

**HARDING TOWNSHIP COMMITTEE**  
**MONDAY, JULY 15, 2019**  
**EXECUTIVE SESSION at 6:00 PM**  
**REGULAR MEETING at 7:30 PM**  
**Kirby Hall, Blue Mill Road, New Vernon, New Jersey**  
**MEETING MINUTES**

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**CALL MEETING TO ORDER** – *Mayor Yates called the meeting to order at 6 pm.*

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**ADEQUATE NOTICE** of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on May 17, 2019 and published in the Observer Tribune on May 23, 2019.

*Mayor Yates read that adequate notice of this meeting was given in accordance with the open public meetings act.*

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**ROLL CALL – Municipal Clerk**

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

*Mrs. Sharp called the roll. All members of the Township Committee were present.*

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**RESOLUTION TC 19-152– Executive Session**

**RESOLUTION TO RECESS INTO EXECUTIVE SESSION**

*Mayor Yates asked for a motion to recess into executive session. Upon a motion made by Mr. Modi, seconded by Mrs. DiTosto, and with a vote of all ayes, none opposed, the meeting recessed at 6:05 p.m.*

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

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

**Public Safety:**

- 1. Police Review – Chief Heller**
- 2. Police Officer Appointments – Chief Heller**

**Contracts:**

- 1. Leventhal Easement – Paul Fox**
- 2. The Farm At Harding – Bob Falzarano**
- 3. Ravenswood Easement – Mark Roselli**

**Vote on Resolution:**

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

**RECONVENE INTO PUBLIC SESSION** – *Mayor Yates asked for a motion to reconvene into public session. Upon a motion made by Mr. Modi and seconded by Mr. Jones, and with a vote of all ayes, none opposed, the meeting reconvened at 7:30 p.m.*

**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. There were about 50 members of the public in attendance.*

**PLEDGE OF ALLEGIANCE** – *Mayor Yates led members of the Township Committee and 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.*

# **RESOLUTION TC 19-153 -- 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: June 14 and June 24, 2019.

**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: TC ES Resolution 19-131; June 14, 2019 and TC ES Resolution 19-132; June 24, 2019.

*Mayor Yates asked for a motion to accept the Township Committee minutes from the June 14<sup>th</sup> and June 24<sup>th</sup> 2019 meetings. 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 May 13, 2019 were accepted.*



**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates**

*There were no announcements, presentations, reports or correspondence.*

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**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

**NON CONSENT RESOLUTIONS** – *Mayor Yates asked Township Committee Member Modi to proceed with TC Resolution 19-154. Mr. Modi read the resolution in its entirety.*

**TC Resolution 19-154 – Resolution Promoting Patrolman David Achenbach to the Rank of Sergeant –**

**WHEREAS**, the testing process for the rank of Sergeant within the Harding Township Police Department was conducted in 2019; and

**WHEREAS**, the testing process included written and oral examinations conducted by the New Jersey State Chiefs of Police Association; and

**WHEREAS**, the Township Administrator and Chief of Police conducted interviews with the candidates; and

**WHEREAS**, Patrolman Achenbach met or exceeded the requirements for the position of Sergeant; and

**WHEREAS**, Patrolman Achenbach graduated from the Somerset County Police Academy in 1997; and

**WHEREAS**, Patrolman Achenbach was hired by the Township of Harding as a Police Officer on July 16, 1997; and

**WHEREAS**, Patrolman Achenbach has served as a patrolman for many years; and

**WHEREAS**, Patrolman Achenbach is a graduate of the FBI-LEEDA Supervisor Leadership Institute; and

**WHEREAS**, David Achenbach received a bachelor's degree from Rowan University; and

**WHEREAS**, in accordance with the Harding Township Police Promotional Policy & Procedures, Chief Erik Heller recommends that Patrolman David Achenbach be promoted to the rank of Sergeant; and

**WHEREAS**, pursuant to the Code of the Township of Harding Chapter 7-31, Police Department, and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Harding Township Police Department shall be appointed by the Township Committee.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that they hereby approve the promotion of Patrolman David Achenbach to the rank of Sergeant in the Harding Township Police Department; and

**BE IT FURTHER RESOLVED**, that effective June 25, 2019 Patrolman David Achenbach is hereby promoted to the rank of Sergeant at an annual salary of \$125,158 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee hereby congratulate and extend their best wishes to Sergeant David Achenbach.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asked Committee Member Modi to proceed with Resolution TC 19-154 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 DiTosto.*

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

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	2 <sup>nd</sup>	<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 <sup>st</sup>	<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"/>

*Mrs. Sharp administered the oath of Office to David Achenbach. Mrs. Sharp congratulated Sergeant Achenbach on his promotion to Sergeant with the Harding Township Police Department.*

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**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

**NON CONSENT RESOLUTIONS - Mayor Yates asked Township Committee Member DiTosto to proceed with TC Resolution 19-155. Mrs. DiTosto read the resolution in its entirety.**

**TC Resolution 19-155 – Resolution Promoting Patrolman David Selecky to the Rank of Sergeant**

**WHEREAS**, the testing process for Sergeant within the Harding Township Police Department was conducted in 2019; and

**WHEREAS**, the testing process included written and oral examinations conducted by the New Jersey State Chiefs of Police Association; and

**WHEREAS**, the Township Administrator and Chief of Police conducted interviews with the candidates; and

**WHEREAS**, Patrolman Selecky met or exceeded the requirements for the position of Sergeant; and

**WHEREAS**, Patrolman Selecky graduated from the Union County Police Academy in 2008; and

**WHEREAS**, Patrolman Selecky was hired by the Township of Harding as a Police Officer on January 1, 2009; and

**WHEREAS**, Patrolman Selecky has served as a patrolman for many years; and

**WHEREAS**, Patrolman Selecky is a certified Field Training Officer and a graduate of the FBI-LEEDA Supervisor Leadership Institute; and



**WHEREAS**, David Selecky received an associate degree from Union County College; and

**WHEREAS**, in accordance with the Harding Township Police Promotional Policy & Procedures, Chief Erik Heller recommends that Patrolman David Selecky be promoted to the rank of Sergeant; and

**WHEREAS**, pursuant to the Code of the Township of Harding Chapter 7-31, Police Department, and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Harding Township Police Department shall be appointed by the Township Committee.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that they hereby approve the promotion of Patrolman David Selecky to the rank of Sergeant in the Harding Township Police Department; and

**BE IT FURTHER RESOLVED**, that effective June 25, 2019 Patrolman David Selecky is hereby promoted to the rank of Sergeant at an annual salary of \$125,158 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee hereby congratulate and extend their best wishes to Sergeant David Selecky.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member DiTosto to proceed with Resolution TC 19-155 listed on the Non-Consent agenda.

