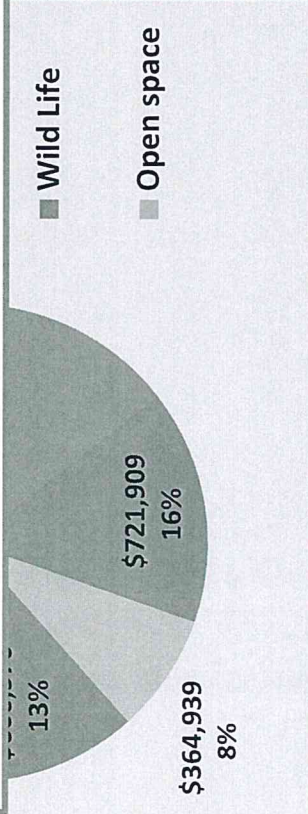
Township Debt

- Township policy is to pay down outstanding debt
- Harding debt rating: AAA
- Township's outstanding debt refinanced in 2017
- Sinking fund payments are made on a regular basis

Harding Outstanding Debt by Year



Year	Debt O/S	Principal Payment	Interest Payment	Servicing Payments
2023	\$2,915,000	\$435,000	\$128,200	\$563,200
2024	\$2,480,000	\$450,000	\$110,500	\$560,500
2025	\$2,030,000	\$470,000	\$89,750	\$559,750
2026	\$1,560,000	\$495,000	\$65,625	\$560,625
2027	\$1,065,000	\$520,000	\$40,250	\$560,250
2028	\$545,000	\$545,000	\$13,625	\$558,625



Open Space Finances

Background

- Township Referendum: Open Space tax rate (“OS Rate”) can be set by Township Committee on yearly basis from 0¢ to 5¢ per \$100 assessed valuation.
- Rate History

2018 Year End Balance	
\$	2,906,731

OS Rates: Cents per \$100				
Year	Harding	Amount	County	Amount
2011	3.80	\$ 784,704	2.30	\$ 470,592
2012	3.80	\$ 776,826	1.90	\$ 380,081
2013	3.50	\$ 715,023	1.40	\$ 266,809
2014	3.50	\$ 709,761	1.10	\$ 222,745
2015	4.00	\$ 808,458	1.10	\$ 220,515
2016	4.00	\$ 802,856	1.00	\$ 194,490
2017	4.00	\$ 802,620	1.00	\$ 193,528
2018	4.00	\$ 799,809	1.00	\$ 193,500
2019	4.00		?	

* 2019 County Rate has not been finalized

Expenditure (Appropriation) Summary

2019 vs 2018

Current Fund Appropriation	2019 Recommended	2018 Adopted	Chg. Over 2018	% Chg.	% of Total
Salaries & Wages	\$3,264,600	\$3,123,100	\$141,500	4.5%	35.4%
Health Insurance	\$1,312,439	\$1,225,693	\$86,746	7.1%	14.2%
Social Security	\$246,000	\$230,000	\$16,000	7.0%	2.7%
Pension-PFRS	\$372,400	\$336,000	\$36,400	10.8%	4.0%
Pension-PERS	\$158,500	\$161,000	(\$2,500)	-1.6%	1.7%
Pension-DCRP	\$2,500	\$2,500	\$0	0.0%	0.0%
Total Employee Comp	\$5,353,939	\$5,075,793	\$278,146	5.5%	58%
Other Expenses	\$1,698,216	\$1,630,341.78	\$67,874	4.2%	18.4%
Interlocal Services	\$258,000	\$291,700	(\$33,700)	-11.6%	2.8%
Capital Improvements	\$616,000	\$750,000	(\$134,000)	-17.9%	6.7%
Debt Service & Def. Charg.	\$377,539	\$380,172	(\$2,633)	-0.7%	4.1%
Emergency Approp.	\$0	\$0	\$0	0.0%	0.0%
Resrv. For Uncoll. Taxes	\$912,403	\$908,326	\$4,077	0.4%	9.9%
Total Non-Employee Comp	\$3,862,158	\$3,960,540	(\$98,382)	-2.5%	42%
Total Appropriations	\$9,216,097	\$9,036,333	\$179,764	2.0%	100%
Public & Private Grants	\$23,675	\$143,307	(\$119,632)	-83.5%	
Total Appropriations+Grant	\$9,239,772	\$9,179,640	\$60,132	0.7%	

* Includes \$110,000 DOT grant in 2018

** Potential Millbrook Road DOT grant in 2019

2019 Other Expenses Breakdown

Current Fund Appropriation	Other Expenses	Amount
Salaries & Wages	Building/Road/Park Maintenance	\$207,700
Health Insurance	Miscellaneous Other Expenses	\$651,861
Social Security	Utilities	\$151,000
Pension-PFRS	Joint Insurance Fund	\$144,000
Pension-PERS	Legal	\$130,000
Pension-DCRP	Technology (MIS)	\$100,155
Total Employee Comp	Engineering	\$50,000
Other Expenses	Legal – Tax Appeal	\$30,000
Interlocal Services	Library	\$40,000
Capital Improvements	Private Community Reimbursement	\$45,000
Debt Service & Def. Charg.	Audit	\$31,000
Emergency Approp.	Snow Removal	\$117,500
Resrv. For Uncoll. Taxes	Total	\$1,698,216
Total Non-Employee Comp		
Total Appropriations		
Public & Private Grants		
Total Appropriations+Grant		

2019 Other Expenses Breakdown

Miscellaneous Other Expenses Detail		2019
MAYOR & COUNCIL	\$	10,600
GENERAL ADMINISTRATION	\$	77,800
HUMAN RESOURCE	\$	2,950
MUNICIPAL CLERK	\$	44,150
ELECTIONS	\$	3,500
FINANCIAL ADMINISTRATION	\$	16,406
TAX COLLECTION	\$	5,700
TAX ASSESSMENT	\$	2,650
TAX MAP REVISION	\$	6,500
PLANNING BOARD	\$	103,400
BD OF ADJUSTMENT	\$	33,100
UNIFORM CONSTRUCTION CODE	\$	14,340
VEHICLE MAINT.	\$	59,000
POLICE DEPARTMENT	\$	108,215
EMERGENCY MANAGEMENT	\$	1,500
SOLID WASTE COLLECTION	\$	92,000

2019 Other Expenses Breakdown

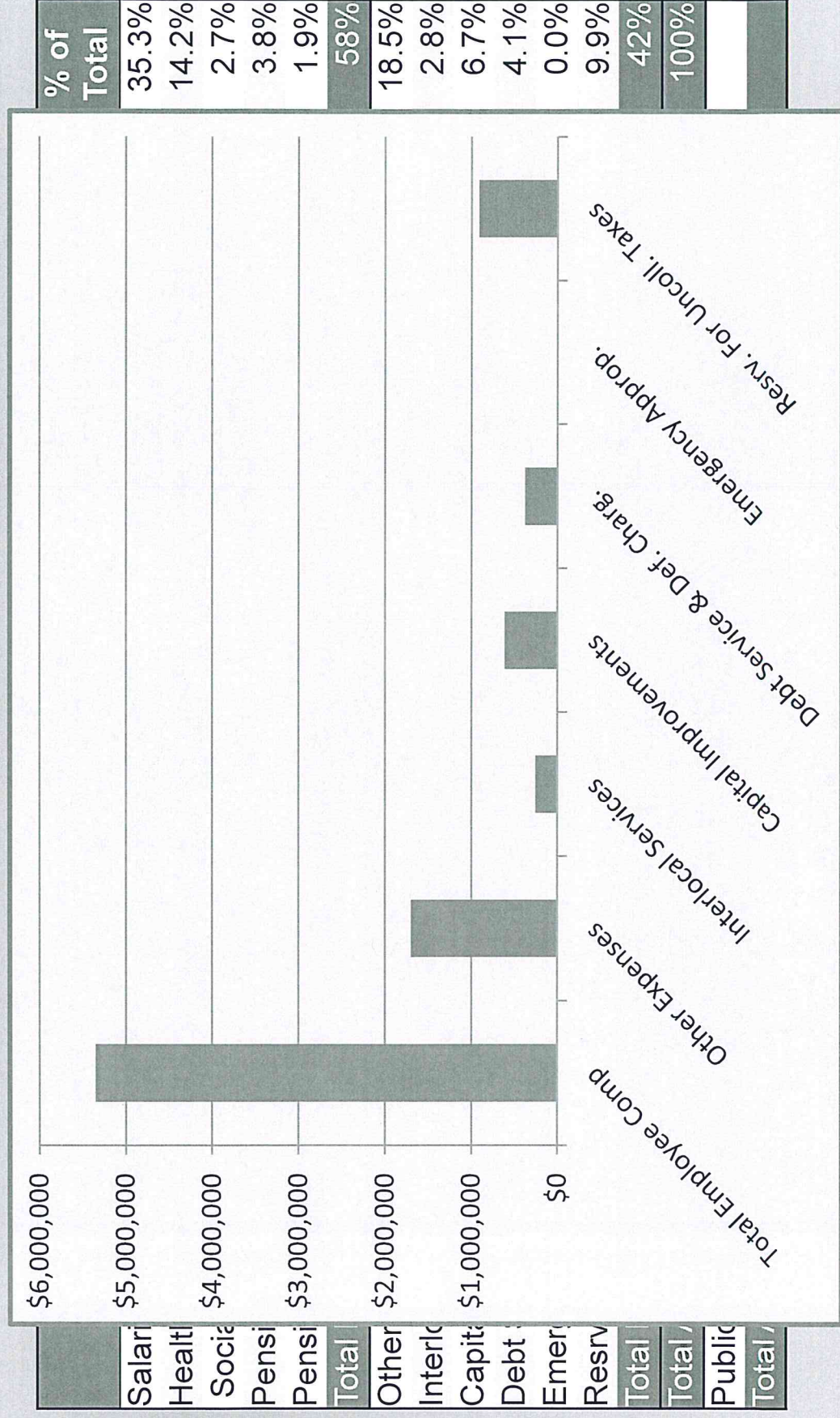
Miscellaneous Other Expenses Detail		2019
RECYCLING	\$	17,000
FIRE HYDRANT SERVICE	\$	6,000
HEALTH SERVICES	\$	18,400
ENVIRONMENTAL COMMISSION	\$	3,700
ANIMAL CONTROL	\$	2,500
WELFARE ADMINISTRATION	\$	750
HISTORICAL PRESERVATION COMMISSION	\$	1,500
CONTRIBUTION TO S/C PROGRAMS	\$	4,500
MISCELLANEOUS	\$	5,700
MATCHING FUND FOR GRANTS	\$	10,000
Total	\$	651,861

