

HARDING TOWNSHIP COMMITTEE
MONDAY, JANUARY 13, 2020
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING AGENDA at 7:30 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor Yates

ADEQUATE NOTICE of this January 13, 2020 meeting of the Harding Township Committee was sent to the Observer Tribune on January 7, 2020 and published in the Observer Tribune on January 9, 2020.

ROLL CALL – Municipal Clerk

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

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Resolution TC 19-059– Resolution to Recess into Executive Session

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

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

Personnel:

1. PBA Contract – Adam Abramson

Contracts:

1. The Farm/Affordable Housing – Mark Roselli
2. Redevelopment – John Hague
3. Glen Alpin – Dev Modi
4. Property Acquisitions – Tim Jones

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 type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECONVENE INTO PUBLIC SESSION – Mayor Yates

ROLL CALL – Municipal Clerk

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

PLEDGE OF ALLEGIANCE – Mayor Yates

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, 2020, and published in the *OBSERVER TRIBUNE* on January 9, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 9, 2020, and Notice was filed with the Municipal Clerk on January 7, 2020.

RESOLUTION TC 19-060 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Municipal Clerk’s office: **January 6, 2020.**

Mayor Yates asks for a motion to accept the Township Committee meeting minutes.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

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 type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

1. Hesna Pfeiffer Award for Citizenship -- Larry Wepler

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

DISCUSSION ITEMS

1. Request From NJ State Veteran’s Chamber of Commerce – Peter Lupo, Esq.

2. HOST Management Plans / 2020 Budget – Mayor Yates

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

ORDINANCES FOR SECOND READING -- NONE

ADD-ON RESOLUTIONS: NONE

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

CONSENT AGENDA

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

RESOLUTIONS TC 19-061 THROUGH RESOLUTION TC 19-065 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asks Committee Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-061 through TC 19-065.

Committee Member _____: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Yates asks the Municipal Clerk for a Roll Call:

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 type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPOINTMENTS:

FINANCE:

Resolution TC 20-061 – 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 20-062 – Release of Ridge At Sand Spring Maintenance Bond

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

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

Grading, Engineering, Tech Review, & Performance Escrow

Ridge at Sand Spring

\$14,619.44

CONTRACTS:

TC Resolution 20-063 – Resolution Designating A Conditional Redeveloper and Authorizing the Execution of a Conditional Redeveloper Agreement For Senior Living District of Hurstmont/Glen Alpin Redevelopment Study Area

WHEREAS, on November 19, 2018, the Township Committee of Harding Township adopted Resolution No. 18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue (the "Hurstmont Parcel") and Block 34, Lot 1 (the "Glen Alpin Parcel") (collectively referred to as the "Redevelopment Study Area") qualify as a

"non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1, et seq. (the "Redevelopment Law"); and

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

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

WHEREAS, the Harding Township Committee accepted the recommendation of the Planning Board and on February 25, 2019, via Resolution No. TC19-073, designated the Redevelopment Study Area as a "non-condemnation" redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of Harding Township, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the "Hurstmont Redevelopment Plan") and referred such plan to the Planning Board for review and comment, pursuant to N.J.S.A. 40A: 12A-7; and

WHEREAS, the Planning Board considered the Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Hurstmont Redevelopment Plan dated June 3, 2019 to the Harding Township Committee; and

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

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

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

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

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

WHEREAS, the Redeveloper presented concept plans to the Harding Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper's concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Harding Township Committee conducted a public meeting concerning the Redeveloper's concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, Special Counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates reviewed those concept plans, and they proposed certain revisions to the Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Harding Township Committee; and

WHEREAS, on September 12, 2019 on behalf of Harding Township, HGA prepared an amendment to the Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to NJSA 40A:12A-7; and

WHEREAS, the Planning Board considered the amendment to the Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Hurstmont Redevelopment Plan dated September 24, 2019 to the Harding Township Committee; and

WHEREAS, the designation of Hurstmont Estate Acquisition, LLC as the Redeveloper expired by passage of time on September 23, 2019; and

WHEREAS, on September 30, 2019, the Harding Township Committee, after introduction on September 12, 2019 and publication as required by law for adoption of general ordinances, conducted a public hearing on the amendment to the Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Harding Township Committee adopted the amendment of the Hurstmont Redevelopment Plan by Ordinance No. 16-2019; and

WHEREAS, on September 30, 2019 the Harding Township Committee recognized Hurstmont Estate Acquisition, LLC as the Redeveloper of the Senior Living District located within the Redevelopment Study Area as set forth in the amendment of the Hurstmont Redevelopment Plan approved by Ordinance No. 16-2019; and

WHEREAS, by Resolution No. TC 19-194 adopted on September 30, 2019, the Harding Township Committee extended Hurstmont Estate Acquisition, LLC's designation as Redeveloper of the Senior Living District located within the Redevelopment Study Area and the date by which the Township and the Redeveloper could negotiate and execute a Redevelopment Agreement until October 31, 2019, after which date, Resolution No. TC 19-194 would have no force and effect; and