*Committee Member DiTosto 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 Modi.*

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

**Vote on Resolution:**

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

*Mrs. Sharp administered the oath of Office to David Selecky. Mrs. Sharp congratulated Sergeant Selecky on his promotion to Sergeant with the Harding Township Police Department.*

**RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)**

**NON CONSENT RESOLUTIONS** -- *Mayor Yates asked Township Committee Member Platt to proceed with TC Resolution 19-156. Mr. Platt read the resolution in its entirety.*

**TC Resolution 19-156 – Resolution to Appoint Michael Resciniti as a Full-Time Police Officer with the Harding Township Police Department**

**WHEREAS**, due to the resignation of a full-time Police Officer, there exists a vacancy in the position of Police Officer in the Harding Township Police Department; and

**WHEREAS**, Chief Erik Heller has conducted a detailed evaluation process and background check; and

**WHEREAS**, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the need for appointing a replacement Police Officer; and

**WHEREAS**, Michael Resciniti has a bachelor's degree with a Criminal Justice Major, graduated from the Bergen County Police Academy for Basic Police Officers on December 15, 2016 and has been working as a Police Officer in Clifton, NJ; and

**WHEREAS**, Chief Erik Heller recommends that Michael Resciniti be appointed as a full-time Police Officer, commencing with a one-year probationary period with the Harding Township Police Department that is effective on June 25, 2019.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Michael Resciniti as a full-time Police Officer of the Harding Township Police Department at the annual salary of \$ 58,215 to be prorated for the remainder of 2019.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asked Committee Member Platt to proceed with Resolution TC 19-156 listed on the Non-Consent agenda.

*Committee Member Platt 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 Jones.*

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

**Vote on Resolution:**

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

*Mrs. Sharp congratulated Michael Resciniti on his appointment as a full-time Police Officer with the Harding Township Police Department. Chief Heller welcomed Michael Resciniti to Harding and provided a brief summary about Patrolman Resciniti and mentioned he comes from Clifton where he was on the Police Department there for three years.*

*Chief Heller also congratulated Sergeants Achenbach and Selecky on their promotions to Sergeant. Mayor Yates congratulated Sergeants Achenbach and Selecky on their promotion and welcomed Michael Resciniti and mentioned we look forward to your service to the residents of Harding.*



## 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 any resident of Harding wishing to make a comment.*

**Larry Weppler, Lee's Hill Road** – *Congratulated all police officers and explained they are a great help to the Fire and First Aid Squad. Mr. Weppler congratulated the DPW staff for doing a fantastic job on clearing out the Municipal Trail due to a wash out and erosions from the storms. Mr. Weppler commented that he strongly recommends that the Township Committee not continue the loop at the end of the bridge of the Municipal Trail. Mr. Weppler asked the Township Committee to go back to the County and do something different. Mr. Weppler believes the loop to be ridiculous, would like to see the grasses grow, and possibly mow a trail around the parking lot. Mr. Weppler commented on the crossing of Sand Spring Road from the Municipal Trail to the Bayne Park side of the trail. Mr. Weppler explained that some drivers do not stop to let the pedestrians cross. This is dangerous. The drivers need to be aware that there are pedestrians crossing. Mr. Falzarano will speak with Chief Heller regarding having a center warning sign.*

*Mr. Platt agrees with Mr. Weppler and will speak with the County on the trail.*

**Mary Prendergast, Van Beuren Road** – *Mrs. Prendergast asked if there was any follow-up on the items she mentioned regarding the Glen Alpin site at the June 24<sup>th</sup> Township Committee meeting. Mr. Falzarano explained that he forwarded the comments made regarding the Glen Alpin site to Mr. Toribio, DPW Superintendent. Mr. Toribio has secured the windows, is making arrangements for mowing, and will be receiving quotes for gutter cleaning. .*

**Peter Allen, Deer Ridge Drive** -- *Mr. Allen commented that he attended the Planning Board meeting where they discussed the Redevelopment Ordinance. Upon the Planning Board's vote, Mr. Newlin made environmental comments with regard to how it deals with density and trees. Mr. Allen asked if the ordinance was changed on how it deals with density and trees. Mayor Yates explained that the Planning Board comments were noted and the revision of the Ordinance will happen in September. Mr. Allen asked Mr. Platt, what his sentiments are with regards to the trees. Mr. Platt commented that when the Township Committee is able to review the development plans, which will include detailed landscape plans, at that point we will be able to review what trees will be able to be saved. Mr. Platt commented he will focus his attention on the caliper of trees and what kind of trees they will be using.*

*Mayor Yates commented that the Ordinance encourages the use of native plants in the new landscape plan. Mayor Yates explained that the Township expects, as part of the developer's agreement, a very detailed landscape plan to accompany the developers plan. It will be detailed to the point where it will identify species, calipers, and tree locations. A discussion ensued. Mayor Yates mentioned that there will be a public meeting before the ordinance is revised. Mayor Yates suggested that Mr. Allen read the redevelopment plan which is the ordinance and can be found on the Township website.*

***With no further public comments, Mayor Yates closed the public comment section 8:05 pm.***



## DISCUSSION ITEMS

1. **Dickson's Mill Bridge** – *Mayor Yates explained that resolution 19-163 which replaces the Dickson's Mill Bridge will be removed from the Consent Agenda so a further discussion can take place. Mayor Yates asked for a motion to introduce Resolution TC 19-163. Upon a motion made by Mr. Platt, the resolution is now open for discussion.*

*Mr. Platt -- read a quote into the minutes as follows: "If people do not fight for what they believe is right for their communities, there will be few human values left to protect. No quality of life worth saving." This was written by Cam Kavanaugh. Mr. Platt believes the Dickson's Mill Bridge is such a fight worth waging. Mr. Platt explained that if you look at every rural road in America, it is going to be under assault. If we allow the State to come in with one size fits all, cookie cutter approach, we will not have any rural and historical landscapes left in any community. Mr. Platt undertook this study in 2013 and inherited a file from the Mayor who came before Mr. Platt and the file goes back to 2001 and beyond. There are passionate letters from residents and previous Mayors pushing back on the State. The issue is not replacing the bridge. The bridge has something that if we lose, we will never get it back, which is the narrow span of 20 feet 2 inches. Mr. Platt explained that while working with Ms. Leary in 2016, Mr. Platt stated that this bridge should never be widened and Ms. Leary agreed. The concern is, the County will have to go to the State in order to receive funding to build this bridge. The State has a mandate which requires all bridges to be 26 feet. The crook in the road was never part of negotiations and it was agreed that they would not change it. A discussion ensued.*

*Mr. Platt asked that his colleagues give more time so that Mr. Platt could receive a response from Trenton. This is a pivotal moment in Harding's history. If we let this bridge go, we let go things that make Harding special.*

*Mr. Jones – went back through prior year Thumbnails and in October 2005 this bridge was an issue. Mr. Jones read an excerpt from the 2005 October Thumbnail as follows: "Mr. Lanzerotti reported that a meeting recently took place with four Morris County Officials. The County is recommending the bridge width be increased to 44 feet and the road over the bridge be straightened. Mr. Lanzerotti communicated that the local residents were very concerned that the County plan would allow for increased speed over the bridge which could be dangerous in addition to being less historic. The County responded that the increased speed was a law enforcement issue. Mr. Lanzerotti notes that there was not an accident involving the bridge or the road for at least the last ten years. He would persevere in representing the views of the community. The issue was not resolved and has been referred to the State of NJ Officials." Mr. Jones commented that fourteen years ago they did in fact want to widen the road and the success that we have today is that we are discussing four (4) feet and not forty-four (44) feet. A discussion ensued. Mr. Jones explained that the commitment from the County is that they will design a bridge, keep the curve and the shape of the road, and the texture will be continued.*

*Mayor Yates commented that he agrees with much of what Mr. Platt stated with the rural character of the road and the bridge and that we should push back. Mayor Yates mentioned that he does not see that this stretch of road will lose its historic rural character when the bridge is replaced. The issue is the width. Mayor Yates explained that when reviewing the inspection results, the bridge is in terrible condition. At some point we have to defer to the professionals who are in the business of looking at this bridge and informing the Township that the bridge needs to be replaced. When the resolution was written, it was written very carefully to say that the bridge will be replaced without eliminating the approaching curves and that the only requirement in terms of width is that the replacement bridge will meet standards for State funding and County maintenance. This does not preclude, in the next few months, someone convincing the Officials in Trenton that the bridge should be replaced at exactly the same width. Nothing in the resolution opposes this. The Township is asking that the replacement bridge not cost Harding taxpayers any money, that the bridge will be funded in a typical funding method which is 70% State funds and 30% County funds. Mayor Yates*



*explained that we are not terminating Mr. Platt's effort to speak with the officials in Trenton. The resolution does express the feeling and the understanding that the bridge needs to be replaced. Mayor Yates mentioned that he has had many conversations with Mr. Fox, the Township Engineer regarding this bridge. Mayor Yates reported that Mr. Fox was at the bridge when the County conducted their inspection and asked Mr. Fox, in his opinion, would he recommend that the bridge be in this replacement cycle or be deferred. Mr. Fox, Township Engineer – commented that the bridge should be replaced and should be done in this coming cycle. The County turned the Township down previously after reviewing a well prepared memo and said they were not going to get involved with anything less than 26 feet. Mr. Fox explained that the Township is at a point that we need to make a decision in one of two ways; either the Township takes over the bridge, pays for the design, and goes back and gets funding for it or the Township has the County do it at a slightly wider width. Mr. Fox mentioned that it does seem that the County is willing to consider DOT funding alternatives for a narrower bridge. Mr. Fox reported that there has been some flexibility with the County. Mr. Fox explained something needs to be done to start moving forward. The storms that are occurring now are different from the past. There is a change in climate where the rainfall happens at a much greater rate and higher intensity and greater flow rates. Mr. Fox believes the Township should do something now before it becomes a critical issue.*

*Mayor Yates reported that under the State DEP requirements whatever the flow rate and the curvature of the stream, that has to be the same after the new bridge is constructed. Mr. Fox responded that is correct. The stream cannot be re-engineered. Mr. Fox mentioned that the angle of the bridge now combined with the width is traffic common measure. Keeping the angle will help keep traffic at a lower speed. Mayor Yates asked Mr. Fox if he has looked at both ends of the bridge and the process of widening it to 26 feet can be accomplished with the existing connections. Mr. Fox explained that they would require all new abutments but certain conditions may be used.*

*Mr. Modi – commented that in the process do they ask the Township or the Township Engineer to sign off on the ultimate design. Mr. Fox explained that the County is willing to give the Township as much latitude as needed in terms of materials and construction appearance. Mr. Fox mentioned that the Township went through the process in 2005 and wrote a detailed memorandum outlining what the Township was looking for with regard to parapet walls, height of the parapet walls, materials, etc. Mr. Modi asked if Mr. Fox was suggesting that the ASHTO standards set the lane widths or is that something that could be debated in the design. Mr. Fox mentioned that was debated with the County in 2015 and they disagreed.*

*Mrs. DiTosto -- thanked Mr. Fox and the Township Committee members for their comments. Since this was identified 15 years ago, it is time to take the next step. Mrs. DiTosto commented that we should get the resolution passed and try to make the County's 2019 cycle. As Mayor Yates pointed out, there is enough leeway in the resolution that if an alternative should come up we can certainly avail ourselves at that time. Mrs. DiTosto believes it is time to take this next step. Mr. Fox explained that we are not agreeing to give up on the narrower bridge width. We are agreeing to start moving forward in identifying a preliminary design that can be submitted for funding. As we go through the process, identify if a narrower design will satisfy the funding requirements.*

*Mayor Yates asked if any member of the public wished to comment:*

***Julia Somers (resident)** – Commented that at the last Township Committee meeting she promised she would bring someone who is a Trustee, Mr. George Cassa (Trustee of the NJ Highlands Coalition) to this meeting. Mr. Cassa is a former resident of Harding Township and is someone who is intimately involved with bridge design. Mr. Cassa in another County and Community has gone about trying to protect their historic bridges. Mrs. Somers commented that Harding residents have been trying to prevent the widening of this bridge which the County has been trying to do since way before 2005. It still has not fallen down.*



**George Cassa, NJ Highlands Coalition** – Commented that he appreciates the opportunity to address this bridge. This bridge is one that Mr. Cassa has been aware of over the decades coming under the scrutiny of the County, especially as funding becomes available and they make their lists on how to distribute the money. Through 1998, the experience Mr. Cassa first had was the bridge on Village Road when it became apparent that there were many engineers in the State observing the ASHTO green book without looking at the rest of the ASHTO code as it is meant to be applied.

In the late 1990's Mr. Cassa moved to Hunterdon County to a Township that has about 50 or 60 bridges of various historic and non-historic nature over brooks that are generally big enough to jump across. Years ago, the County went through a review of all the bridges in Hunterdon County and they identified types and the locations and the reasons why these bridges are significant. It is expensive to get bridges designated as historic, especially when they are not. In Hunterdon County, the solution was to come up with what the Historic Preservation Office called multiple property documentation; every bridge that had a chance in being historic. This simple nomination puts a bridge that otherwise has no protection on a different level. The next step was to take bridges that were more modest and with less in the way of historic credentials which was called legacy bridges. If these bridges could not prove that they met SHPO's standard but they were on a road that was there for 200 years and with that case, as in Dickson's Mill Bridge, you have a Legacy Bridge. A list was made and included in their Masterplan so that as administrations change, people do not forget what the Town values the most for preservation purposes. The County in this case (in Hunterdon County) was happy to listen. Fundamental to the sense of context, as with the Dickson's Mill Bridge, this bridge, may be one that the State recognizes as a context sense of design, which means you should not take a structure that is contributing to the overall sense of place, arbitrarily remove it and put something that is 44 feet wide. There are a several ways to work with a non-historic legacy bridge;

1) The State has a policy in their own design manual for bridges and structures, Section 12, which is called the footprint program. This means in exceptional cases where anyone wants to take the trouble to make the case that a bridge that is difficult in terms of design, as Dickson's Mill Bridge would be, in its inconsistency with modern design standards and how you work through that. If you take a bridge out of its footprint and replace it with a new bridge in the same footprint, the State will let you do this. If someone would like to speak with someone in Trenton, the door is there.

2) The other way to save a bridge in terms of width is to treat it as a repair as opposed to a replacement. As a repair, a bridge could be replaced if pieces were saved and set aside and put back as part of the replacement. Mr. Cassa provided examples of three bridges that were repaired and as repairing these bridges that were not replaced and the original widths of 18 feet were saved.

Mr Cassa commented that if Harding would like to keep the current width of Dickson's Mill Bridge, there are policies in place that would allow the Township to do this. It is purely finding someone in Trenton who understands what the Township is talking about. Mayor Yates thanked Mr. Cassa for his presentation.

**Nik Bjorkedal, resident** – provided information and presented to members of the Township Committee reasons why the bridge should not be widened. Mr. Bjorkedal commented that he surmises that all members of the Township Committee made a commitment to uphold the public safety of the Harding citizens, fiscal responsibilities, protect the Town's open spaces, and to keep Harding, Harding. Mr. Bjorkedal asked the committee to consider what their legacy would be in 20 years. This road has had no accidents. The fiscal responsibility aspect of this was highlighted at the June meeting. In this neighborhood (Dickson's Mill), there are many people who have given a lot time, economics in protecting this area. The Township itself has spent in recent years 3 million dollars preserving 12 acres in this area. Mr. Bjorkedal commented that the Harding Open Space Commission there is a statement that allows for in the mission the restoration of designated historic structures, all as envisioned by the Township Masterplan. Mr. Bjorkedal asked the Township Committee to find



*creative ways to restore the bridge; i.e., use HOST funds. Mr. Bjorkedal commented that the bridge is inconvenient and causes people to choose a different route.*

**Katie Peper, resident** – *Commented that she owns the Bank House which is a historic house and is the closest house to the bridge of all the houses on Dickson's Mill Road. Ms. Pepper read the marker that is near the bridge; "across pine brook you can see the remnants of the dam that once turned this valley into a pond and harnessed water to power a sawmill and later a cider mill. This peaceful little valley, active with wildlife, is one of the most beloved scenes in Harding Township. The 30 acre property consisting of the stream corridor and surrounding wetlands and woods was first acquired by the Harding Land Trust. A generous and visionary gift from the Koven family in 1992." Most people would recognize how a big event would change their town. What is more difficult for them to recognize is how a perceived smaller event will cause just as great a change. Widening Dickson's Mill Bridge will lead to more frequent and faster traffic which will change the very nature of one of Harding's most iconic roads. A small change, such as widening a bridge leads to a somewhat bigger change, faster traffic, which ultimately leads to change in the Town itself. Please do not widen this bridge.*

**Ted Hatfield, resident** – *commented he recently purchased his home at the corner of Dickson's Mill and is particularly sensitive to things going on in this area. Mr. Hatfield has been traveling this road for over 20 years and this is his favorite road in the State of New Jersey. It has all the qualities that anyone would want to preserve. Mr. Hatfield commented how he gets to watch dozens of groups from track teams, walkers, and bikers use this bridge. Consequences need to weigh heavily on your minds as you consider the next steps for this process to move the project forward with the hope of having salvation and a narrow outcome. Mr. Hatfield is worried about watching a 12 foot lane that leads into a 9 foot lane get proposed by the State or otherwise to widen the road to accommodate a 12 foot lane on the bridge. Everything that can be done to preserve the feel of Dickson's Mill and that stretch of Harding that has been preserved for so long should be done.. The idea of safety is an important one for all of us. There are people who do not take Dickson's Mill Road because it is too slow. This is good. Mr. Hatfield mentioned we do not want to see more traffic or speed on the road, but more concern for the bikers, runners, the dog walkers, and the trees that are on either side of the road that are close to the side. There is an aesthetic issue, a safety issue, environmental issue, and a practical issue that says it would be easy to move the ball forward and the harder path is to resist it. This is a bridge worth saving, or refurbishment, or Mr. Platt's opportunity to go to Trenton.*

**Kenneth Friedman, resident** – *Mr. Friedman commented as follows:*

1) *Widening the bridge but keeping the curves will not increase speed it will if you had an island between the two lanes. When people do not follow the lane, they drift over. The call to not widen the bridge has fallen on deaf ears, not Harding's, but the powers above you. Mr. Friedman mentioned that Washington listened when we stopped the airport. This town has a lot of power and we should use it. If Mr. Platt is willing to give two to three months of his time to go to Trenton and try to get someone to listen, we should give it to him. By approving the resolution you are starting the process, do not start the process.*

2) *This bridge is located in wetlands. How could the State violate wetlands by putting footings and encumbering them in the wetlands area? By expanding it, they are going into more wetlands. Mr. Fox, Township Engineer, explained that the County would have to get permits to encroach in the wetlands.*

**Mary Prendergast, resident** – *Mrs. Prendergast agrees with the opposition. Mr. Platt should be given the time to speak to the officials at the State. This is a very historic area. Mrs. Prendergast did a lot of the research on what led up to the creation of the Silver Lake historic district. It is not just Harding's bridge, it is national and state eligible. It is worth giving Mr. Platt the time.*

**John Van Lenten, resident** – *Mr. Van Lenten mentioned that his home is called the Pie House and he loves Harding and their home. The last 17 years he has been walking his dogs up Dickson's Mill Road in the morning*



*and at night. If you have ever travelled this road, you will see Mr. VanLenten and my dogs. Mr. Van Lenten takes his life into his hands in the morning due to young gentlemen who come from Chatham, Madison, and Summit going to Delbarton School. The only thing that slows these drivers down is the bridge. If you widen the bridge, it will become a faster route, and more people will be driving the road than they do now. Please do not widen the bridge.*

**Amanda Richardson, resident** – *commented take a step back and hear what the community is saying.*

**Steve Balog, resident** – *commented that if there is someone at the State that will listen, let Mr. Platt take a shot and give him the few months. If it forces the Township out of the budget cycle, so be it.*

**Julia Somers, resident** – *commented that she is here this evening representing several resident. Ms. Van Allen, who is away is devastated of the idea that the bridge maybe widened. The Koven Family who has given everything to the town, they were the first donation to our open space program, which helped protect the valley. If you have not been to this road to see the fire flies, you are missing out, it's magic. The Dickson's Mill Bridge is a very special place. The residents do not want to see the bridge expanded. The residents have been fighting this since the 1990's. Ms. Somers commented that you can hear that we are all very passionate about the bridge. If you do not believe it is suitable for a two way bridge, then make it a one way bridge. Making people stop before they go over the bridge is a fantastic traffic common sense device. It does not have a history of accidents. The bridge is the only thing that slows the Delbarton School drivers down. The residents do not want to see the traffic increase. The bridge is inconvenient to people and makes them look to take a different route. Widening the width will encourage more cars. Ms. Somers commented on the liability concerns. The Town is in charge, not the County. The Town has the ability to step back and say you will give Mr. Platt the time to go to Trenton. Ms. Somers stated she has information that Mr. Cassa shared earlier if anyone would like a copy. Ms. Somers urges the Township Committee to not approve the resolution.*

**Mayor Yates** -- *clarified that yes Mrs. Somers you are correct in saying the County does not care but what they are telling the Township is that it the bridge is deficient to the point it is at the end of its life. It will either fail in a storm and collapse or the County will close it. Mayor Yates explained that we have heard from the Township Engineer and the County Engineer that the bridge is not in good shape and needs to be replaced. The dilemma is what to do about this.*

**Mr. Platt** -- *commented he has an opportunity to speak to officials of the State but needs more time. Mr. Platt does not require this resolution, the State will not be closing the bridge. Mr. Platt is asking for more time and will ask the State that the Town not contribute any money. If we do not make the 2019 budget cycle, we will make the 2020 cycle. Do not introduce this resolution.*

**Mr. Modi** – *commented that he does not believe anyone on the Township Committee is excited about widening the bridge. Mr. Modi believes it's a process question we are struggling with. When you read the resolution, it does not preclude anything that was asked to be done here tonight. It must meet the ASHTO standards. There may be a waiver to the ASHTO standards that is available. Mr. Modi commented that maybe the resolution needs to be amended slightly. Why can't the resolution be passed and still explore everything. One of the concerns Mr. Modi has, is we have been told a problem is coming and the five of us on the Township Committee are on notice. For 25 to 30 years there were other items that the Township has had to deal with, which means no one has run with the ball on the bridge. The attention is here now, let's focus, pass the resolution, address the concerns, create a process where everything can be explored, and the decision becomes very easy. We are either going to get the waiver or not get the waiver. The question is should we focus more on a process instead of 26 ft. versus 20 ft. No one wants to widen the bridge, but it is going to get widened because someone will make us. Maybe in our process we make a list. A discussion ensued.*



*Mr. Platt* – asked for the resolution to be tabled and provide a list of bridges for 2020. There is no reason to pass the resolution, there is no rush. The timing is horrible. Mr. Modi commented that we can pass the resolution and come up with a process. A discussion ensued.

*Mayor Yates* -- commented that the reason the resolution is on the agenda this evening, is because the County must have a decision in place by August 1<sup>st</sup> for its budget cycle. This will go into the County's 2020 budget which is not adopted by the County until February of 2020. Nothing will happen on this bridge for 15 months from the day they approve the funding. Mayor Yates explained that if we do not pass the resolution, it puts the Township 24 to 30 months away from the County doing something. It is not a private road, it is not a private bridge, it serves all of Harding. The Township cannot ignore these infra structure issues that our professionals are informing us are potentially a safety risk.

