

**HARDING TOWNSHIP COMMITTEE
MONDAY, APRIL 15, 2019
REGULAR MEETING MINUTES**

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the regular meeting of the Harding Township Committee to order at 7:33 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 7 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 7, 2019, and Notice was posted on the website and filed with the Municipal Clerk on January 7, 2019.

Mayor Yates announced that Adequate Notice of the Harding Township Committee meeting was called in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mayor Yates asked for a roll call. Mrs. Sharp called the roll. All Township Committee members are in attendance.

RESOLUTION TC 19-100 -- 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: **March 18, 2019**; and

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **March 18, 2019**.

Mayor Yates asked for a motion to accept the Township Committee minutes from the March 18, 2019 meeting. Upon a motion made by Mr. Modi, seconded by Mr. Jones and with a roll call vote of all ayes, none opposed, the meeting minutes for March 18, 2019 were accepted.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

Mayor Yates stated he would like to send our thoughts to the people in Paris with regards to the destruction of the Notre Dame Cathedral.

DISCUSSION ITEMS

1. Open Space Trust Ordinance – Mayor Yates

Mayor Yates explained we will defer the Open Space Trust Ordinance discussion till the introduction of the ordinance.

2. Redevelopment Steering Committee – Mayor Yates

Mayor Yates explained that there is a resolution on the agenda this evening to appoint a Steering Committee to begin the work on the redevelopment plan. The work on the redevelopment plan will begin on Tuesday, April 16, 2019. A cross section of members of the community have been selected, which are: George Boyan, Gwenn Claytor, Richard Clew, Tom dePoortere, Bob Falzarano, Tim Jones, Karen Hefner, Daniel Lacz, Julia Somers, Tracey Walters, Larry Wepler, Chris Yates, and our professionals. This resolution is in our consent agenda.

Mayor Yates reported that an Adhoc Committee will also be appointed this evening. The Adhoc Committee consists of: Tim Jones, Chris Yates, Bob Falzarano, Bob Goldsmith - Redevelopment Attorney, and Susan Gruel - Township Planner.

Mayor Yates reiterated that this process will begin on April 16, 2019. There will be a public meeting scheduled for April 23, 2019 at 7 pm with a follow-up meeting of the Steering Committee on April 29, 2019. Our hope is to have our first plan for introduction at our May 13th Township Committee meeting.

Mr. Modi stated it is his understanding that the Adhoc Committee of the Township Committee will be a working group which will handle the redevelopment from the Steering Committee and go all the way through till the end, deal with the developer, and report back to the full Township Committee. This is effectively what the resolution states. Mayor Yates responded correct.

Mrs. DiTosto asked if we can take discussion on the resolutions now or later? Mayor Yates asked if Mrs. DiTosto would like the redevelopment resolutions (TC Resolution #19-105 and #19-106) pulled off the consent agenda for discussion. Mrs. DiTosto responded with yes.

3. Memorial Day Parade – Mayor Yates

Mayor Yates invited Mr. Wepler from the Civic Association to address the Township Committee and members of the public regarding the Memorial Day parade. As people might be aware, last year the Civic Association decided to not sponsor the parade. A group was put together, which was sort of the Civic Association, and the parade was conducted. This year, we are in the same situation. Before the Memorial Day parade was cancelled, we wanted to have a discussion about it to see if there was enough interest and volunteers to try to put the parade together. Mayor Yates explained that the Civic Association sent out a survey.

Mr. Wepler -- stated that a meeting was held with Chief Heller, Mr. Falzarano and members of the Civic Association, there was a disagreement amongst the group as to what the purpose of that meeting was. Mr. Wepler took away from that meeting with, the Civic Association was being asked to conduct the parade again and do exactly what was conducted last year. Mr. Jake Hays felt that it was clear that only a ceremony was contemplated. The Civic Association has voted twice not to do a parade. Mr. Wepler explained he went back to the Civic Association members, which Mr. Balog could not be present and apologized for not being present this evening, to see what could be done.

The results of the survey are:

- * 700 emails were sent out – 42 responses were received
- * Of the 700 emails sent out, there was a 50% open rate (people looked at it and knew what the issue was, but chose not to respond).
- * The people that did respond; 71% said they wanted a parade with 66% wanting a ceremony.
- * For those who were willing to volunteer; 53% stated they would not and 47% said they would and left their names and addresses.

Mr. Weppler -- Explained that the bottom line is that the Civic Association will undertake this event one more time. We will work with the Police, Fire Department, and others to put on the parade and a ceremony. Mr. Weppler explained that there will not be any clowns or a band. If the Civic Association will run the event, it will be the same as last year. There will be no political speeches and no political parties invited to be on the dais. Mr. Weppler stated the Civic Association expects help from the Township Committee if needed. Mr. Weppler strongly recommends that the Township Committee do whatever it is they need to do if they wish the parade to continue. Mr. Weppler suggested the Committee identify a person now and start today so that person can take the event over for next year.

Mayor Yates stated it is not a lack of effort on the Township Committee's part to find someone to take the event over. Mayor Yates personally spoke to many residents over the past year, unsuccessful about getting someone to commit. Mr. Weppler stated that the Civic Association will not conduct the event next year. The school will not participate this year and they have been very clear on this from the beginning. Mr. Weppler explained that the school's views as to why they are not participating should be communicated to the public. Mrs. DiTosto explained she spoke with Mr. Matt Spelker and he asked that Mrs. DiTosto convey if the school was mentioned with regard to the parade that the School Board and Mr. Spelker as Superintendent are in support of the Memorial Day parade. The School cannot make parents, students, and faculty attend. Mr. Spelker did say that many families do go away that weekend which makes them not around. Mrs. DiTosto stated that Mr. Spelker and the Board of Education are in support of the parade. If they are around, they will attend, they just cannot make people attend. Mr. Weppler explained that he understands, but the bottom line is there is no band and no chorus. Mr. Weppler believes Mrs. DiTosto misunderstands what Mr. Spelker is saying. We understand what the school is saying but there will be no school support period.

Elaine McHale, resident – Appreciates the Civic Association and recognizes their challenge. Would hate to see the parade stop. Is there a way to make a pitch to the school, and at the high school level, to look at this as an opportunity to understand what it is to be a participant in the community and ask for volunteers among the middle schoolers? Perhaps receive community service credit, become field marshals, etc. Mrs. McHale asked if there should be a community wide meeting with representatives of the organizations that march in the parade. Mrs. McHale stated maybe not everyone understands that there is that much of a challenge to putting the parade together.

Mayor Yates responded that we can pursue that. Mr. Weppler has a very detailed guide to the parade with timelines, groups to contact, etc. Mayor Yates explained that the challenge is getting someone to step up. No one wants to see it go away, but no one is willing to volunteer to run the event. The Township is open to any ideas, organizations, or people that might be interested in doing this. Mayor Yates stated we are happy to have a meeting. Mayor Yates explained this should be something done by the community not the town government. The Township does not have someone that works in the Municipal Building that can reach out and organize something like this event, it should be a resident of the town.

Elleanor Weiner, resident – Mentioned that she will contact the Presbyterian Church to see if any of their young musicians would be interested in volunteering. Many people have informed her that they will help.

Mr. Weppler – There will be some type of music and is confident that the other pieces will be in place in the next few weeks. Mr. Weppler believes the comments made this evening are instructive. The comments provide

excellent recognition and appreciation on why we are privileged to have a memorial day to begin with. People recognize the importance of this event. We are very fortunate for the people who do come out and support this event.

Mayor Yates stated that we all appreciate the work Mr. Weppler, the Civic Association, and everyone involved in this event contributes. Let's hope that someone will step up, so that this event does not become a thing in the past.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 19-101 listed on the Non-Consent agenda. Mr. Modi read the following.

Resolution TC 19-101 – Resolution to Amend 2019 Budget

WHEREAS, the local municipal budget of the year 2019 was introduced and approved on the 18th of March 2019; and

WHEREAS, the public hearing on said budget has been scheduled for the 15th of April 2019; and

WHEREAS, it is desired to amend said approved budget.

BE IT RESOLVED, by the governing body of the Township of Harding that the following amendments to the approved budget of 2019 be made:

Mr. Modi explained that the revenues under Distracted Driving Crackdown under Miscellaneous Revenues is going from zero to \$5,500.00 and under the General Appropriations for Distracted Driving Crackdown is going from zero to \$5,500.00. This will impact the public and private programs offset by revenues and the total general appropriations.

Mayor Yates explained that this is a grant that the Township received.

3. Miscellaneous Revenues

From: **To:**
Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of
Local Government Services – Public and Private Revenues Offset with Appropriations

Distracted Driving Crackdown	\$0	\$5,500
Total Miscellaneous Revenues	\$1,272,639	\$1,278,139
Total General Revenues	\$9,239,772	\$9,245,272

8. General Appropriations

From: **To:**

A. Operations – Excluded from “CAPS”		
Distracted Driving Crackdown	\$0	\$5,500
Public & Private Progs. Offset by Revs.	\$33,675	\$39,175
Total General Appropriations	\$9,239,772	\$9,245,272

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2019 local municipal budget so amended.

NON-CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 19-101 listed on the Non-Consent agenda.

Committee Member Modi made a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee, seconded by Township Committee Member 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	<input type="checkbox"/>	<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	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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 19-102 listed on the Non-Consent agenda. Mr. Modi read the following.

Resolution TC 19-102 -- 2019 Budget to be Read by Title Only at the Public Hearing

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions were met.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the budget shall be read by title only.

NON-CONSENT AGENDA VOTE:

Mayor Yates asked **Committee Member Modi** to proceed with Resolution TC 19-102 listed on the Non-Consent agenda.

Committee Member Modi: made a motion to adopt the 2019 budget by title only. Mrs. DiTosto seconded the motion.

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	2 nd	<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	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"/>

Mayor Yates opened the 2019 budget for public comment and asked if there were any comments or questions.

Mrs. Regina Egea, resident – Trying to understand your thinking of next year's budget and as well as this year's budget. Looking at the incremental head count, answer is half year funded? Mr. Falzarano responded it is full year funded. Mrs. Egea stated, it looks like there are offsets in revenues, at least half of the incremental costs of personnel is funded by a reduction in capital. Mr. Falzarano responded with no. Mrs. Egea asked if you could help her understand since capital is down, other expenses go up. Mr. Falzarano explained that it is part of the capital spending plan for the Township that was raised two years ago to \$750,000.00 for items that had to be completed that were not done. Years prior the capital budgets was about \$400,000.00 each year. There were items that needed to be completed, so the capital was raised but the plan was to reduce the capital budget over the next several years, bring the capital back down to \$500,000.00. This falls within the plan that the Township established for capital spending. Mrs. Egea stated that way you were able to fund two people in the salary line. Mr. Falzarano asked if Mrs. Egea was referring to the total amount. Mrs. Egea replied no the incremental. Mr. Falzarano replied no, the starting salaries for police are around \$40,000.00 to \$50,000.00.

Mayor Yates asked is your question; was the capital lowered in order to accommodate the additional headcount? Mayor Yates explained that was not why the capital was lowered. The capital was lowered because the projection of capital needs is lower going forward. If you look at the capital budget in the out years, it continues to decline, as the Township continues to accomplish what the Township set out to accomplish about three to four years ago, starting with the road program. As the capital requirement has declined, it has opened opportunities within the budget to do some of the other items the Township was waiting to do within the context of our tax rates. Mrs. Egea stated; like hiring. Mayor Yates explained the restructuring of the Police Department is the primary component of that but the Township did not lower the capital budget in order to accommodate this.

Mrs. Egea -- Asked a question regarding the police overtime and ratables. Mayor Yates explained, looking at the Police Department budget in total, it is not growing. It is reallocation within that budget. As the Township increases headcount, we have budgeted to bring overtime and comp time down sharply. Mr. Falzarano stated that the comp time liability is something that has never been calculated or projected within the Police budget. This has a significant impact because projecting the Police budget for the next three years by hiring two officers with benefits included and reducing the overtime and comp time liability, you will spend less money for the budget. Mrs. Egea stated that the salary line is going up. You are creating a long term expense. Mr. Falzarano replied no. The Police salary line is not going up. As a matter of fact, the salary line dropped this year already and the Township has not even implemented the plan yet. Mrs. Egea stated that the salary line is going up 3.3%. Mr. Falzarano stated that the number includes raises for all employees. The Police salary budget, which Mrs. Egea is speaking about, actually came down and will continue to do so because of the overtime and comp time liability. The comp time was never calculated before, but it is now being calculated. It is a liability in the budget by itself. A discussion ensued regarding overtime and comp time.

Mrs. Egea is saying that the escalation in salary line, unless you are saying, which she believes it is not, that the only increment in the salary line next year will be the raises. Mr. Falzarano replied that is correct. Mrs. Egea stated she is questioning the long term stability of the salary line. Mr. Falzarano stated there is an ebb and flow with budgeting of salaries. You do not know who may retire during the year. That larger salary now, and when the lower salary comes in, will affect the bottom line salary. These things happen and we suspect they will as there are some retirements over the next several years that are coming. These are all factors. Mrs. Egea asked for a six month review. Mr. Falzarano stated, the budget is reviewed quarterly. Mayor Yates responded that the head count in the Police Department, those individuals have not been hired yet. They will need to be hired and trained before the changes in the overtime line will be seen. Mayor Yates stated as we have reviewed previous Police contracts, they were very unfavorable for the Town in terms of health care costs, etc. Much progress has been made each time a new contract was made. One of the reasons the Township was comfortable with restructuring the Police Department was due to the elimination of the long table liabilities. The Township no longer offers officers life time benefits. When they retire, that cost to the town goes away. The Township has done significant modeling projections going forward for head counts under the existing conditions where both overtime and comp time are projected. The model looks at the costs of each additional officer and the associated reduction in overtime and comp time. The Town never previously accounted for the accumulated comp time. It was never reflected in the Town's budget or on the Town's balance sheet. The Township is working diligently to bring the comp time number down by encouraging officers' to take their comp time. A discussion regarding overtime liability and the capital budget continued.

Mr. Falzarano reported that the overtime numbers (with benefits) from 2005 to 2008 was \$92,000.00. From 2014 to 2017 with benefits, it jumped to \$664,000.00. The compensatory time went from \$88,000.00 to \$439,000.00. The special police expenses went from zero to \$178,000.00. Overall, when you compare those time periods from 2005 to 2008, you had 14 to 15 officers and 2014 to 2017, you had 11 officers with 2 specials and had a 700,000.00 increase. Mayor Yates stated the Township has done extensive financial modeling for the next five years and are working hard, so possibly in the next three years, that we may be able to be in a position to lower the tax rate. Mayor Yates explained the Township needs to ensure that our tax rate matches our expenses.

Mr. Modi stated we are all happy to have the transparent discussions but does not know how he feels about managing the budget by one line item. The budget gets looked at as a holistic document with multiple line items. Happy to have the discussions, but for the public to know if the Township goes down the path of managing the budget by one or two line items, this may miss the target in the long run. Mr. Modi explained that Mrs. Egea understands the budget more than the public does, so for the public to believe that the Township is managing the budget by one line item, this could be misunderstood.

Mr. Chris Allyn, resident – Asked about the surplus line, which appears to be spent as the expenditures and the income appear to have the same number. Mayor Yates stated that in the Municipal Budget accounting, the surplus is essentially a carryover from year to year. This is different from fund balance. A discussion of the fund balance ensued. Mr. Allyn asked what the fund balance is for the beginning of 2019. Mr. Fiore responded with at the beginning of 2018, it was \$3.8 million and at the end of 2018, it was \$3.9 million. A question about surplus was asked. Mayor Yates stated the Township is maintaining surplus. A question of a fund balance policy, is something the Township's Finance Committee is actively looking at. What is the appropriate policy? Mayor Yates explained there is no conclusion to the appropriate surplus policy yet.

Mrs. DiTosto, Township Committee Member mentioned that under the capital improvement funds of \$616,000.00, \$162,210.00 is for exterior and interior improvement of the Township facilities. In reviewing the breakdown of expenses, the expense for shutters is \$39,000.00. Are we actually going to spend \$39,000.00 to put shutters on the building? Mayor Yates stated it is in the budget, but the Township has yet to spend that money. Mrs. DiTosto stated she is not in favor of spending \$39,000.00 for shutters. Mrs. DiTosto stated she

notices that there is \$5,000.00 for the Gatehouse, would these monies come out of the Open Space Trust funds? Mayor Yates explained that the capital costs for the Gatehouse come out of the Township's capital budget. Mrs. DiTosto asked if we wanted to continue to do this. Mr. Roselli, Township Attorney, explained that for the building itself, the funds come out of the Township's capital budget as the structure itself is not part of open space.

Mrs. DiTosto asked regarding the shutters, will this line item come back to the Township Committee for discussion. Mr. Falzarano responded with yes.

Mayor Yates stated with no more questions or comments closed the public hearing.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 19-103 listed on the Non-Consent agenda. *Mr. Modi read the following:*

Resolution TC 19-103 – Adoption of 2019 Budget -- Municipal Budget Notice – Fiscal Year 2019

WHEREAS, the Township Committee introduced and approved the 2019 municipal budget on March 18, 2019; and

WHEREAS, the approved budget was advertised as required by law on March 21, 2019 (Daily Record) and March 21, 2019 (Observer Tribune) with notice of the public hearing scheduled for April 15, 2019.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2019:

Mr. Modi read the summary of total revenues to be \$9,245,272.00. The total general appropriates are \$9,245,272.00. The summary of revenues for the Sewer Utility Fund; the total general revenues are \$230,000.00 with the total general appropriations being \$230,000.00.

		ANTICIPATED	
SUMMARY OF REVENUES - CURRENT FUND		2019	2018
1	SURPLUS	2,100,000.00	2,041,512.00
2	TOTAL MISCELLANEOUS REVENUES	1,278,139.00	1,382,771.00
3	RECEIPT FROM DELINQUENT TAXES	90,000.00	90,000.00
4	LOCAL TAX FOR MUNICIPAL PURPOSE	5,777,133.00	5,675,195.47
	TOTAL GENERAL REVENUES	9,245,272.00	9,189,478.47
SUMMARY OF APPROPRIATIONS - CURRENT FUND		2019	2018
1	OPERATING BUDGET		
	SALARIES & WAGES	3,264,600.00	3,123,100.00
	OTHER EXPENSES	3,777,555.00	3,577,373.00
2	OPERATIONS – EXCLUDED FROM “CAPS”	297,175.00	450,507.47
3	DEFERRED CHARGES & OTHER APPROPRIATIONS	0.00	0.00
4	CAPITAL IMPROVEMENT FUNDS	616,000.00	750,000.00
5	DEBT SERVICE	377,539.00	380,172.00
6	RESERVE FOR UNCOLLECTED TAXES	912,403.00	908,326.00
	TOTAL GENERAL APPROPRIATIONS	9,245,272.00	9,189,478.47
		ANTICIPATED	
SUMMARY OF REVENUES - SEWER UTILITY FUND		2019	2018
1	SURPLUS	30,000.00	30,000.00
2	TOTAL MISCELLANEOUS REVENUES	200,000.00	200,000.00
	TOTAL GENERAL REVENUES	230,000.00	230,000.00
SUMMARY OF APPROPRIATIONS - SEWER UTILITY FUND		2019	2018
1	OPERATING BUDGET		
	SALARIES & WAGES	25,000.00	25,000.00
	OTHER EXPENSES	188,000.00	188,000.00
2	DEFERRED CHARGES & OTHER APPROPRIATIONS	2,000.00	2,000.00
	CAPITAL IMPROVEMENT FUNDS	15,000.00	15,000.00
	TOTAL GENERAL APPROPRIATIONS	230,000.00	230,000.00
BALANCE OF OUTSTANDING DEBT			
TOTAL PRINCIPAL TO BE PAID IN 2019			390,000
TOTAL INTEREST TO BE PAID IN 2019			178,675
REMAINING PRINCIPAL AND INTEREST TO BE PAID AFTER 2018			4,535,000
		2019	2018
TOTAL NUMBER OF PERSONS BUDGETED		39	37

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the budget set forth for 2019 is hereby adopted.

NON-CONSENT AGENDA VOTE:

P 04-12-2019

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 19-103 listed on the Non-Consent agenda.

Committee Member Modi made a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee, seconded by Township Committee Member 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	<input type="checkbox"/>	<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	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"/>

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

Resolution TC 19-105 – Resolution Creating Redevelopment Steering Committee; Appoint Members to Redevelopment Steering Committee

Mrs. DiTosto asked for Resolution TC 19-105 be pulled from the Consent Agenda for further discussion.

Mayor Yates asked Committee Member Jones to proceed with Resolution TC 19-105 listed on the Non-Consent agenda. Mr. Jones read the Title and made a motion to adopt Resolution TC 19-105, seconded by Mr. Platt.

Mayor Yates asked if there were any comments or questions.

Mrs. DiTosto stated “she was not consulted ahead of time regarding who should sit on the Steering Committee and was not consulted ahead of time that discussions with residents were taking place.” Mrs. DiTosto stated “she learned about the composition of the committee on Saturday, April 6th from an email she received from Mr. Falzarano, which was an email that was forwarded from Mr. Yates which explained that the timeline requires the redevelopment steering committee should be appointed on April 15th as the steering committee is meeting on April 16th and in order to ensure that the steering committee members are able to meet on the 16th, it was necessary to speak to potential members ahead of time. Mr. Jones and Mr. Yates put together a list of members spanning various constituencies and experience and avoiding quorum problems with the other committees on which they serve. Mr. Yates spoke to each person to ascertain their willingness to serve and their ability to meet the required dates and times as the time commitment would likely be serious and each member has agreed to serve and understands the Committee will make the appointment on Monday, April 15th. The agenda will contain a resolution appointing these members to the committee, Mr. Yates asked that you concur with the appointments.” Upon receiving the email on Saturday, April 6th, Mrs. DiTosto called Mr. Falzarano, Township Administrator on Monday, April 8th to ask a few questions. Today, we received a memo from the attorney, Bob Goldsmith. Mrs. DiTosto asked if the memo from Mr. Goldsmith be made public or is it considered attorney client privilege. What’s the status with the memo? Mr. Falzarano responded the memo will be discussed with the steering committee on April 16th. Mrs. DiTosto asked if it could be discussed tonight. Mr. Falzarano replied yes, it is a legal question. Mrs. DiTosto explained that the memo was about conflicts of interest considerations. Mrs. DiTosto stated she has questions about the conflict of interests and the composition of the steering committee.

Chris Allyn, resident – Asked attorney for what for who. Mayor Yates responded Mr. Goldsmith has been retained as the Township's Redevelopment Attorney. The redevelopment law has very explicit and strict definitions of conflicts of interest. Mr. Falzarano asked Mr. Goldsmith to prepare a memo outlining what those potential conflict of interests would be, so the Township does not make any errors. That is the memo that was prepared.

Mrs. DiTosto asked the following questions:

1. Why does the Steering Committee have only two Township Committee members? Why can't it have more? The redevelopment committee is going to be talking about everything in public. Why can't all the Township Committee members sit on it? Mr. Roselli, Township Attorney, explained it becomes quorum issues. It would have to be noticed as a Township Committee meeting. The Municipal Clerk would have to notice the meeting, the Municipal Clerk would have to appear and operate the meeting as a Township Committee meeting.

2. Will the meeting of the Steering Committee be publicly announced? Can members of the public attend? Mr. Falzarano responded that the public meeting has been noticed. Mr. Falzarano stated that the first public session is on April 23rd at 7 pm. The Steering Committee organizational meeting is set for April 16th and that is not a public meeting. This meeting is to meet with the Steering Committee and go over the ethics issue. Mr. John Hague an associate of Mr. Goldsmith will be in attendance to speak about ethics conflicts to the group and to make sure that the committee is bound by the ethics law. Mr. Falzarano mentioned in speaking with Mayor Yates, from Mr. Falzarano's experiences, that redevelopment is such a delicate subject and you must be cautious as you proceed that the code of ethics should be applied to that committee as it would be a public body.