WHEREAS, the Township Committee and Hurstmont Estate Acquisition, LLC failed to execute a Redevelopment Agreement on or before October 31, 2019; and

WHEREAS, the Township Committee and Hurstmont Estate Acquisition, LLC have agreed to continue to negotiate in good faith for purposes of finalizing and executing a Redevelopment Agreement; and

WHEREAS, the Township Committee, as the Redevelopment Entity for the Township of Harding, does also desire to designate Hurstmont Estate Acquisition, LLC as the conditional redeveloper (the "Conditional Redeveloper") of the Senior Living District located within the Redevelopment Study Area, subject to the

negotiation and execution of, among other things, a redevelopment agreement (the "Redevelopment Agreement"); and

WHEREAS, the Township Committee also desires to authorize the negotiation and execution of a conditional redeveloper agreement ("Conditional Redeveloper Agreement") with the Conditional Redeveloper for the purpose of establishing a framework for the negotiation and execution of the Redevelopment Agreement.

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

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. Hurstmont Estate Acquisition, LLC is hereby conditionally designated as Redeveloper of the Senior Living District located within the Redevelopment Study Area ("Conditional Redeveloper") pending the negotiation, approval by vote of the Township Committee and execution of a Redevelopment Agreement with the Township of Harding.
3. The within designation is expressly contingent upon the Redeveloper's execution of a Conditional Redeveloper Agreement and in accordance with the terms thereof and is also made for a limited period until February 28, 2020, unless extended by the Township Committee.
4. The Mayor is further authorized to negotiate a Conditional Redeveloper Agreement with the Redeveloper to be approved by vote of the Township Committee.

Or

4. The Mayor is authorized to execute the Conditional Redeveloper Agreement that is substantially in the same form as that on file with the Township Administrator, with such changes, omissions or amendments as the Township Administrator deems appropriate in consultation with the Township's counsel and professionals.

TC Resolution 20-064 – Resolution to Award a Maintenance Contract to DeBlock Environmental

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

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

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

WHEREAS, the contract proposal submitted is for the calendar year 2020; and

WHEREAS, the charges for 2020 are as follows:

Year 2020	Licensed Operator	Special Project Hourly Rate (Est. 40 hrs.)	Emergency Response Hourly Rate (Est. 12 hrs.)	Total
DeBlock Environmental	Lump Sum	\$115/hr.	\$95/hr.	

Services, LLC	\$1,320	\$4,600	\$1,140	\$ 7,060
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and

WHEREAS, the Township of Harding has the sole and exclusive right to renew the contract for up to two (2) consecutive one (1) year periods as follows:

Year 2021	Licensed Operator	Special Project Hourly Rate (Est. 40 hrs.)	Emergency Response Hourly Rate (Est. 12 hrs.)	Total
DeBlock Environmental Services, LLC	Lump Sum \$1,320	\$115/hr. \$4,600	\$95/hr. \$1,140	\$ 7,060

Year 2022	Licensed Operator	Special Project Hourly Rate (Est. 40 hrs.)	Emergency Response Hourly Rate (Est. 12 hrs.)	Total
DeBlock Environmental Services, LLC	Lump Sum \$1,320	\$115/hr. \$4,600	\$95/hr. \$1,140	\$ 7,060

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

TC Resolution 20-065 Resolution Authorizing Change Order #1 Decreasing the Contract Amount with Tilcon New York, Inc., For Millbrook Road Resurfacing

WHEREAS, pursuant to Resolution No. 19-121, the Mayor and Committee of the Township of Harding approved and awarded a Contract to Tilcon New York, Inc. for the project, Millbrook Road Resurfacing in the amount of \$154,974.75.00; and

WHEREAS, during the performance of the work, the Township Engineer discovered conditions which were unforeseen prior to the commencement of the construction; and

WHEREAS, such unforeseen conditions resulted in a reduction to the contract price and are more specifically described in the Township Engineer’s Certification #1 attached hereto; and

WHEREAS, the Township Engineer determined that such unforeseen conditions must be addressed, and the costs related to the work and furnishing of such services has caused a decrease in the cost of the Contract by 22.91% below the awarded contract amount of \$154,974.75 for a final construction cost of \$119,478.21, and

WHEREAS, based upon the recommendation and Certification of the Township Engineer #1, Paul Fox, Township Engineer, the Mayor and Committee determined that it is in the best interest of the residents of the Township of Harding to authorize the proposed Change Order (#1); and

WHEREAS, this Resolution is intended to be adopted in conformance and compliance with N.J.A.C. 5:30-11.9.

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Harding, County of Morris, State of New Jersey, that Change Order (# 1) for the Resurfacing of Millbrook Road in the sum of \$ 119,478.21

(representing a decrease of 22.91% below the awarded contract price of \$154,974.75) with Tilcon New York, Inc. is hereby approved.

ORDINANCES FOR FIRST READING -- NONE

ADJOURNMENT – Mr. Yates