*Mrs. DiTosto* -- commented that if the Township Committee passes the resolution now and the State does not fund or pass it until February 2020, can we withdraw it. Mr. Roselli, Township Attorney, commented that you can pass a resolution and later rescind it. Mrs. DiTosto commented that we could pass the resolution, which will give Mr. Platt his time to speak with Officials in Trenton in the fall, amend the resolution if necessary, and we have not foreclosed on any options. Mr. Platt commented that it will make it more difficult for him if there is a resolution on the table. A discussion ensued.

*Mr. Modi* -- asked that the resolution be amended so the process of exploring the historic and legacy options is included. Mr. Roselli, Township Attorney commented that you can place anything you want in the resolution. Mrs. DiTosto asked that the desired width be included in the resolution. A discussion ensued regarding the amendments to the resolution.

*Mr. Roselli* -- discussed the options that could be included in the resolution which included the option to rescind the resolution. It was recommended that the resolution be amended with the changes Mr. Roselli stated.

*Mayor Yates closed the public comments at 9:30 p.m.*

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## ORDINANCES FOR SECOND READING - NONE

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### ADD-ON RESOLUTIONS

#### Resolution TC 19-166 – Resolution

**WHEREAS**, the State of New Jersey, Division of Community Affairs was delayed in finalizing the tax rates and issuance of the Rate Certifications for Morris County; and

**WHEREAS**, the mailing of the 3<sup>rd</sup> and 4<sup>th</sup> Quarter 2019 billing will be delayed until the New Jersey Division of Community Affairs finalizes the 2019 rates and the Township receives the rate certification from Morris County or the Township decides to send estimated tax bills; and

**WHEREAS**, N.J.S.A. 54:4-64 requires an extension of the grace period to the twenty-fifth (25<sup>th</sup>) day following the mailing date of the tax bills.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the grace period payment date for the 3<sup>rd</sup> Quarter installment of taxes for the year 2019 is hereby set at 25 days following the mailing of the tax bills. Payments received after this date will have interest calculated retroactive to August 1<sup>st</sup> 2019.

**Mayor Yates** asks Committee Member Jones to proceed with Resolution TC 19-166.

*Committee Member Jones made a motion to approve the add-on Resolution 19-166 placed on this evening's Agenda by consent of the Township Committee, seconded by Township Committee Member DiTosto.*

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

**Vote on Resolution:**

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

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

*Mayor Yates reported that TC Resolution #19-163 was removed from the Consent Agenda for further discussion. See the discussion under the Dickson's Mill Bridge.*

**TC Resolution 19-163 – Resolution to Authorize Replacement of the Dickson's Mill Bridge - Original Resolution**

**WHEREAS**, on June 24, 2019, the Morris County Engineer, Christopher Vitz, advised the Harding Township Committee that the condition of the Dickson's Mill Road Bridge should be scheduled for replacement; and

**WHEREAS**, the Township Engineer, Paul Fox, concurs with the bridge replacement; and

**WHEREAS**, the bridge re-evaluation survey report prepared by SJH Engineer dated July 26, 2017 has evaluated the overall physical condition of the Dickson's Mill Road Bridge; and

**WHEREAS**, the bridge re-evaluation survey report reads as follows: "The structure is in poor condition due to the condition of the substructure"; and

**WHEREAS**, the Morris County Engineer has stated that the bridge will be replaced without eliminating the approaching curves on each end of the bridge.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris, and State of New Jersey, that the Harding Township Committee supports the replacement of the Dickson's Mill Road Bridge; and

**BE IT FURTHER RESOLVED**, that the replacement bridge will meet standards for State funding and County maintenance; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee requests that the bridge replacement be funded in the Morris County August 2019 budget cycle; and



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

*Mayor Yates asked Committee Member DiTosto to proceed with the amended Resolution TC 19-163.*

**Revised Resolution as Mr. Roselli, Township Attorney read into the minutes:**

*Mr. Roselli, Township Attorney, read the amended TC Resolution 19-163 into the record as follows:*

**TC Resolution 19-163 – Resolution to Authorize Replacement of the Dickson’s Mill Bridge**

**WHEREAS**, on June 24, 2019, the Morris County Engineer, Christopher Vitz, advised the Harding Township Committee that the condition of the Dickson’s Mill Road Bridge should be scheduled for replacement; and

**WHEREAS**, the Township Engineer, Paul Fox, concurs with the bridge replacement; and

**WHEREAS**, the bridge re-evaluation survey report prepared by SJH Engineer dated July 26, 2017 has evaluated the overall physical condition of the Dickson’s Mill Road Bridge; and

**WHEREAS**, the bridge re-evaluation survey report reads as follows: “The structure is in poor condition due to the condition of the substructure”; and

**WHEREAS**, the Morris County Engineer has stated that the bridge will be replaced without eliminating the approaching curves on each end of the bridge; and

**WHEREAS**, the Dickson’s Mill Road Bridge is located in the Silver Lake Historic District listed in both the State and National Register of Historic Places; and

**WHEREAS**, the Township Committee, while recognizing the need to replace or repair the bridge due to its existing condition, desires that the current width be maintained; and

**WHEREAS**, the Township Committee further desires to have the cost of the bridge replacement or repair funded utilizing state and county funds, while pursuing any and all waivers under any applicable rule, regulation and/or standard that will allow the existing width of the Dickson’s Mill Road Bridge to be maintained; and

**WHEREAS**, the Township Committee’s request to have the cost of the bridge replacement or repair be included in the Morris County August 2019 budget cycle is conditioned on the Township’s pursuit to have the current width of the Dickson’s Mill Road Bridge maintained in regards to any replacement or repair.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris, and State of New Jersey, that the Harding Township Committee supports the replacement or repair of the Dickson’s Mill Road Bridge, but desires that the current width of the bridge be maintained in regard to any replacement or repair.

**BE IT FURTHER RESOLVED**, that the replacement or repair of the bridge will meet standards for state and county funding and county maintenance on the condition that all waivers with regard to the width of the bridge are pursued by the Township.