3. Will the members of the Steering Committee be asked to sign a statement that there is no conflict? Mr. Falzarano stated that is a policy issued for the Township Committee. Mayor Yates explained that with the conversation we had with the attorney, each person arrives at the conclusion that they have a conflict. Each individual will have to examine their own personal relationships and financial interests and make a determination whether or not they have a conflict. We will need to rely on each individual. Mrs. DiTosto proposes that members of the Steering Committee sign a statement that there will not be any gain; financially or personally. Mayor Yates responded we can have something prepared. Mr. Falzarano stated if that is the direction of the Township Committee, we will have something prepared.

4. Does the same apply to the Planning Board? Mr. Falzarano responded the Planning Board is a public body. Mrs. DiTosto asked that the same ethics law would apply to members of the Planning Board in context of the redevelopment. Mr. Roselli, Township Attorney, explained if you are a public official, the ethics law applies to all public officials. Mr. Falzarano explained that they signed an oath of office. Mr. Roselli explained that the purpose of the Steering Committee is to lead these meetings to get input from the public to see how best to redevelop Hurstmont/Glen Alpin. Ultimately, it is this Governing Body which would adopt an ordinance that would encompass a redevelopment plan. That is why the Steering Committee is advisory in nature. Historically, it is the redevelopment entities where the problems arise, not so much adhoc committees. Mayor Yates reported that the Township Committee is the redevelopment entity. Mr. Roselli stated that the Township Committee has the final decision on what the redevelopment plan is. Mayor Yates reported that in Mr. Goldsmith's memo, he makes the point that it is voluntary for the steering committee, but it is binding on official bodies and those official bodies include the Planning Board. Mayor Yates mentioned that the same ethics discussion will take place with the Planning Board before they start deliberations on any act they have to perform.

5. What is considered a conflict? Mrs. DiTosto mentioned Endeavor which maybe the firm that is building there. Mr. Roselli, Township Attorney, explained that Endeavor is the parent company. The actual contract purchaser is Hurstmont LLC. Mrs. DiTosto stated Endeavor is involved in this. Mr. Roselli responded

Endeavor is not. The contract purchaser is the LLC. Mrs. DiTosto asked what is Endeavor. Mr. Roselli, stated from what we were informed, Endeavor is another entity owned by Mr. Peter Monahan. Mrs. DiTosto asked why was Endeavor's name in the resolution the Township Committee passed two meetings ago. Mayor Yates explained it was an access licensing agreement to allow the development arm to do testing for the septic. Mr. Roselli explained it was changed where Endeavor was taken out and Hurstmont LLC was added. Mr. Roselli explained he initially had both in the agreement for liability purposes, but Endeavor was taken out since Hurstmont LLC is the actual contract purchaser. Mrs. DiTosto reported that Endeavor has an investment program. People can invest in their fund and their investments provide "substantial near term upside". If there is a member of the Steering Committee, the Planning Board that has an investment in Endeavor, they should recuse themselves. Mr. Roselli responded with yes. Mayor Yates reported they should step off the Steering Committee and if they are on the Planning Board, they should recuse themselves.

6. Mr. Clew is on the Steering Committee, on the Environmental Commission, Planning Board, and on the Harding Land Trust. Mayor Yates clarified that Mr. Clew is not representing the Harding Land Trust. Mr. Clew happens to be on the Board of the Harding Land Trust. The Harding Land Trust does not have a representative on the Steering Committee. This is more of a disclosure item, he is a member of the Harding Land Trust Board. Mrs. DiTosto asked; if you are on the Planning Board and you are a member of the Harding Land Trust, this is not a conflict. Mayor Yates responded that is correct.

7. Will there be minutes taken from the Steering Committee? Mr. Falzarano responded with there will be. Mrs. DiTosto asked if they will be published. Mr. Falzarano replied, the public sessions are open and anyone can come from the public. That is the purpose of the Steering Committee. It is to guide the recommendations from the public and filter it to the Township Committee. Mayor Yates explained that the Steering Committee is a group of citizens, it is not a public body. Mrs. DiTosto asked if this committee is meeting with the developer. Mr. Falzarano responded with no. Mrs. DiTosto asked who are they meeting with? Mr. Falzarano replied that meeting with the developer will be the responsibility of the Redevelopment Adhoc Committee once a redeveloper is appointed. The purpose of the Steering Committee is to manage the public input and issues raised. They are there to help formulate the questions and plan.

Resolution TC 19-105 – Resolution Creating Redevelopment Steering Committee; Appoint Members to Redevelopment Steering Committee

WHEREAS, on November 19, 2018, the Township Committee of the Township of Harding ("**Committee**") directed the Planning Board of the Township of Harding ("**Planning Board**"), by way of TC Resolution 18-196, to conduct an investigation to determine whether certain properties within the Township of Harding ("**Township**") are in need of redevelopment according to the statutory criteria set forth in the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "**Redevelopment Law**"); and

WHEREAS, the properties identified for investigation were Lot 2 in Block 27 and Lot 1 in Block 34 as shown on the official tax maps of the Township (the "**Study Area**"), located on Mount Kemble Avenue (Route 202) and totally 29.44 acres; and

WHEREAS, the Planning Board retained the planning firm of Heyer, Gruel & Associates ("**Heyer**") to perform the investigation of the Study Area; and

WHEREAS, following its investigation, Heyer prepared a report entitled "*Area in Need of Redevelopment Investigation Report, 685 Mt. Kemble Avenue ("Glen Alpin"), 679 Mt. Kemble Avenue ("Hurstmont")*", dated February 1, 2019, wherein Heyer concludes that the Study Area meets the statutory criteria of the Redevelopment Law as an area in need of redevelopment (the "**Report**"); and

WHEREAS, on February 19, 2019, following a public hearing, the Planning Board voted to recommend to the Committee the designation of the Study Area as an area in need of redevelopment; and

WHEREAS, on February 25, 2019, through TC Resolution 19-073, the Township Committee designated the Study Area as an area in need of redevelopment (hereinafter, the Study Area shall be referred to as the “**Redevelopment Area**”); and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to establish a Redevelopment Steering Committee, to be comprised of elected officials, Planning Board members, and citizens, to provide guidance to the Committee and facilitate the preparation of a Redevelopment Plan for the Redevelopment Area by Heyer.

BE IT RESOLVED, that there is hereby created a steering advisory committee of the Township known as the “Redevelopment Steering Committee”. The Redevelopment Steering Committee shall consist of one chairperson, and 13 additional members. The Redevelopment Steering Committee members shall be appointed by the Committee.

BE IT FURTHER RESOLVED that the Committee hereby appoints the following individuals to the Redevelopment Steering Committee:

Chair: Christopher Yates

Committee Members: Mr. George Boyan, Mrs. Gwen Claytor, Mr. Richard Clew, Mr. Tom dePoortere, Mr. Robert Falzarano, Mr. Tim Jones, Mrs. Karen Hefner, Mr. Robert Goldsmith, Ms. Susan Gruel, Mr. Daniel Lacz, Mrs. Julia Somers, Ms. Tracey Walters, and Mr. Lawrence Weppler

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

NON-CONSENT AGENDA VOTE:

Mrs. DiTosto made a motion to amend Resolution TC 19-105 to have two different Township Committee members sit on the Steering Committee. Mayor Yates stated a motion has been made, is there a second? Mayor Yates reported in the absence of a second, the motion fails.

Mayor Yates asked for the roll. Mrs. Sharp called the roll. .

Vote on Resolution:

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

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

Resolution TC 19-106 – Resolution Creating Redevelopment Adhoc Committee; Appoint Members to Redevelopment Adhoc Committee

P 04-12-2019

Mrs. DiTosto asked for Resolution TC 19-106 be pulled from the Consent Agenda for further discussion.

The following questions and comments were asked regarding Resolution TC 19-106:

Mrs. DiTosto asked why the Township Committee as a whole could not be on the committee. Mr. Falzarano explained that you, the Township Committee, ultimately makes the decision on those negotiations as you would on any contract negotiations, but the Township Committee as a whole does not do the negotiations. Mrs. DiTosto asked why the five Township Committee members can't meet with the developer and have the attorney conduct the discussions. Mr. Roselli, explained that inviting a potential contractor to a Township Committee Executive Session for discussions will be a violation of the Open Public Meetings Act. Mr. Roselli further explained that you are not supposed to allow those types of negotiations, as a full Governing Body, to occur in Executive Session. You cannot bring a developer into your executive session, this is a violation of the Open Public Meetings Act. Mayor Yates explained that the Adhoc Committee is not empowered to make any decisions. Mayor Yates further explained that the Adhoc Committee does not want the responsibility to exclude any proposal without the input of the full Township Committee. The Adhoc Committee will present all proposals to the entire Township Committee for their review.

Mrs. DiTosto stated that maybe there should be two different Committee members that should be on the Adhoc Committee. Mr. Modi responded by saying he thought about that and his concern is in most of our existing standing committees and subcommittee work that we conduct, we have continuity in the process. Mr. Modi's thought is, if you have the continuity from the Steering Committee all the way through the process that has value for the full Township Committee. There are multiple facets of this and if you are constantly changing who the people are, Mr. Modi is concerned that the continuity will be lost. Mrs. DiTosto responded that very well may be, but it would provide a greater degree of transparency for those that are not involved in the Steering Committee or the Adhoc Committee. Mr. Modi stated he is not sure what Mrs. DiTosto means by transparency. Mrs. DiTosto further explained you would have a greater degree of hand-off from one topic to another amongst Township Committee members so that everybody could be involved with what is going on, rather than two people being on both committees and the rest of the Township Committee is receiving information. Mayor Yates reported it is incumbent on the Adhoc Committee to make sure that does not happen. Mrs. DiTosto prefers to see two different people serve on each committee.

Mayor Yates asked if there were any further comments.

Chris Allyn, resident - A written specification of what the Steering Committee is expected to do would help. Mayor Yates explained there is, the meeting of the Steering Committee has a detailed agenda. It starts out with the ethics issues, the scope, what has been determined by court order, areas to be discussed, and how the committee is going to work. Mr. Allyn asked if that will be made a public document. Mayor Yates stated the agenda can be made public. Mr. Falzarano responded and said what Mr. Allyn is asking for is the charge for the Steering Committee and that is what will be put together at the April 16th meeting. A broad base picture of what will be discussed is; lot coverage, scope, standards, setbacks, design guidelines and then come up with a charge for the committee. The public meeting in which everyone can attend to give their input is set for April 23rd at 7 pm.

Mark Fleming, Harding Land Trust – The Goldsmith memo that was mentioned, will that be made available to the public? Mayor Yates mentioned it will be placed on the Township's website. Mr. Fleming stated the timeline for the redevelopment is quite tight. With all these layers, who will be communicating all the logistics? Mr. Falzarano explained, he will do that. Mayor Yates reported that there is a timeline with all the dates of every meeting which will be placed on the website. Mr. Falzarano reported that we are very constrained with the timeline which is due to the Court imposing this on the Township. Mr. Fleming mentioned it is not clear

how the constituents when they attend the steering committee meetings, who are they representing? Mayor Yates explained the members of the committee are there as residents and in effect representing the entire town. They have a background in these other organizations and the hope is that it will inform their thought process and decision making as they have a sensitivity to those groups that are not represented. They can speak to environmental concerns, zoning issues, etc. Mr. Fleming asked how does the Harding Land Trust, as a minority owner of Glen Alpin, make sure their interest is being represented. Mr. Jones explained that the Harding Land Trust has to make a decision based on the public meetings that happen. The Harding Land Trust should come to those meetings and represent themselves in those public meetings.

Nik Bjorkedal, Harding Land Trust -- How many public sessions will be held? Mr. Falzarano stated there are two sessions; April 23rd and July 24th. Mr. Modi stated it is his understanding that there is public opportunity to speak to the Steering Committee but then as part of the redevelopment process there will be public hearings here at the Township Committee, several of them, which is another opportunity for the public and organizations to come to. Mayor Yates mentioned that the Township is adopting two redevelopment plans. There will be two meetings for each plan in addition to the steering meetings.

Mrs. DiTosto asked that the Civic Association send out an email blast with regard to the public meetings scheduled for April 23rd and July 24th. Mayor Yates reported that there will be a section on the Town website where all the redevelopment information will be placed.

Resolution TC 19-106 – Resolution Creating Redevelopment Adhoc Committee; Appoint Members to Redevelopment Adhoc Committee

WHEREAS, on November 19, 2018, the Township Committee of the Township of Harding (“**Committee**”) directed the Planning Board of the Township of Harding (“**Planning Board**”), by way of TC Resolution 18-196, to conduct an investigation to determine whether certain properties within the Township of Harding (“**Township**”) are in need of redevelopment according to the statutory criteria set forth in the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”); and

WHEREAS, the properties identified for investigation were Lot 2 in Block 27 and Lot 1 in Block 34 as shown on the official tax maps of the Township (the “**Study Area**”), located on Mount Kemble Avenue (Route 202) and totally 29.44 acres; and

WHEREAS, the Planning Board retained the planning firm of Heyer, Gruel & Associates (“**Heyer**”) to perform the investigation of the Study Area; and

WHEREAS, following its investigation, Heyer prepared a report entitled “*Area in Need of Redevelopment Investigation Report, 685 Mt. Kemble Avenue (“Glen Alpin”), 679 Mt. Kemble Avenue (“Hurstmont”)*”, dated February 1, 2019, wherein Heyer concludes that the Study Area meets the statutory criteria of the Redevelopment Law as an area in need of redevelopment (the “**Report**”); and

WHEREAS, on February 19, 2019, following a public hearing, the Planning Board voted to recommend to the Township Committee the designation of the Study Area as an area in need of redevelopment; and

WHEREAS, on February 25, 2019, through TC Resolution 19-073, the Township Committee designated the Study Area as an area in need of redevelopment (hereinafter, the Study Area shall be referred to as the “**Redevelopment Area**”); and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township to establish a Redevelopment Adhoc Committee, to be comprised of elected officials, administration, and professionals to negotiate with the redeveloper.

BE IT RESOLVED, that there is hereby created a Redevelopment Adhoc Committee of the Township known as the “Redevelopment Adhoc Committee”. The Redevelopment Adhoc Committee shall consist of one chairperson, and 4 additional members. The Redevelopment Adhoc Committee members shall be appointed by the Township Committee.

BE IT FURTHER RESOLVED that the Township Committee hereby appoints the following individuals to the Redevelopment Adhoc Committee:

Chair: Christopher Yates

Committee Members: Mr. Robert Falzarano, Mr. Tim Jones, Mr. Robert Goldsmith, Ms. Susan Gruel

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

NON-CONSENT AGENDA VOTE:

Mr. Jones made a motion to adopt Resolution TC 19-106 Creating a Redevelopment Adhoc Committee and Appoint Members to Redevelopment Adhoc Committee. Mayor Yates asked if there was a second. Mr. Platt seconded the motion.

Mrs. DiTosto made a motion to amend Resolution TC 19-106 to have two different Township Committee members sit on the Redevelopment Adhoc Committee. Mayor Yates stated a motion has been made to amend Resolution TC 19-106 to replace two Township Committee members, is there a second? Mayor Yates reported in the absence of a second, the motion fails.

Chris Allyn, resident – Asked what the role is of the Redevelopment Adhoc Committee? Mayor Yates responded, the Township Committee has determined that it is in the best interests of the Township to establish a Redevelopment Adhoc Committee, to be comprised of elected officials, administration, and professionals to negotiate with the redeveloper. Mr. Modi stated this is a working committee that will report back to the Township Committee and there is no power being given to this sub-committee by the Township Committee. The ultimate authority lies with the Township Committee.

Mayor Yates asked 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input 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"/>

MEETING OPEN TO THE PUBLIC FOR PUBLIC COMMENT

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate

an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

Mayor Yates opened the meeting to public comment.