2019 Other Expenses Breakdown

Miscellaneous Other Expenses Detail

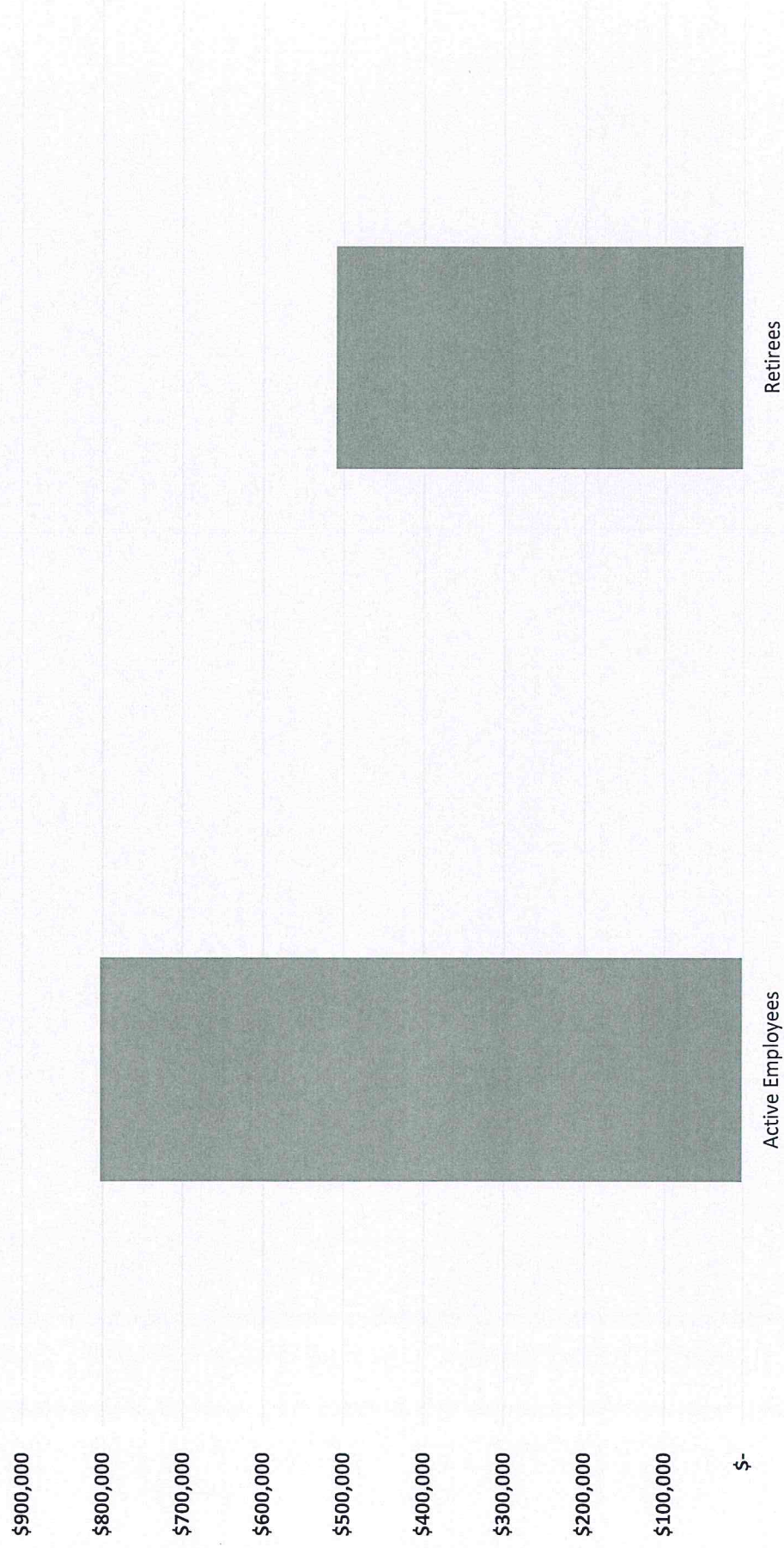


2019 Expenditure (Appropriation) Summary



Health Benefits

Active Employee vs. Retiree Health Benefits



Appropriation Drivers

- Master Plan; Redevelopment Study & Plan (\$79,000)
- Health Insurance Cost (\$86,746)
 - Budget increase of 7.1%
- Non Police 2% Cost of Living Adjustment - (\$31,271)
- PBA contractual increases (\$50,878)
- Additional DPW employee (\$50,000)
- 2 additional police officers (\$90,438)
- Potential accumulated leave/comp time payouts (\$50,000)
- Pension (PFRS) increase (\$36,597)
- Health shared services decrease (-\$34,000)
- Funding of annual capital expenses through Capital Improvement Fund

Capital Improvement Fund

Capital Improvement Fund	
Year	Amount
2010	\$ 450,000
2011	\$ 450,000
2012	\$ 390,000
2013	\$ 390,000
2014	\$ 450,000
2015	\$ 450,000
2016	\$ 500,000
2017	\$ 700,000
2018	\$ 750,000
2019	\$ 616,000

Capital Improvement Fund

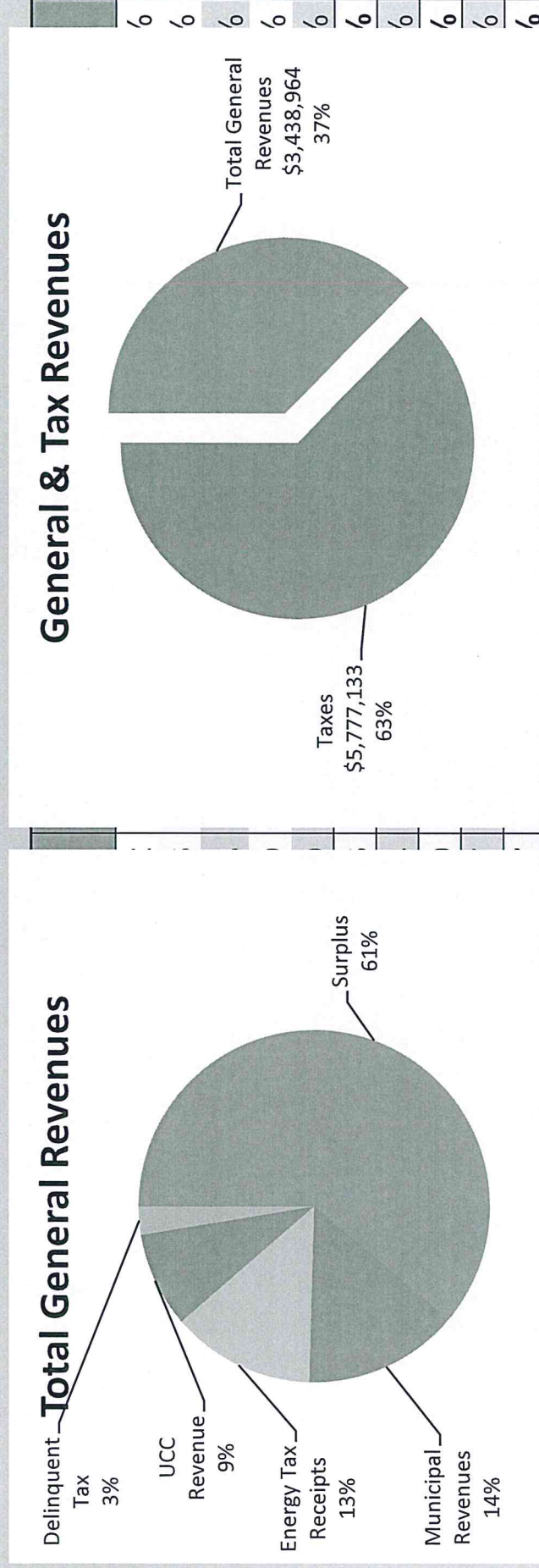
Capital Improvement Fund Amount



Budget Revenue - 2019

General & Tax Revenues	2019	2018	2019 - 2018	% Chg	% of Total
Surplus	\$ 2,100,000	\$ 2,041,512	\$ 58,488	2.9%	23%
Municipal Revenues	\$ 494,796	\$ 479,796	\$ 15,000	3.1%	5%
Energy Tax Receipts	\$ 454,168	\$ 454,168	\$ -	0.0%	5%
UCC Revenue	\$ 300,000	\$ 300,000	\$ -	0.0%	3%
Delinquent Tax	\$ 90,000	\$ 90,000	\$ -	0.0%	1%
Total General Revenues	\$ 3,438,964	\$ 3,365,476	\$ 73,488	2.2%	37%
Taxes	\$ 5,777,133	\$ 5,675,195	\$ 101,938	1.8%	63%
Total Revenues+Tax	\$ 9,216,097	\$ 9,040,671	\$ 175,426	1.9%	100%
Public & Private Grants	\$ 23,675	\$ 143,307	\$ (119,632)	-83.5%	0%
Total Revenues + Grant	\$ 9,239,772	\$ 9,183,978	\$ 55,794	0.6%	100%

Budget Revenue – 2019



Revenue Drivers

- Energy Tax Receipts – State has not released the amount (\$454,168)
- Surplus anticipated increase of \$58,488 (\$2,100,00)
- Additional revenue anticipated from interest on investments (\$30,000)
- Decrease in revenue anticipated from fines and court fees (-\$15,000)

Assessed Value & Tax Rate

	# of units	Assessed Value
2019 Residential/Commercial	1927	\$2,003,774,460
2019 Utility	1	\$1,270,296
2019 Total	1928	\$2,005,044,756
Average Assessed Value 2019		\$1,039,961
Average Assessed Value 2018		\$1,039,252
2019 Tax Rate / AA Valuation	0.288	\$2,995
2018 Tax Rate / AA Valuation	0.284	\$2,951
Increase (2019 vs. 2018)	0.004	\$44
% Increase	1.40%	1.50%

Year	Municipal Tax	All Agency Tax	%
2014	5,775,219	21,901,302	26.37%
2015	5,357,091	21,138,058	25.34%
2016	5,405,442	21,809,538	24.78%
2017	5,578,016	22,537,450	24.75%
2018	5,675,194	22,592,449	25.12%
2019	5,777,133		

	Assessed Value
2019	\$2,005,044,756
2018	\$1,999,521,290
Change	\$5,523,466.00
Change %	0.28%

Tax vs Expenditure

Year	Total Tax Revenue	Adopted Budget (Expenditures)	%
2011	\$5,435,713	\$8,802,024	61.76%
2012	\$5,482,498	\$8,596,921	63.77%
2013	\$5,775,218	\$8,881,140	65.03%
2014	\$5,357,091	\$8,540,273	62.73%
2015	\$5,405,442	\$8,377,044	64.53%
2016	\$5,481,529	\$8,661,656	63.29%
2017	\$5,578,016	\$8,741,889	63.81%
2018	\$5,675,195	\$9,073,978	62.54%
2019	\$5,777,133	\$9,239,014	62.53%