**BE IT FURTHER RESOLVED** that the Harding Township Committee requests that the bridge replacement or repair be funded in the Morris County August 2019 budget cycle, subject to the conditions set forth herein.

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

*Committee Member DiTosto made a motion to approve the amended Resolution TC 19-163 placed on this evening's Agenda and after a lengthy discussion, seconded by Township Committee Member Modi.*

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

**Vote on Resolution:**

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

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**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 19-157 THROUGH RESOLUTION TC 19-164 HAVE BEEN PLACED ON THE CONSENT AGENDA MINUS TC 19-163 WHICH WAS REMOVED FROM FOR FURTHER DISCUSSION.**

**CONSENT AGENDA VOTE:**

**Mayor Yates** asked Committee Member Jones to proceed with the Resolutions listed on the Consent Agenda. Resolutions TC 19-157 through TC 19-164.

*Let the record show that Resolution TC 19-163 was removed from the Consent Agenda for further discussion.*

*Committee Member Jones made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee, seconded by Township Committee Member DiTosto.*

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

**Vote on Resolution:**



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

## CONTRACTS:

### **TC Resolution 19-157 – Resolution Authorizing Submittal of Grant Application and Execution of Grant Contract with the NJDOT for Resurfacing of Sand Spring Road**

**WHEREAS**, the Township Committee of the Township of Harding, County of Morris, State of New Jersey desires to apply for grant funds under the New Jersey Department of Transportation Municipal Aid FY2020 program.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey formally approves the grant application for the stated project; and

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Sand Spring Road-2020 Resurfacing-00522 to the New Jersey Department of Transportation on behalf of the Township of Harding, County of Morris, State of New Jersey; and

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Harding, County of Morris, State of New Jersey and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

### **TC Resolution 19-158 – Resolution to Increase the Contract for Greener By Design**

**WHEREAS**, at the February 25, 2019 Township Committee meeting, the Township of Harding awarded a contract for a exigent professional services to the firm Greener By Design, LLC for consultant work on the Green Acres Diversion, in the amount not to exceed \$15,000.00; and

**WHEREAS**, it is necessary to increase the authorization for the exigent services of Greener By Design, under their professional services contract to perform Green Acres Diversion, Historic Preservation and Redevelopment tasks as presented in a proposal received on June 12, 2019; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$21,000.00 from account number #01-2019-1110-0100-2-00020; and

**WHEREAS**, the total contract amount for 2019 shall not exceed \$36,000.00.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby increased for a one year period as follows:

Professional Services –	- Greener By Design, LLC	1/1/2019 to 12/31/2019
Consultant – Exigency	94 Church Street, Suite 402	Not to Exceed \$36,000.00
	New Brunswick, NJ 08901	01-2019-1110-0100-2-00020

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**TC Resolution 19-159 – Resolution to Increase the Contract for Greenbaum Rowe Smith & Davis LLP – Redevelopment Attorney**

**WHEREAS**, at the March 18, 2019 Township Committee meeting, the Township of Harding awarded a contract for a redevelopment attorney from the firm Greenbaum Rowe Smith & Davis LLP for redevelopment purposes for the Township, in the amount not to exceed \$5,000.00; and

**WHEREAS**, at the May 13, 2019 Township Committee meeting, the Township Committee authorized an additional \$5,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, at the June 24, 2019 Township Committee meeting, the Township Committee authorized an additional \$30,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

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

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$10,000.00 from account number #25-9999-1110-0170-2-00037; and

**WHEREAS**, the total amount shall not exceed \$50,000.00.

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

Redevelopment Attorney	Greenbaum Rowe Smith & Davis LLP	1/1/2019 to 12/31/2019
	75 Livingston Avenue, Suite 301	Not to Exceed \$50,000.00
	Roseland, NJ 07068	25-9999-1110-0170-2-00037

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**TC Resolution 19-160– Resolution to Amend and Increase the Contract for Heyer Gruel**

**WHEREAS**, Resolution TC-19-107 was adopted by the Township Committee at their April 15, 2019 meeting, and

**WHEREAS**, there is a need to amend the account numbers from which funds are charged against as follows:

Amend paragraph five to read from: #01-2019-11100-0100-2-00105” to #25-9999-1110-0170-2-00037” for preparation of 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

Amend paragraph six to read from: #01-2019-11100-0100-2-00105” to #25-9999-1110-0170-2-000375” for preparation of 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**, paragraph nine, reads as follows: “to increase the 2019 contract amount by \$59,000.00 for a total not to exceed amount of \$81,500.00; and

**WHEREAS**, the amended paragraph nine of Resolution TC 107 shall read as follows: to increase the 2019 contact amount by \$84,500.00 for a total not to exceed \$107,000.00.

**BE IT RESOLVED**, that the Township of Harding Finance Department is hereby authorized to change the relating purchase orders to reflect the amended account numbers; and

**BE IT FURTHER RESOLVED**, a copy of this resolution be distributed to the Township Assistant Administrator/Purchasing Agent and the Chief Financial Officer.

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**FINANCE:**

**Resolution TC 19-161 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.

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**Resolution TC 19-162 Resolution to Amend Resolution TC 19-145 for Alcoholic Beverage Control Licenses**

**WHEREAS**, Resolution TC-19-145 was adopted by the Township Committee at their June 24, 2019 meeting, and

**WHEREAS**, there is a need to amend the applicants under the Plenary Retail Consumption License and the Plenary Retail Distribution License; and

**WHEREAS**, the applicants for Alcoholic Beverage Control License set forth below has been duly investigated; and

**WHEREAS**, the Harding Township Committee is satisfied that all the rules and regulations of the Alcoholic Beverage Law, Title 33, Chapter 1 of the Revised Statutes of New Jersey, 1937, as amended and supplemented, including P.L. 1970, Ch. 77, have been duly complied with.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Harding Township Committee hereby agrees to issue to the following applicants, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence *July 1, 2019*, and to expire at midnight on *June 30, 2020* upon clearance of the fee to the Harding Township Treasurer’s Account.

**CLUB LICENSES:**

**Applicants:**

New Vernon Volunteer  
Fire Department  
Club License  
No. 1413-31-004-001

**ADDRESS:**

22 Village Road  
New Vernon, NJ

**FEE:**

\$63.00

Mt. Kemble Lake Country Club  
Club License  
No. 1413-31-003-001

3 Trails End  
Morristown, NJ

\$63.00

**PLENARY RETAIL DISTRIBUTION LICENSE:**

**Applicant:**

Dharma Bhaki 09, LLC  
T/A The Country Store  
Plenary Retail Consumption License  
No. 1413-44-002-005

**ADDRESS:**

1098 Mount Kemble Avenue  
Morristown, NJ

**FEE:**

\$2,500.00

**PLENARY RETAIL CONSUMPTION LICENSE:**

**Applicant:**

K.A. Lee Enterprises, LLC  
T/A Market Tavern  
Plenary Retail Consumption License  
No. 1413-33-001-010

**ADDRESS:**

995 Mt. Kemble Avenue  
Morristown, NJ

**FEE:**

\$2,500.00

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby authorized to issue the aforesaid license in the form approved by the Department of Alcoholic Beverage of the State of New Jersey to the aforesaid applicants.

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**MISCELLANEOUS:**

**TC Resolution 19-164 – Resolution to Authorize Waiver of Interest**

**WHEREAS**, the owner of the real property commonly referred to as 208 Lee's Mill Road, Basking Ridge, New Jersey 07920 and identified as Block 47, Lot 4.01 on the Township Tax Map (hereinafter the "Subject Property") contacted the Township's Tax Collector regarding having received a Delinquent Tax Notice for the tax payment due on May 1, 2019 for the Subject Property; and

**WHEREAS**, as a result of not having received the tax payment by the subject due date and permitted grace period, the Tax Collector assessed an additional \$84.64 as accumulated interest; and

**WHEREAS**, the property owner advised that the tax payment was mailed on April 29, 2019 at the New Vernon Post Office and in fact, the payment received by the Township's Tax Collector's Office was postmarked April 29, 2019; and



**WHEREAS**, despite the payment having been depositing with the Post Office on April 29, 2019, it was not received by in the Tax Collector's office until May 20, 2019, almost three weeks after being delivered to the Post Office; and

**WHEREAS**, as a result of this situation, the Township Administrator contacted the Postmaster for the New Vernon Post Office by letter dated June 10, 2019, who confirmed by letter also dated June 10, 2019 the fact that the initial payment was indeed postmarked April 29, 2019 and further stated that mail that is received by this Post Office is then delivered to the customer the same day it is received by the Post Office, which did not occur in this instance; and

**WHEREAS**, the Postmaster however could not provide any type of explanation for the delay in this instance; and

**WHEREAS**, there have been other instances in which the Township did not received tax payments from the Post Office in a timely manner, which included three payments with a one year old postmark; and

**WHEREAS**, while this was also relayed to the Postmaster by the Township Administrator, the Postmaster similarly had no explanation as to why this may have occurred; and

**WHEREAS**, relevant State statute (N.J.S.A. 54:4-1 et seq.) states that payment is determined by when the payment is actually received by the Tax Collector and not the date postmarked on the envelope and that neither the Tax Collector nor staff has the authority to waive any interest that may be due; and

**WHEREAS**, the property owner diligently pursued this issue with the Township and the Postmaster was unable to provide any type of plausible reason or justification for the late delivery of the mail to the Township; and

**WHEREAS**, given these circumstances and in order to avoid any type of dispute or litigation with property owner, the Township Attorney and Tax Collector have opined that it would be prudent and appropriate for the Township Committee, in this instance, to adopt a resolution authorizing the Tax Collector to waive the \$84.64 interest that is due and outstanding.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding that for the reasons stated hereinabove, the \$84.64 of accumulated interest that remains due and outstanding for the Subject Property be and is hereby waived and the Township Tax Collector is hereby authorized to make the appropriate notation and adjustment on the tax records for the Subject Property confirming that the \$84.64 has been waived and is no longer due and payable.

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**ORDINANCES FOR FIRST READING – *Mr. Roselli, Township Attorney, explained that that Ordinance #05-2019 referenced a wrong code. This is a minor amendment to Ordinance #05-2019.***

**ORDINANCE #14-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING IN PART ORDINANCE #05-2019 AND SPECIFICALLY CHAPTER 225, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 ZONING DISTRICT**

**Mayor Yates** asked Township Committee Member Jones to introduce Ordinance TC #14-2019.

**Township Committee Member Jones** introduced Ordinance TC #14-2019 by title as follows:

**TOWNSHIP OF HARDING  
ORDINANCE #14-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING IN PART ORDINANCE #05-2019 AND SPECIFICALLY CHAPTER 225, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 ZONING DISTRICT**

**Township Committee Member Jones** explained the purpose of the Ordinance and moved for 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 July 15, 2019.

**BE IT RESOLVED**, that at the Township Committee meeting to be held on August 12, 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 #14-2019 and moved its introduction, seconded by Township Committee Member DiTosto.*

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

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**RESOLUTION TC 19-165– Executive Session**

**RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

*Mayor Yates asked for a motion to adjourn into executive session. Upon a motion made by Mr. Modi, seconded by Mr. Jones, the meeting was adjourned to 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. Tunis Elick – Bob Falzarano
2. Gatehouse – Tim Jones
3. CPNJ – Bob Falzarano
4. Engineering Services – Chris Yates

**Personnel:**

1. BOA Alternate #2 – Chris Yates

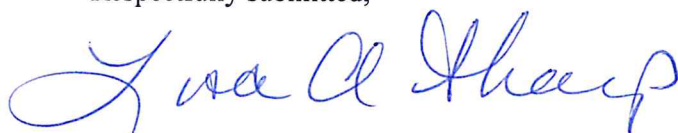
**Vote on Resolution:**

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

**ADJOURNMENT – Mr. Yates**

*The meeting adjourned into executive session at 10:15 p.m. No formal action will take place in executive session.*

Respectfully submitted,



Lisa A. Sharp  
 Municipal Clerk