Mr. Gary White, Mountainside, NJ – Mr. White asked the Township Committee to consider adopting a resolution for a rare disease he abdicates for. The disease is FOP, which children grow a second skeleton. Their muscles, ligaments turn to bone if they were to receive any trauma. Mr. White learned about FOP in 2001, when a friend's nine year old daughter was diagnosed with FOP. The family now resides in Harding Township. Mr. White started raising funds for research as well as raising awareness. The University of Pennsylvania is conducting the research as they have a FOP lab. Mr. White has written to the Freeholders, Governors, and Municipalities to adopt either a proclamation or resolution. Mr. White read a letter he received in 2004 from Governor Schwarzenegger regarding FOP. Mr. White thanked the Township Committee for listening. Mayor Yates stated the Township Committee will look into to this to see if possibly we can write a letter of support. Mayor Yates reiterated that the Township does not typically do proclamations or resolutions, but we will review this and thanked Mr. White for coming and speaking to the Township Committee.

Mayor Yates asked if there were any further comments from members of the public. Mayor Yates closed the Public Comment.

ORDINANCES FOR SECOND READING

ORDINANCE #07-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING NAMING BARRETT FIELD ACCESS ROAD “BARRETT FIELD TRAIL”

Mayor Yates asked Township Committee Member Jones to introduce Ordinance TC #07-2019.

Township Committee Member Jones introduced Ordinance TC #07-2019 by title as follows:

HARDING TOWNSHIP ORDINANCE #07-2019

AN ORDINANCE OF THE TOWNSHIP OF HARDING NAMING BARRETT FIELD ACCESS ROAD “BARRETT FIELD TRAIL”

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 18, 2019.

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

The Municipal Clerk States: Legal notice was sent for publication on March 18, 2019 to the Observer Tribune indicating that Ordinance #07-2019 was introduced and passed on first reading at the March 18, 2019 meeting and indicated that the second reading and public hearing were to be held on April 15, 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: Mayor Yates opened the public hearing. Seeing no comments, Mayor Yates closed the public hearing.

Township Committee Member Jones offered Ordinance #07-2019 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 as follows:*

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	<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 #08-2019 – CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$616,000

Mayor Yates asked Township Committee Member Modi to introduce Ordinance TC #08-2019.

Township Committee Member Modi introduced Ordinance TC #08-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #08-2019**

CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$616,000

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 18, 2019.

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

The Municipal Clerk stated a legal notice was sent for publication on March 18, 2019 to the Observer Tribune indicating that Ordinance #08-2019 was introduced and passed on first reading at the March 18, 2019 meeting and indicated that the second reading and public hearing were to be held on April 15, 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 opened the meeting for public hearing on the Ordinance and any member of the public may be heard.

Mrs. DiTosto questioned the \$39,000.00 for exterior shutters for the Municipal Building. Mrs. DiTosto asked for the approval of the \$39,000.00 for the exterior shutters come back to the Township Committee for discussion. Mr. Platt stated he is raising money for the shutters and is a big proponent of them. A discussion ensued.

Mayor Yates stated seeing no one else wishing to be heard, closed the public hearing.

Township Committee Member Modi offered Ordinance #08-2019 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 as follows:*

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 #09-2019 –SEWER CAPITAL ORDINANCE -- CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$31,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

Mayor Yates asked Township Committee Member Modi to introduce Ordinance TC #09-2019.

Township Committee Member Modi introduced Ordinance TC #09-2019 by title as follows:

**HARDING TOWNSHIP
SEWER CAPITAL ORDINANCE #09-2019**

CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFOR THE SUM OF \$31,500 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 18, 2019.

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

The Municipal Clerk stated a legal notice was sent for publication on March 18, 2019 to the Observer Tribune indicating that Ordinance #09-2019 was introduced and passed on first reading at the March 18, 2019 meeting and indicated that the second reading and public hearing were to be held on April 15, 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 opened the meeting for public hearing on the Ordinance and any member of the public may be heard.

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

Township Committee Member Modi offered Ordinance #09-2019 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 as follows:*

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	<input type="checkbox"/>	<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	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 #10-2019 –“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

Mayor Yates asked Township Committee Member Modi to introduce Ordinance TC #10-2019.

Township Committee Member Modi introduced Ordinance TC #10-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #10-2019**

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 18, 2019.

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

The Municipal Clerk stated a legal notice was sent for publication on March 18, 2019 to the Observer Tribune indicating that Ordinance #10-2019 was introduced and passed on first reading at the March 18, 2019 meeting and indicated that the second reading and public hearing were to be held on April 15, 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 opened the meeting for public hearing on the Ordinance and any member of the public may be heard.

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

Township Committee Member Modi offered Ordinance #10-2019 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 as follows:*

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	<input type="checkbox"/>	<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	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"/>

ADD-ON RESOLUTIONS

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 19-104 THROUGH RESOLUTION TC 19-114 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member Platt to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-104 through TC 19-114. *Please note that Resolutions TC 19-105 and TC 19-106 were pulled from the Consent Agenda for further discussion.*

Committee Member Platt made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee, excluding Resolutions TC 19-105 and 19-106.

Seconded by Township Committee Member Jones.

Mayor Yates asks 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	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPOINTMENTS:

Resolution TC 19-104 – Resolution to Appoint Members to the Board of Adjustment

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following appointments as members of the Harding Township Board of Adjustment commencing March 22, 2019, be made:

Aric Rosenbaum Regular Member	4 year unexpired term expiring December 31, 2020
Thomas Addonizio Alternate #1	2 year unexpired term expiring December 31, 2019
Elizabeth Sovolos Alternate #2	2 year unexpired term expiring December 31, 2020

CONTRACTS:

Resolution TC 19-107 – Resolution to Increase Heyer Gruel 2019 Master Plan Re-examination Plan, Open Space Plan, and Redevelopment Plan

WHEREAS, the Township of Harding previously contracted Heyer, Gruel & Associates for the services of a Professional Planner, Conflict of Interest on January 7, 2019 via resolution TC 19-004 for an amount not to exceed \$22,500.00 through account #25-999-1110-017-2-00037; and

WHEREAS, there are additional Planning Services required; and

WHEREAS, funds are available through account #01-2019-1180-0180-2-00039 for the purpose of preparing a Master Plan Re-examination Report in the amount of \$17,000.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.; and

WHEREAS, funds are available through account #01-2019-1180-0180-2-00039 for the purpose of preparing an Open Space Plan in the amount of \$30,000.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.; and

WHEREAS, funds are available through account #01-2019-11100-0100-2-00105 for the purpose of preparing a Glen Alpin / Hurstmont Redevelopment Study in the amount of \$12,000.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.; and

WHEREAS, funds are available through account #01-2019-11100-0100-2-00105 for the purpose of preparing a Glen Alpin / Hurstmont Redevelopment Plan in the amount of \$20,000.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.; and

WHEREAS, funds are available through account #01-2019-1180-0180-2-00037 for the purpose of serving as Planning Board Planner in the amount of \$3,000.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.; and

WHEREAS, funds are available through account #01-2019-1185-0185-2-00037 for the purpose of serving as Board of Adjustment Planner in the amount of \$2,500.00, and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that an amendment to the existing contract with Heyer, Gruel & Associates to increase the 2019 contract amount by \$59,000.00 for a total not to exceed amount of \$81,500.00 is hereby approved; and

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to execute an appropriate Amendment to the Contract on behalf of the Township to reflect the increased contract amount authorized by this resolution; and

BE IT FUTHER RESOLVED, a copy of this resolution shall be distributed to the Chief Financial Officer and the Purchasing Agent.

Resolution TC 19-108 – Resolution to Increase Engineering for DPW Administration Building

WHEREAS, Paul Fox of Apgar Associates serves as the Township Engineer; and

WHEREAS, in the course of preparation and construction of the addition to the DPW Administration Building, it is necessary to increase the authorization for the services of Apgar Associates, under their professional services contract to perform various tasks; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$4,000.00 from account number #04-2018-201808-4024-4-04042, for the following tasks:

ADDITION TO THE DPW ADMINISTRATION BUILDING	DOLLAR
Revised Site Plan For New Building System Design (Slab on Grade)	\$ 1,800.00
Inspection of Septic System / Preparation of Certification Report	450.00
Coordination & Review of Soil Testing Required for New Building Design	850.00
Coordination / Observation of Building Pad Preparation	900.00
Grand Total	\$ 4,000.00

BE IT RESOLVED, the Township Committee of the Township of Harding, does hereby authorize the Harding Township Purchasing Agent to issue a Purchase Order in the amount not to exceed **\$4,000.00** for work outlined within this resolution.

Resolution TC 19-109 – Resolution to Increase Engineering for DPW Salt Shed Building

WHEREAS, Paul Fox of Apgar Associates serves as the Township Engineer; and

WHEREAS, in the course of preparation and construction of the addition to the DPW Salt Shed Building, it is necessary to increase the authorization for the services of Apgar Associates, under their professional services contract to perform various tasks; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$6,500.00 from account number #04-2014-201404-9946-4-00000, for the following tasks:

ADDITION TO THE ENGINEERING FOR SALT SHED BUILDING	DOLLAR
Surveying & Base Map Preparation for Alternate Building Location	\$ 1,700.00
New Site Plan Preparation for Alternate Building Location	2,800.00
Coordination & Review of Soil Testing Required for New Building Design	900.00
Coordination / Observation of Building Pad Preparation	1,100.00
Grand Total	\$ 6,500.00

BE IT RESOLVED, the Township Committee of the Township of Harding, does hereby authorize the Harding Township Purchasing Agent to issue a Purchase Order in the amount not to exceed **\$6,500.00** for work outlined within this resolution.

Resolution TC 19-110 – High Valley Contract – Lawn Care

WHEREAS, the Director of Public Works solicited and received quotations for lawn services for the Township of Harding on March 27, 2017; and

WHEREAS, High Valley Farm & Contracting was the lowest responsible, responsive respondent; and

WHEREAS, Township Committee authorized the award of a contract by approving TC 17-099; and

WHEREAS, it has been determined that it is in the best interest of the Township to exercise its' option to renew the contract for the year 2019, for an amount not to exceed \$38,780.00 annually payable through the use of the following accounts:

The Farm @ Harding – Lawn Care	26-9999-2600-2600-2-00299	\$ 7,300.00
Open Space – Misc.	05-5000-00000-0000-2-0000	\$ 1,200.00
Current Fund – Maintenance of Parks	01-2019-1375-0375-2-00000	\$20,000.00
Current Fund - Buildings & Grounds	01-2019-1310-0310-2-00038	\$ 9,980.00

; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

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

1. The quote submitted by High Valley Farm & Contracting in the total amount of \$38,780.00 for Park Lawn Care and Landscaping Services for all municipal properties for the Township of Harding in accordance with the prescribed specifications is hereby accepted.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute and deliver a contract for the amount of \$38,780.00 for Park Lawn Care and Landscaping Services for all municipal properties between High Valley Farm & Contracting and the Township of Harding.
3. Upon adoption of this resolution, it shall be distributed to the Chief Financial Officer, the Qualified Purchasing Agent, and the Director of Public Works.

FINANCE:

Resolution TC 19-111 – 2019 U Drive, U Text, U Pay, Distracted Driving Proclamation 2019

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2016 alone distracted driving-related crashes resulted in 3,450 deaths and 391,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in 53-percent of all motor vehicle crashes in 2016; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2019 Crackdown* from April 1 - 21, 2019 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is UDrive. UText. UPay; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

BE IT RESOLVED, be is resolved that the Township Committee declares it's support for the *Distracted Driving 2019 Crackdown* both locally and nationally from April 1 - 21, 2019 and pledges to increase awareness of the dangers of distracted driving.

Resolution TC 19-112– 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 19-113– Resolution Amending the Fee for Certification of Tax Status 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 fee for Certification of Tax Status has 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 fee of \$10.00 for tax certification became effective on March 1, 2019 the date approved by the Township Committee of the Township of Harding, County of Morris, State of New Jersey.

PROFESSIONALS:

Resolution TC 19-114 – Resolution Appointing CP Professional Services -- Special Projects Engineer – Conflict Engineer

WHEREAS, on April 9, 2019, the Township of Harding received a proposal for Professional Engineering Services for Engineering Services, Conflict Engineer to be appointed by the Township Committee; and

WHEREAS, the proposal was solicited through a non-fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.; and

WHEREAS, after receiving the proposal, and after review, the Township Committee desires to award a Professional Service Agreement to CP Professional Services as Special Projects Engineer, in accordance with the terms and conditions of a contract that has been reviewed and approved by the Township Administrator; and

WHEREAS, the Township’s Chief Financial Officer has certified that there are sufficient funds available for the award of this contract; and

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with the requirements of N.J.S.A. 19:44A:20.4 et seq.

BE IT RESOLVED, by the Township Committee of the Township of Harding, Morris County, State of New Jersey that it does hereby appoint CP Professional Services as Special Projects Engineer and the Mayor and Municipal Clerk are hereby authorized and directed to execute a professional service contract for said purpose not to exceed \$5,000.00 payable through account 01-2019-1165-0165-2-00036; and

BE IT FURTHER RESOLVED that the required “Notice of Contract Awards” shall be published in the legal newspaper as required by law within ten (10) days of its passage.

ORDINANCES FOR FIRST READING

ORDINANCE #12-2019 – “AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-37.1 ENTITLED “OPEN SPACE TRUST COMMITTEE”

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #12-2019.

Township Committee Member Jones introduced Ordinance TC #12-2019 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #12-2019**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-37.1 ENTITLED “OPEN SPACE TRUST COMMITTEE”

Township Committee Member Jones explained that the Open Space Trust Committee ordinance is being amended to include some strong language for funding for maintenance and stewardship and tighten up several technical items. Mr. Jones moved for the introduction on first reading.

Township Committee Member Jones read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on April 15, 2019.

BE IT RESOLVED, that at the Township Committee meeting to be held on May 13, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Jones offered Ordinance #12-2019 and moved its introduction.

Township Committee member Modi seconded the motion.

Mayor Yates opened the meeting for discussion and comments.

Loren Pfeiffer, Chairman, HOST – Mr. Pfeiffer has been listening to the discussions of this ordinance for the past two meetings. During those discussions, it was never clarified what the intention is. What is it that the Township Committee would like to see done that is not being done? In particular what properties. Mr. Pfeiffer read the following possibilities:

- 1) Perhaps it is to prevent future stream erosion on the Dear and Koven properties. Stream control could cost serious money.*
- 2) Perhaps it should be more public access to trails, etc. Mr. Pfeiffer priced numbers for this and it was \$90.00 a linear foot. This too could cost serious money.*
- 3) Perhaps it is to make wildflower meadows or local garden like areas on HOST properties. In this case, HOST actually tried the wildflower meadow at Von Zuben, which was not successful. There currently is an experiment for a wildflower meadow going on at Primrose, which another entity has has provided the funds.*

Mr. Pfeiffer asked out of the six properties which property and which things is the HOST committee not maintaining.

Mr. Jones explained he does not envision the three projects Mr. Pfeiffer just stated as projects the Township Committee would want to fund. The intent of the ordinance changes in Mr. Jones' opinion, is back in 2015, 2017, and in 2018 Mr. Jones brought up at the HOST meetings a discussion of our open space management plans and how HOST is not looking at the management plans and ensuring that we are doing what was said would be done. A property was paid for, money was spent to conduct a management plan, and there are aspects of the management plan that are not being done because Township Committees' in the past have said, to HOST's credit, we are going to be good stewards of Harding Township tax monies and spend the bare minimum. In some cases, more than the bare minimum will be spent. The maintenance of HOST's properties has come a long way in the past

decade. The goal of HOST is to acquire the right pieces of property to keep Harding what it is, which the HOST committee does. Members of the Township Committee change. From a policy perspective, Mr. Jones believes is to tighten up the advisory role and ensure that the members of the HOST committee know that the maintenance, management, and the stewardship of these properties that has taken the energy and dollars to acquire should be tended to. The last two pages of the masterplan speak to this. The Township has a gateway to the Town that is absolutely wonderful. A discussion ensued regarding maintenance of HOST properties.

Mr. Pfeiffer asked is there actually something that the Township Committee would like HOST to do. Mayor Yates understands Mr. Pfeiffer's frustration. Mayor Yates explained he does not believe it is any member of the Township Committees' role to say here is a project and we want you to fund it. The Management Plans are prepared. This is an effort to say it is really important, from a policy standpoint, that the Township Committee review the management plans, think about what element of those plans can be implemented or perhaps to look at the management plans and say this is so unrealistic that the management plan needs to be amended. What fails, is the identification of management goals that everyone has agreed on when the plans were prepared that can be implemented. Some may prove to be really important and require some effort to be completed, some may be less important, some maybe aspirational that we would love to see happen but probably will not see happen due to the financial aspect, but it is an effort to integrate, more deeply, the use of these management plans in our open space program. Mayor Yates stated that there has not been a policy from the Township Committee to do this. There should be a policy that states stewardship of these lands flowing from the management plans, that have been professionally prepared and agreed upon by the Township Committee and other interested parties that have an economic interest in the property ought to be an important part of the work of the Open Space Trust Committee. The goal is not to dictate an individual plan. It is important that the management plans be used, so projects proposed are driven by the consensus that was developed when the management plan was written.

Mr. Pfeiffer stated that it sounds like you are asking not to spend a lot of money on maintenance but to think about what should be done. Mayor Yates, stated he is not opposed to spending some money to implement these elements of these management plans. Mayor Yates mentioned that the plans should be examined and then state here are the items that can be done. Some of the properties on the Rosi, the management plan would probably say do nothing. Not every property requires maintenance. A further discussion ensued.

Mrs. DiTosto, Township Committee Member – What Mayor Yates just said, can that not be done under the current ordinance. Mayor Yates explained that it could be done but it is not being done and this is an effort that going forward it will be done. Mrs. DiTosto questions why we need to have these changes.

Madelyn Devine, member of HOST Committee – Explained she has been a member of HOST and a member of the Harding Land Trust. For years, the HOST Committees' focus was clearly on acquisition, acquisition. Very little attention, other than mowing, was on the execution of the management plans. Mrs. Devine stated that now there is a chance to look at the management plans and open the discussion to the concept and consideration beyond the spending for mowing. Mrs. Devine believes it is healthy to have the discussion on management plans and create management plans that are realistic.

Julia Somers, member of HOST Committee – Stated this has been a very interesting experience and welcomes it. Mrs. Somers thanked the Township Committee as this current ordinance is very different from where it started. Mayor Yates mentioned that the ordinance has undergone significant revisions.

Mrs. DiTosto stated she would like to see the track changes of the ordinance. A discussion of the track changes from the original ordinance to this evening's version was discussed. Mr. Roselli stated the important part is what gets adopted and what the changes are. Mrs. DiTosto asked if Section E, 2, is new. Mr. Roselli stated this section is not new. The sections that are bolded and underlined are new.

Larry Weppler, member of HOST Committee – Mr. Weppler read his personal comments and they do not represent the position of the HOST Committee. He thanked Mayor Yates and Tim Jones for coming to the HOST Committee to explain their position and for the open dialogue that occurred at that meeting. A copy of a prepared statement from Mr. Weppler is attached to these minutes. Mayor Yates explained it was not his intention to disrespect any member of the HOST Committee. In hearing your comments and suggestions, the ordinance was revised.

Chris Allyn, resident – Remains opposed to adopting this ordinance. It is not necessary, it does not add to what the Township Committee could do and back to what the Township Committee has already done by its outreach efforts to HOST. All that has to be done is to ask HOST and they will accomplish the goal. The ordinance adds nothing to HOST or to the process. Mr. Allyn applauds the efforts to change the ordinance to the reaction to the people who have felt insulted. Mr. Allyn believes the ordinance is much better now and applauds the general efforts to increase the visibility of the importance of stewardship but believes it does not need to be done this way.

Mr. Nic Platt, Township Committee Member – Mr. Platt stated he will not be supporting this ordinance. Mr. Platt stated he has spent countless hours going over the masterplan and the March 24, 2008 adoption of something Susan Kimble put together. Mr. Platt is well acquainted with the ordinance and believes there is no reason to change it. We understand that the "Whereas" statements are not important but Mr. Platt believes they are very important. Mr. Platt mentioned that in the referendums there was interpretive language which was a call to arms that we had to go about acquiring properties if Harding Township would remain a rural place. In the "Whereas" statement #4, maintenance and stewardship is imperative. Mr. Platt believes maintenance and stewardship are not imperative. Purchasing open space is imperative and that is what we did the referendums on. Mr. Platt believes the "Whereas" statement #4 should say; maintenance and stewardship is an approved use of open space funds. A discussion of several "whereas" statements ensued.

Mrs. DiTosto – Supports Mr. Platt's comments and does not see the need to change the ordinance. Mrs. DiTosto responded with have more conversations with HOST. A discussion of several sections of the proposed ordinance ensued.

Mayor Yates asked if there were any further questions or comments.

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

Vote on Introduction:

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

ADJOURNMENT – Mr. Yates

Mr. Yates asked for a motion to adjourn. Upon a motion made by Mrs. DiTosto, seconded by Mr. Jones, the meeting adjourned at 10:40 p.m.

Respectfully Submitted,



Lisa A. Sharp
Municipal Clerk

These comments represent my personal views and do not necessarily represent the views of the Harding Open Space Committee.

I continue to believe that this is a “solution looking for a problem.”

I want to thank Chris Yates and Tim Jones for taking the time to come to the HOST committee meeting to explain their position and for the open dialogue that occurred in that meeting. I hope it was instructional for everyone.

First let me be clear I am not opposed to spending money on open space maintenance.

I think it is important to note that the current draft of the proposed ordinance has been substantially modified. The single most important change from my perspective was the elimination of the provision for the segregation of funds, initially at the rate of approximately \$200,000 per year and later at the rate of \$100,000. There was, in my opinion, no need for this provision, since under the current ordinance the Township Committee can spend the entire balance of the HOST funds on maintenance if they choose. Hopefully more fiscally responsible thinking would not allow this to ever happen.

At our meeting with Chris and Tim, some on the Committee wanted to understand what the Township Committee was looking for in the Management plans it was seeking for each property. As part of that discussion language regarding “highest and best use” was agreed to be dropped from the proposed ordinance.

Despite the specific language of the draft ordinance imposing on the HOST Committee the obligation to prepare a management plan for each property, after discussion at the HOST Committee meeting, I think the consensus is that management plans need not be prepared for any of the easement properties, since the onus there is on the owner, they need not be prepared on those properties in which the Township has only a small minority interest, such as Scudder and Anderson Woods and they need not be prepared on properties which are determined to be of limited value, such as Eggert or are being diverted. Some properties are wooded and the management plans might simply reference that fact and that the properties will be watched for hazardous conditions, such as trees likely to fall and injure persons or property. This leaves the emphasis for management plans on properties such as Margetts, Frelinghuysen, possibly Watermann (where the Township holds only a 22% interest), the Gatehouse (where

a new management plan was prepared and approved in 2018, Von Zuben, Primrose Farms and Deere.

I'm sure we all want to be fiscally responsible in maintaining the Township's open space and want to direct the available funds to those properties which will create the greatest benefit. Management plans should be realistic and should not contain goals which are aspirational in nature and that no reasonable amount of money could achieve. As I have previously said in my statement to the HOST Committee, I would hope that in the preparation of the management plans the intended use at the time of purchase, the current condition of the property, its size and the Township's ownership stake would all be taken into account.

As I say, I believe this is a solution looking for a problem and as Julia Somers said, the Township Committee could have focused greater attention on maintenance by simply asking that it be done. I have made no attempt to distinguish between stewardship and maintenance, but I believe this is a subject which deserves much greater dialogue.

I will not address here the issue of how the handling of this matter devalues the service of the Township's volunteers, but hope that this can be a learning experience.

Having said all of the above, subject to the understandings I have articulated here, I can support this revised ordinance.