Tax Rate History

Rates

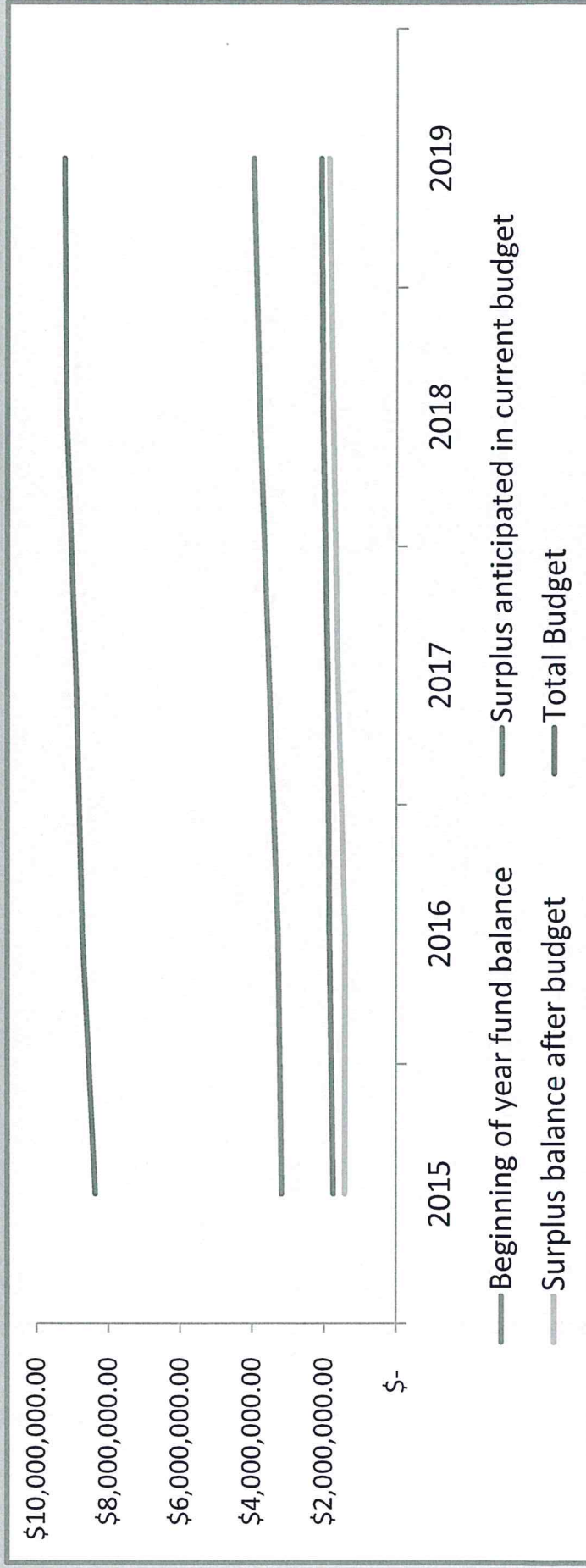
Year	Net valuation	County	County OS	School	Harding	HOST	Total
2014	\$2,027,888,710	0.269	0.011	0.464	0.264	0.035	1.043
2015	\$2,021,014,691	0.262	0.011	0.499	0.268	0.040	1.080
2016	\$2,007,139,768	0.273	0.010	0.509	0.273	0.040	1.105
2017	\$2,006,548,979	0.275	0.010	0.521	0.277	0.040	1.123
2018	\$1,999,521,290	0.277	0.010	0.520	0.283	0.040	1.130
2019	\$2,005,044,756			0.288	0.040		

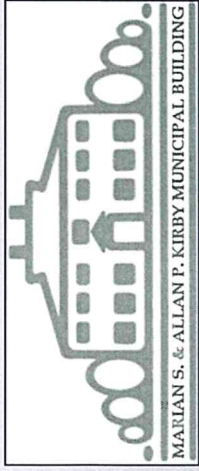
Taxes

Year	Sample Value	County	County OS	School	Harding	HOST	Total
2014	\$1,000,000	\$2,690	\$110	\$4,640	\$2,640	\$350	\$10,430
2015	\$1,000,000	\$2,620	\$110	\$4,990	\$2,680	\$400	\$10,800
2016	\$1,000,000	\$2,730	\$100	\$5,090	\$2,730	\$400	\$11,050
2017	\$1,000,000	\$2,750	\$100	\$5,210	\$2,770	\$400	\$11,230
2018	\$1,000,000	\$2,770	\$100	\$5,200	\$2,830	\$400	\$11,300
2019	\$1,000,000				\$2,880	\$400	

Fund Balance & Surplus Analysis

Item	2015	2016	2017	2018	2019
Beginning of year fund balance	\$ 3,174,897.91	\$ 3,284,410.55	\$ 3,544,100.15	\$ 3,804,887.31	\$ 3,983,228.03
Surplus anticipated in current budget	\$ 1,748,113.00	\$ 1,863,500.00	\$ 1,908,585.00	\$ 2,041,512.00	\$ 2,100,000.00
Surplus balance after budget	\$ 1,426,784.91	\$ 1,420,910.55	\$ 1,635,515.15	\$ 1,763,375.31	\$ 1,883,228.03
Total Budget	\$ 8,377,044.00	\$ 8,736,656.00	\$ 8,915,889.00	\$ 9,179,639.80	\$ 9,239,772.00
Surplus Balance as a percent of budget	17.03%	16.26%	18.34%	19.21%	20.38%
Total results of current yr operations	\$ 1,857,626	\$ 2,123,190	\$ 2,169,372	\$ 2,219,853	
Ending surplus balance	\$ 3,284,411	\$ 3,544,100	\$ 3,804,887	\$ 3,983,228	





Harding Township

Thank You

Harding Township

2019 CAPITAL BUDGET

SUMMARY

Introduction – March 2019

Adoption – April 2019

Harding Township

2019 Capital Ordinance

<u>Projects</u>		<u>Total Estimated Costs</u>
A. Tax Revaluation		\$ 125,000
	Township tax revaluation	\$ 125,000
B. Exterior and Interior Improvements at Town Hall		\$ 120,210
	-Police Evidence Room Renovations	\$ 20,000
	-Locks/Video for PD and Municipal Building	\$ 31,210
	-Controls for Town Hall Water Distribution Pit	\$ 30,000
	-Shutters	\$ 39,000
C. MIS		\$ 37,500
	-iPlan Board, Table, & Software (Construction)	\$ 14,000
	-Computers / Copiers / DPW Scanner / Health Comp.	\$ 8,500
	-Color Copier / Scanner	\$ 15,000
D. Exterior and Interior Improvements at Township facilities		\$ 42,000
	-Tunis-Ellicks house	\$ 2,500
	-Gate House	\$ 5,000
	-Municipal facilities	\$ 10,000
	-DPW General Improvements	\$ 24,500

Harding Township

2019 Capital Ordinance

<u>Projects</u>		<u>Total Estimated Costs</u>
Acquisition of Vehicle		
-Purchase of vehicle - Police	\$ 42,000	\$ 42,000
Public Works - Acquisition of Various Equipment		\$ 140,500
-2-3 Yard 4x4 Mason Dump Truck	\$ 75,000	
-Snow Plow	\$ 7,000	
-4x4 Pick Up Truck	\$ 55,000	
-Shop Lift 3 Stage Arms	\$ 3,500	
Road Improvements including as design, work, materials, & appurtences		\$ 72,740
-General Road Improvements	\$ 65,000	
-Road Reconstruction	\$ 7,740	
Police Department - Acquisition of Various Equipment		\$ 36,050
-Rifles and accessories	\$ 10,800	
-In-car tablet computer	\$ 7,000	
-Motorola Portable Radios	\$ 18,250	
Totals for General Capital	\$ 616,000	

Harding Township

6 Year Capital Plan

<u>PROJECT TITLE & DESCRIPTION</u>		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
MUNICIPAL BUILDING		\$ 120,210	\$ 28,000	\$ -	\$ -	\$ -	\$ -
	Police Evidence Room Renovations	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Locks/Video for PD and Municipal Building	\$ 31,210	\$ 25,000	\$ -	\$ -	\$ -	\$ -
	Controls for Town Hall Water Distribution Pit	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Shutters	\$ 39,000					
	Heaters - New Ceiling in Town Hall Foyer	\$ -	\$ 3,000	\$ -	\$ -	\$ -	\$ -
TOWNSHIP FACILITIES		\$ 42,000	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500	\$ 22,500
	Tennis-Ellick house	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
	Gate House	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
	Municipal parks	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
	DPW	\$ 24,500	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
POLICE EQUIPMENT		\$ 36,050	\$ 59,650	\$ 25,250	\$ 14,300	\$ 7,000	\$ 9,500
	Rifles and accessories	\$ 10,800	\$ 5,400	\$ -	\$ -	\$ -	\$ -
	In-car tablet computer	\$ 7,000	\$ 7,000	\$ 7,000	\$ 3,000	\$ 3,000	\$ 5,500
	Motorola Portable Radios	\$ 18,250	\$ 18,250	\$ 18,250	\$ 7,300	\$ -	\$ -
	Radar unit	\$ -	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ 4,000
	Interior desks, carpet, paint	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ -

Harding Township

6 Year Capital Plan

<u>PROJECT TITLE & DESCRIPTION</u>		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
PUBLIC WORKS		\$ 140,500	\$ 212,000	\$ 200,000	\$ 205,000	\$ 260,000	\$ -
	2-3 Yard 4x4 Mason Dump Truck	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Snow Plow	\$ 7,000	\$ -	\$ -	\$ -	\$ -	\$ -
	4x4 Pick Up Truck	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Shop Lift 3 Stage Arms	\$ 3,500	\$ -	\$ -	\$ -	\$ -	\$ -
	5-7 Yard Dump Truck	\$ -	\$ 165,000	\$ 165,000	\$ 165,000	\$ -	\$ -
	Truck Lift	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ -
	Trailer	\$ -	\$ 7,000	\$ -	\$ -	\$ -	\$ -
	Medium Size Tractor	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -
	Asphalt roller	\$ -	\$ -	\$ -	\$ 20,000	\$ -	\$ -
	Portable air compressor	\$ -	\$ -	\$ -	\$ 20,000	\$ -	\$ -
	Hook lift truck	\$ -	\$ -	\$ -	\$ -	\$ 135,000	\$ -
	Backhoe	\$ -	\$ -	\$ -	\$ -	\$ 125,000	\$ -
ROAD IMPROVEMENTS		\$ 72,740	\$ 145,000	\$ 145,000	\$ 150,000	\$ 150,000	\$ 155,000
	Road improvements	\$ 65,000	\$ 70,000	\$ 70,000	\$ 75,000	\$ 75,000	\$ 80,000
	Road Reconstruction	\$ 7,740	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
VEHICLE REPLACEMENT		\$ 42,000	\$ 76,000	\$ 84,000	\$ 42,000	\$ 84,000	\$ 80,000
	Purchase of vehicle - Police SUV	\$ 42,000	\$ 42,000	\$ 42,000	\$ 42,000	\$ 42,000	\$ 42,000
	Purchase of vehicle - Police SUV	\$ -	\$ -	\$ 42,000	\$ -	\$ 42,000	\$ -
	Purchase of vehicle - Construction	\$ -	\$ 34,000	\$ -	\$ -	\$ -	\$ 38,000

Harding Township

6 Year Capital Plan

<u>PROJECT TITLE & DESCRIPTION</u>		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
MIS		\$ 37,500	\$ 41,500	\$ 40,000	\$ 40,000	\$ 15,000	\$ 15,000
	iPlan Board, Table, & Software (Construction)	\$ 14,000	\$ -	\$ -	\$ 25,000	\$ -	\$ -
	Computers / Copiers / DPW Scanner / Health Computer	\$ 8,500	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
	Color Copier / Scanner	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Server Upgrade	\$ -	\$ 6,500	\$ -	\$ -	\$ -	\$ -
	Drone	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ -
	Computer Upgrades	\$ -	\$ -	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
	Digitize Records	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REVALUATION OF PROPERTY		\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ -
	Township tax revaluation	\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total	\$ 616,000	\$ 584,650	\$ 516,750	\$ 473,800	\$ 538,500	\$ 282,000
CAPITAL IMPROVEMENT FUND- BALANCE		\$ 30,132	\$ 58,429	\$ 52,076	\$ 13,623	\$ 18,120	\$ 7,917
CAPITAL FUND - FUND BALANCE		\$ 28,297	\$ 28,297	\$ 28,297	\$ 28,297	\$ 28,297	\$ 28,297
CAPITAL - OPERATING BUDGET		\$ 616,000	\$ 550,000	\$ 450,000	\$ 450,000	\$ 500,000	\$ 450,000
TOTAL CAPITAL FUNDS AVAILABLE		\$ 674,429	\$ 636,726	\$ 530,373	\$ 491,920	\$ 546,417	\$ 486,214
PROJECTED CAPITAL EXPENSES		\$ 616,000	\$ 584,650	\$ 516,750	\$ 473,800	\$ 538,500	\$ 282,000
PROJECTED CAPITAL BALANCE		\$ 58,429	\$ 52,076	\$ 13,623	\$ 18,120	\$ 7,917	\$ 204,214

TO: Township of Harding, Township Committee
FROM: Susan S. Gruel, PP
M. McKinley Mertz, PP, AICP
RE: Zoning Map Issue
DATE: January 28, 2019

It is our understanding that an issue has been raised regarding the accuracy of certain sections of the zoning information depicted on the proposed zoning map prepared by our office. It is also our understanding that the potential inaccuracies involve public land and open space.

A question was raised as to the source of the information on the zoning map. When preparing a zoning or land use map, we do not do a parcel-by-parcel analysis. Our data is derived from the State and/or County and is supplemented by, and linked to, the municipality's MOD IV tax data. MOD IV data is a standardized set of records used by tax accessors to identify characteristics of properties.

If there are underlying errors in the data from the State/County and/or from the Township's MOD IV tax data, these can and will be addressed during the upcoming Master Plan Reexamination process as well as the new Open Space and Recreation Plan.

It should be noted that these potential inaccuracies do not in any way relate to the proposed affordable housing overlays (AHO-1 and AHO-2), which is before the Township Committee this evening.

To: Harding Township Committee

From: Gary T. Hall, Planning Board Attorney

Date: January 25, 2019

Re: Implementation of Adopted Housing Element & Fair Share Plan
Pending Ordinance No. 03-2019
Pending Ordinance No. 04-2019
Pending Ordinance No. 05-2019
Pending Ordinance No. 06-2019

Gary T. Hall
Partner
T. 973.639.6986
F.. 973.297.3982
ghall@mccarter.com

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07102
T. 973.622.4444
F. 973.624.7070
www.mccarter.com

At its meeting on January 21, 2019, the Planning Board reviewed for Master Plan consistency the pending Ordinances listed above that are intended to implement the affordable housing plan conditionally approved by the Superior Court. The Planning Board determined that all of these pending Ordinances are consistent with the Master Plan, subject to one exception as described below.

There was considerable discussion of pending Ordinance No. 06-2019, which would repeal and replace Article XXXVI, entitled Affordable Accessory Residence Program, consisting of Sections 225-165 and 166. The Planning Board was informed that this Ordinance was mainly a rearrangement of existing provisions, but there was some uncertainty due to the fact that the format did not highlight current and modified wording. Ultimately, proposed new Section 225-166(B) was deemed to be inconsistent with the Master Plan based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations. Ordinance No. 06-2019 was otherwise deemed to be consistent.

BOSTON

HARTFORD

STAMFORD

NEW YORK

NEWARK

EAST BRUNSWICK

PHILADELPHIA

WILMINGTON

WASHINGTON, DC

**RESOLUTION TC 19-071
TOWNSHIP COMMITTEE - TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
JANUARY 28, 2019**

**RESOLUTION SETTING FORTH REASONS OF TOWNSHIP COMMITTEE FOR REJECTING PLANNING
BOARD'S FINDING THAT SECTION 225-166 B OF ORDINANCE #06-2019 IS INCONSISTENT WITH THE
TOWNSHIP MASTER PLAN**

WHEREAS, on January 14, 2019, the Township Committee introduced Ordinance #06-2019 entitled "AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING CHAPTER 225, ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED "AFFORDABLE ACCESSORY RESIDENCE PROGRAM"; and

WHEREAS, in accordance with N.J.S.A. 40:55D-26 (a), the Township Committee referred Ordinance No. #06-2019 to the Township Planning Board for its review for consistency with the Township Master Plan; and

WHEREAS, the Township Planning Board Attorney Gary Hall, Esq., issued a Memorandum dated January 25, 2019 to the Township Committee whereby he advised that the Planning Board reviewed and discussed Ordinance No. #06-2019 (along with Ordinances 003-2019, 004-2019 and 005-2019) at its January 21, 2019 meeting, the Board deemed proposed new §225-166(B) included within Ordinance #06-2019 to be inconsistent with the Master Plan "based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations"; and

WHEREAS, Ordinance No. 06-2019 was otherwise deemed to be consistent with the Master Plan; and

WHEREAS, N.J.S.A. 40:55D-26 (a) requires that a governing body, when considering the adoption of a development regulation, revision or amendment thereto, to review the Planning Board report and further permits the governing body to "disapprove or change any recommendation" by a vote of a majority of its full authorized membership and to record in its minutes the reasons for not following such recommendations; and

WHEREAS, N.J.S.A. 40:55D-62 further provides that a governing body may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of building and structures thereon, "... after the planning board has adopted the land use plan element and the housing plan element of the master plan, and all the provisions of such zoning ordinance ... shall either be substantially consistent with the land use plan and the housing element of the master plan or designed to effectuate such plan elements"; and

WHEREAS, the Harding Township Committee considered the Mr. Hall's January 25, 2019 Memorandum at its regularly scheduled meeting on January 28, 2019; and

WHEREAS, after considering the contents of Mr. Hall's memo as it relates to the supposed Master Plan inconsistency as it relates to proposed new §225-166(B) included within Ordinance #06-2019, the Township Committee takes exception to the Planning Board's determination that §225-166(B) of Ordinance #06-2019 is inconsistent with the Township Master Plan and otherwise disapproves of the Planning Board's conclusion set forth in Mr. Hall's January 25, 2019 memorandum as it relates to this section of the ordinance; and

WHEREAS, N.J.S.A. 40:55D-62 (a) further provides in pertinent part that a governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing element upon an affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance; and

WHEREAS, the Township Committee has determined to adopt Ordinance #06-2019, notwithstanding the Planning Board's "deeming" §225-166(B) of Ordinance #06-2019 to be inconsistent with the Master Plan "based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations" and memorialize its reasons for doing so and its disapproval of the Planning Board's report by adoption of this resolution.

RESOLUTION TC 19-071
TOWNSHIP COMMITTEE - TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
JANUARY 28, 2019

RESOLUTION SETTING FORTH REASONS OF TOWNSHIP COMMITTEE FOR REJECTING PLANNING BOARD'S FINDING THAT SECTION 225-166 B OF ORDINANCE #06-2019 IS INCONSISTENT WITH THE TOWNSHIP MASTER PLAN

BE IT RESOLVED, by the Township Committee of the Township of Harding that it does hereby disapprove of the January 25, 2019 "report" of the Township Planning Board regarding its review of Ordinance #06-2019 in regards to the Planning Board deeming" §225-166(B) of Ordinance #06-2019 to be inconsistent with the Master Plan "based on a literal reading that it would allow accessory residences without compliance with otherwise applicable accessory structure zoning regulations" for the reasons set forth below:

- (1) The Township Committee does not find that §225-166(B) of Ordinance #06-2019 is inconsistent with the Township's Master Plan.
- (2) On July 7, 2015, the Township of Harding filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), entitled In the Matter of the Application of the Township of Harding, County of Morris, Docket No. MRS-L-1672-15, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its "fair share" of the regional need for low- and moderate-income housing pursuant to the "Mount Laurel doctrine.
- (3) In connection with this lawsuit, the Township simultaneously secured a protective order providing Harding and its Planning Board immunity from all exclusionary zoning lawsuits while the Township pursued approval of its Amended Housing Element and Fair Share Plan. The Township also engaged in negotiations with the Fair Share Housing Center (hereinafter "FSHC") and S/K Mt. Kemble Associates, L.L.C. (hereinafter "Mt. Kemble Associates").
- (4) As a result of those negotiations, the Township entered into an agreement with FSHC and a separate agreement with Mt. Kemble Associates, which was incorporated in the agreement with FSHC and a Fairness Hearing was held on November 2, 2018, at which the settlement agreements were approved and the approval was later memorialized by an Order entered by the County on November 14, 2018.
- (5) In accordance with the terms of the settlement agreements and the Court's November 14, 2018 Order, the Township's planner prepared an Amended Housing Element and Fair Share Plan and upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Amended Housing Element and Fair Share Plan on December 17, 2018 and adopted the Amended Housing Element and Fair Share Plan on the same day; and
- (6) Ordinance #06-2019, including §225-166(B), is substantially consistent with the Township's land use element and housing plan element of the master plan and is specifically designed to effectuate such plan elements as it is specifically intended to allow the Township to meet its affordable housing obligations that are set forth in the Township's Amended Housing Element/Fair Share Plan that was adopted by the Township Planning Board at a public hearing conducted on December 17, 2018.
- (7) The Planning Board failed to specify or identify which section and/or findings of

**RESOLUTION TC 19-071
TOWNSHIP COMMITTEE - TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
JANUARY 28, 2019**

**RESOLUTION SETTING FORTH REASONS OF TOWNSHIP COMMITTEE FOR REJECTING PLANNING
BOARD'S FINDING THAT SECTION 225-166 B OF ORDINANCE #06-2019 IS INCONSISTENT WITH THE
TOWNSHIP MASTER PLAN**

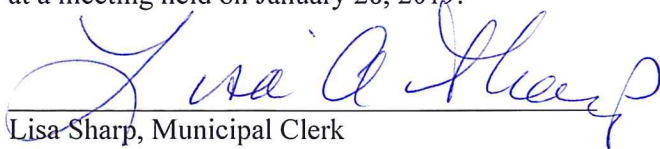
the Township's Master Plan is at odds with §225-166(B) of Ordinance #06-2019.

- (8) § 225-166(B) permits "an existing unoccupied space previously used as separate living quarters... may be converted to an affordable accessory residence." This same provision was specifically endorsed and recommended in the adopted 2008 Township Housing Element & Fair Share Plan. Specifically, the Plan states "10 units will be permitted consistent with the COAH limitation for this type of program. An important objective of the program is to foster the establishment of affordable accessory residences throughout the community. To help promote this objective, the ordinance should permit the conversion of an existing vacant accessory residence to an affordable accessory residence regardless of the zoning district in which it is located. In addition, new affordable accessory residences should be permitted in both the R-1 and RR zones, which together represent most of the privately-owned land in the township. These are the zones in which Harding has allowed traditional accessory residences for many decades." This Plan received substantive certification from COAH in 2009 and in connection therewith, the Township Committee adopted Ordinance #05-09 on June 10, 2009 that included the same language set forth hereinabove.
- (9) It should be noted that when the Township Planning Board reviewed the referral Ordinance in order to implement the accessory apartment ordinance as recommended in the 2008 Housing Plan, the Planning Board deemed the ordinance consistent with the goals and objectives of the Master Plan, as reflected in the Planning Board minutes from the May 18, 2009 meeting.

BE IT FURTHER RESOLVED, that the Township Committee has determined to adopt Ordinance #06-2019, notwithstanding the determination made by the Planning Board in regards to §225-166(B) that is included within Ordinance #06-2019.

DATED: January 28, 2019

I, Lisa A. Sharp, Municipal Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at a meeting held on January 28, 2019.


Lisa Sharp, Municipal Clerk

Vote on Resolution:

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