

**HARDING TOWNSHIP COMMITTEE
FRIDAY, JUNE 14, 2019
REGULAR MEETING AT 8:30 AM
EXECUTIVE SESSION AT 8:35 AM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey
MEETING MINUTES**

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the meeting to order at 8:30 am.

ADEQUATE NOTICE of this Meeting of the Harding Township Committee was given as following: Notice was sent to the Daily Record and Observer Tribune on May 17, 2019 and published in the Observer Tribune on May 23, 2019; posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding Township, NJ on May 23, 2019; and Notice was posted on the website and filed with the Municipal Clerk on May 23, 2019.

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

ROLL CALL – Municipal Clerk

Mrs. DiTosto (absent), Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates

Mrs. Sharp called the roll. Let the record show Mrs. DiTosto was absent from this meeting.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates led the members of the Township Committee and members of the public in the pledge of allegiance.

RESOLUTION REMOVED FROM CONSENT AGENDA FOR FURTHER DISCUSSION:

Mr. Platt commented that the Township Committee voted unanimously for this project but with the agreement that the Township Committee would review the architectural plans for this structure.

A discussion regarding the design of the CPNJ building ensued. Mr. Platt made a recommendation to see that the following items be addressed:

- * Remove cultured stone
- * Remove shutters
- * Windows should have 'square' not 'rectangle' divided lights
- * The casement windows should resemble a sash window
- * Divided lights can be on top and a large pane on the bottom -- Prairie style window
- * A series of properly sized (not undersized) roof cupolas to replicate a barn is recommended
- * Install a fake barn door to reduce massing and blank spaces
- * French doors should have divided lights
- * The should be synthetic cedar shake all the way down and not be broken up with stone
- * The dormers are good, but the windows should be as big as possible in that space
- * Windows throughout the building would look better if they were bigger, should have hefty molding that

- would be found in a more historic structure
- * The round windows should almost double in size with properly sized molding
- * Roof should be Timberline architectural series in a darker grey color
- * Hay hook extension at both ends of the structure
- * The building should reflect the rural nature of Route 202

Mr. Falzarano reported that CPNJ is on a tight timeline and recommends that the resolution be amended to in Mr. Platts's recommendation as stated above. Mr. Falzarano will present the above recommendations to CPNJ.

Resolution TC-19-128 – Resolution Approving an Amendment to the Contract for Sale of Real Estate Between the Township of Harding and Cerebral Palsy of North Jersey (CPNJ)

WHEREAS, on December 18, 2017, the Township of Harding Township Committee authorized the Mayor to execute a Contract For Sale of Real Estate for the real property more commonly known as Block 46.01, Lot 7 on the tax map of the Township of Harding, in the County of Morris, and State of New Jersey and consisting of approximately 5.222 acres (hereinafter the "Contract") for the sale of the subject property to Cerebral Palsy of North Jersey (hereinafter "CPNJ"); and

WHEREAS, the Contract included an Exhibit A which depicted certain elevations that the Township required be implemented by CPNJ in the construction of the home to be owned and operated by CPNJ on the subject property; and

WHEREAS, on June 6, 2019, CPNJ submitted a request to change the project's elevation; and

WHEREAS, the elevation change will allow for the front door to be moved from the side of the building to the front of the building; and

WHEREAS, the design change will allow for residents to enter the home at the front; and

WHEREAS, the design change, as a life safety matter, allows for emergency responders to have a clear view from the road of the front entrance to the home; and

WHEREAS, the design change will also include cultured stone and two (2) additional dormers that will enhance the overall building appearance; and

WHEREAS, paragraph 21 of the Contract requires that any modifications to the contract be in writing and signed by the respective parties; and

WHEREAS, the Township Committee desires to amend the contract to allow for the revised elevations.

BE IT RESOLVED, that the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey that the Mayor is hereby to authorized to execute an amendment to the Contract For Sale of Real Estate by and between the Township of Harding and Cerebral Palsy of North Jersey to include the modification referenced herein above; and

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

Mayor Yates asked for a motion to accept the amended Resolution TC 19-128 as discussed. Upon a motion made by Mr. Platt, seconded by Mr. Yates, and with a vote of all ayes, Mrs. DiTosto was absent, Resolution TC 19-128 was accepted as amended.

Vote on Resolution:

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

MEETING OPEN 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. 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 announced that the meeting is open to the public at 8:46 a.m..

Mr. Peter Allen, Deer Ridge Drive – Commented that at the last Planning Board meeting, Glen Alpin was purported in the plan that is being voted on to have the same easements as the NJDEP. Mr. Allen stated that the plan would change if the diversion takes place and would change months of discussion with the public as reported.

Mr. Modi responded to Mr. Allen and directed Mr. Allen to read the minutes of all the meetings, read the submission that is public, and look at the transcript of the public hearing. I believe your understanding to be incorrect. Mr. Hague can explain what easements will be removed and what new easements will be put on Glen Alpin. Mr. Modi explained the Township has been very consistent over the last three years.

Mr. Hague, Redevelopment Attorney responded to Mr. Allen's comment as follows; as to the Affordable Housing, there is not current proposal before NJDEP that would make any modification that would allow Affordable Housing on Glen Alpin. Mr. Hague explained with respect to the easements, it is really a misnomer to call them easements, they really are restrictions. There is a current restrictive scheme and that restrictive scheme will be replaced basically, in kind, with the new restrictive scheme following the diversion which will allow private ownership of Glen Alpin, continue to allow for public access, would continue to restrict Glen Alpin to its current structural integrity, allow it to be utilized for some commercial activity but in what will be its restored state. The minor modification, that has been proposed but not approved as of yet, would be to allow a new septic system to support Glen Alpin (have nothing to do with Hurstmont), so that there will be a modern septic system. The geological studies have been completed by the proposed redeveloper and provided to the Municipality which indicated that it is feasible in the locations that it will take place. There will also be proposed, consistent with prior agreement with the County to establish a trail head for access into Jockey Hollow and there would be a parking area in connection with the trail. There will also be access to the grave site and the grave site would have, Mr. Hague believes, parking around it.

Mr. Modi asked Mr. Hague, in the interest of full disclosure, to reference the footnote in the diversion application with regard to the Group Homes. Mr. Hague explained that there was a footnote that there was an existing structure that could be renovated in the future but would require approval to do so. It would not be a new structure. Mr. Modi explained for the record, the Township Committee, Mr. Jones and Mr. Modi as the subcommittee of Glen Alpin, have gone through pain taking lengths to have full disclosure, meeting upon meeting, answer all the questions, and we welcome questions in the future. Mr. Modi explained we want this to be the most transparent process as possible so we receive the best outcome for the Township, which is why the application has been made public on the Township website. There will be future meetings and Mr. Modi mentioned we will continue to honor our commitment as the Township Committee to have the most transparent and public discussion with regards to Glen Alpin. It was recommended that Mr. Allen refer to the Township website and read the application with regard to his questions.

Mr. Larry Weppler, Lee's Hill Road – Asked Mr. Hague, Redevelopment Attorney, is it correct that a new easement is being prepared that has been submitted to the State for review that mimics the existing easement for Glen Alpin. Mr. Hague responded that is correct.

With no further comments from the public Mayor Yates closed the public comment at 8:59 a.m.

CONSENT AGENDA

Let the record show that Resolution TC 19-128 was removed from the consent agenda for further discussion.

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 19-129 THROUGH RESOLUTION TC 19-130 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asks Committee Member Jones to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-129 and TC 19-130.

Committee Member Jones made a motion to approve the resolutions placed on this morning's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member Platt.

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

Vote on Resolution:

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

FINANCE:

Resolution TC-19-129 – Local Budget & Fiscal Affairs Law – Special Items of Revenue and Appropriation – Resolution to Accept Special Revenue for Millbrook Road Resurfacing Project

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

BE IT RESOLVED, that the Township Committee of the Township of Harding in the County of Morris hereby requests the Director of Local Government Services to approve the insertion of an additional unanticipated item of revenue in the budget of the year 2019 in the sum of \$205,000.00, which item, resurfacing of Millbrook Road has been awarded from the State of New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that the like sum of \$205,000.00 is hereby appropriated under the caption of “Resurfacing of Millbrook Road”; and

BE IT FURTHER RESOLVED that the above is the result of funds from a New Jersey Department of Transportation grant in the amount of \$205,000.00.

TC Resolution 19-130 – Resolution to Authorize Purchasing Certifications for Repaving of the Millbrook Road Project

WHEREAS, the Harding Township Committee Resolutions TC-19-121, TC-19-122, TC19-123, and TC19-24 approved on May 13, 2019, authorized various purchases for the Repaving of Millbrook Road; and

WHEREAS, funds are available from account #02-2019-2740-0740-2-04043 for this purpose pending approval of TC 19-129 “Special Item of Revenue and Appropriation – Millbrook Road” by the Director of Division of Local Government Services and a Certificate of Availability has been filed by the Chief Financial Officer pending approval of TC 19-129 “Special Item of Revenue and Appropriation – Millbrook Road” by the Director of Division of Local Government Services 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 shall be encumbered from the following accounts and purchased pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c) through the Morris County Cooperative Purchasing Program:

| | | |
|---------------------------|----------------------------------|---------------|
| 02-2019-2740-0740-2-04043 | Tilcon New York (Asphalt Paving) | \$ 154,979.75 |
|---------------------------|----------------------------------|---------------|

| | | | |
|---------------------------|---|----|----------|
| 02-2019-2740-0740-2-04043 | Campbell Foundry Co. (Drainage Basins) | \$ | 7,480.00 |
| 02-2019-2740-0740-2-04043 | General Foundries, Inc. (Bicycle-Safe Grates) | \$ | 7,480.00 |
| 02-2019-2740-0740-2-04043 | Denville Line (Roadway Striping) | \$ | 2,626.00 |

BE IT RESOLVED, that the Township Purchasing Agent is hereby directed to prepare requisitions subject to approval by the Harding Township Committee as stated above.

RESOLUTION TC 19-131– Executive Session

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

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

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

Contracts:

1. Redevelopment and Designating a Redeveloper – Robert Goldsmith
2. Property Disposition – Bob Falzarano
3. Glen Alpin – Dev Modi

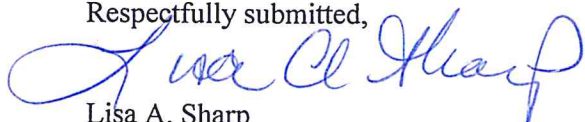
Mayor Yates asked for a motion to adjourn into Executive Session at 9 a.m. Upon a motion made by Mr. Jones and seconded by Mr. Platt, and with a roll call vote of all ayes, Mrs. DiTosto was absent, the meeting was adjourned into Executive Session.

Vote on Resolution:

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

ADJOURNMENT *The meeting adjourned into executive session at 9 am. No formal action will be made in executive session.*

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk