

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

CALL MEETING TO ORDER – Mayor Yates

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

ROLL CALL – Municipal Clerk

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

RESOLUTION TC 20-083 – Executive Session

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.

Attorney Client Privilege:

1. Personnel – R. Falzarano

Contracts:

1. Redevelopment – B. Goldsmith/J. Hague
2. Property Acquisitions – M. Roselli
2. The Gatehouse – M. Roselli

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

PLEDGE OF ALLEGIANCE – Mayor Yates

ROLL CALL – Municipal Clerk

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. 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 7, 2020, and Notice was filed with the Municipal Clerk on January 7, 2020.

RESOLUTION TC 20-084 -- 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: **March 9, 2020; March 19, 2020; and March 26, 2020.**

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk’s office: **March 9, 2020; March 19, 2020; and March 26, 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

DISCUSSION ITEMS:

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asks Committee Member **Modi** to proceed with Resolution TC 20-085 listed on the Non-Consent agenda.

Resolution TC 20-085 – Resolution to Amend 2020 Budget

WHEREAS, the local municipal budget of the year 2020 was introduced and approved on the 9th of March 2020; and

WHEREAS, the public hearing on said budget has been scheduled for the 13th of April 2020; and

WHEREAS, it is desired to amend said approved budget.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the following amendments to the approved budget of 2020 be made:

3. Miscellaneous Revenues	From:	To:
Section B: Section B: State Aid Without Offsetting Garden State Trust Fund	\$ 6,887.00	\$ 10,624.00
Total Miscellaneous Revenues	\$1,536,254.28	\$1,539,991.28

6. Amount to be Raised by Taxes for Support of Municipal Budget

a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes

\$5,839,480.00 \$5,835,587.00

Total General Revenues **\$9,565,734.28 \$9,565,578.28**

8. General Appropriations	From:	To:
M. Reserve for Uncollected Taxes Reserve for Uncollected Taxes	\$ 914,897.00	\$ 914,741.00
Reserve for Uncollected Taxes	\$ 914,897.00	\$ 914,741.00
Total General Appropriations	\$9,565,734.28	\$9,565,578.28

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2020 local municipal budget so amended.

NON-CONSENT AGENDA VOTE:

Mayor Yates asks **Committee Member Modi** to proceed with Resolution TC 20-085 listed on the Non-Consent agenda.

Committee Member Modi: I would like to make 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 _____.

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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asks Committee Member Modi to proceed with Resolution TC 20-086 listed on the Non-Consent agenda.

Resolution TC 20-086 – Adoption of Budget -- Municipal Budget Notice – Fiscal Year 2020

WHEREAS, the Township Committee introduced and approved the 2020 municipal budget on March 9, 2020; and

WHEREAS, the approved introduction of the budget was advertised as required by law on March 12, 2020 (Observer Tribune) with notice of the public hearing to be held on April 13, 2020.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2020:

SUMMARY OF REVENUES - CURRENT FUND	ANTICIPATED	
	2020	2019
1 SURPLUS	2,100,000.00	2,100,000.00
2 TOTAL MISCELLANEOUS REVENUES	1,539,991.28	1,488,639.00
3 RECEIPT FROM DELINQUENT TAXES	90,000.00	90,000.00
4 LOCAL TAX FOR MUNICIPAL PURPOSE	5,835,587.00	5,777,133.00
TOTAL GENERAL REVENUES	9,565,578.28	9,455,772.00
SUMMARY OF APPROPRIATIONS - CURRENT FUND	2020	2019
1 OPERATING BUDGET		
SALARIES & WAGES	3,417,600.00	3,264,600.00
OTHER EXPENSES	3,692,551.00	3,777,555.00
2 OPERATIONS – EXCLUDED FROM “CAPS”	572,086.28	507,675.00
3 DEFERRED CHARGES & OTHER APPROPRIATIONS	0.00	0.00
4 CAPITAL IMPROVEMENT FUNDS	585,000.00	616,000.00

5	DEBT SERVICE	383,600.00	377,539.00
6	RESERVE FOR UNCOLLECTED TAXES	914,741.00	912,403.00
TOTAL GENERAL APPROPRIATIONS		9,565,578.28	9,455,772.00
SUMMARY OF REVENUES - SEWER UTILITY FUND		ANTICIPATED	
		2020	2019
1	SURPLUS	39,000.00	30,000.00
2	TOTAL MISCELLANEOUS REVENUES	200,000.00	200,000.00
TOTAL GENERAL REVENUES		239,000.00	230,000.00
SUMMARY OF APPROPRIATIONS - SEWER UTILITY FUND		2020	2019
1	OPERATING BUDGET		
	SALARIES & WAGES	25,000.00	25,000.00
	OTHER EXPENSES	192,000.00	188,000.00
2	DEFERRED CHARGES & OTHER APPROPRIATIONS	2,000.00	2,000.00
	CAPITAL IMPROVEMENT FUNDS	20,000.00	15,000.00
TOTAL GENERAL APPROPRIATIONS		239,000.00	230,000.00

BALANCE OF OUTSTANDING DEBT	
TOTAL PRINCIPAL TO BE PAID IN 2020	395,000
TOTAL INTEREST TO BE PAID IN 2020	201,475
REMAINING PRINCIPAL AND INTEREST TO BE PAID AFTER 2019	5,822,850

	2020	2019
TOTAL NUMBER OF FULL TIME PERSONS BUDGETED	31	32
TOTAL NUMBER OF PART TIME PERSONS BUDGETED	16	15

Mayor Yates: The meeting is now open for a public hearing on the 2020 municipal budget and any member of the public may be heard.

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

BE IT RESOLVED, that the budget resolution as read by title on second reading, and after public hearing at this meeting, be adopted and finally passed.

NON-CONSENT AGENDA VOTE:

Mayor Yates asks **Committee Member Modi** to proceed with Resolution TC 20-086 listed on the Non-Consent agenda.

Committee Member Modi: I would like to make 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 _____.

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"/>

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.

ORDINANCES FOR SECOND READING

ORDINANCE #02-2020 -- CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$574,350

Mayor Yates asks Township Committee Member Modi to read Ordinance TC #02-2020.

Township Committee Member Modi reads Ordinance TC 02-2020 by title as follows:

**HARDING TOWNSHIP
 CAPITAL ORDINANCE
 ORDINANCE #02-2020**

“CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$574,350”

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on Mark 9, 2020.

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

The Municipal Clerk States: A legal notice was sent for publication on March 9, 2020 to the Observer Tribune indicating that Ordinance #02-2020 was introduced and passed on first reading at the March 9, 2020 meeting and indicated that the second reading and public hearing were to be held on April 13, 2020 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

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

Mayor Yates: After public hearing comments, Mayor will close the public hearing.

Township Committee Member Modi: I offer Ordinance #02-2020 and move its adoption.

BE IT RESOLVED, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	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"/>

ORDINANCES FOR SECOND READING

ORDINANCE #03-2020 –SEWER CAPITAL ORDINANCE -- CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$20,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

Mayor Yates asks Township Committee Member Modi to read Ordinance TC #03-2020.

Township Committee Member Modi reads Ordinance TC 03-2020 by title as follows:

**HARDING TOWNSHIP
 SEWER CAPITAL ORDINANCE
 ORDINANCE #03-2020**

CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$20,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 9, 2020.

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

The Municipal Clerk States: A legal notice was sent for publication on March 9, 2020 to the Observer Tribune indicating that Ordinance #03-2020 was introduced and passed on first reading at the March 9, 2020 meeting and indicated that the second reading and public hearing were to be held on April 13, 2020 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

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

Mayor Yates: After public hearing comments, Mayor will close the public hearing.

Township Committee Member Modi: I offer Ordinance #03-2020 and move its adoption.

BE IT RESOLVED, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	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"/>

ORDINANCES FOR SECOND READING

ORDINANCE #04-2020 –“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”

M 04-13-2020

Mayor Yates asks Township Committee Member Modi to read Ordinance TC #04-2020.

Township Committee Member Modi reads Ordinance TC #04-2020 by title as follows:

**HARDING TOWNSHIP
CAP BANK ORDINANCE
ORDINANCE #04-2020**

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

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on March 9, 2020.

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

The Municipal Clerk States: A legal notice was sent for publication on March 9, 2020 to the Observer Tribune indicating that Ordinance #04-2020 was introduced and passed on first reading at the March 9, 2020 meeting and indicated that the second reading and public hearing were to be held on April 13, 2020 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

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

Mayor Yates: After public hearing comments, Mayor will close the public hearing.

Township Committee Member Modi: I offer Ordinance #04-2020 and move its adoption.

BE IT RESOLVED, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	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"/>

ADD-ON RESOLUTIONS

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 20-087 THROUGH RESOLUTION TC 20-090 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 20-087 through TC 20-090.

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"/>

CONTRACTS:

Resolution TC 20-087 – RESOLUTION CONFIRMING DESIGNATION OF HURSTMONT ESTATE ACQUISITION, LLC AS CONDITIONAL REDEVELOPER UNDER CONDITIONAL REDEVELOPER DESIGNATION AND ESCROW AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HARDING AND HARDING ESTATE ACQUISITION, LLC AND EXTENDING THE INTERIM PERIOD FOR SAME

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

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 "noncondemnation" 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 entitled "685 Mt. Kemble Avenue ("Glen Alpin) and 679 Mt. Kemble Avenue ("Hurstmont") Area in Need of Redevelopment Investigation Report" (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 recommendations 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 "Glen Alpin/Hurstmont Redevelopment Plan") and referred such plan to the Planning Board for review and comment, pursuant to NJSA 40A:12A-7; and

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

WHEREAS, on June 24, 2019, the Harding Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 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, on September 12, 2019 on behalf of Harding Township, HGA prepared an amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

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

WHEREAS, by Resolution No. TC 19-194 adopted on September 30, 2019, the Harding Township Committee confirmed the designation of Hurstmont Estate Acquisition, LLC's as the Redeveloper solely as to the Senior Living District located within the Redevelopment Study Area; and

WHEREAS, the designation of Hurstmont Estate Acquisition, LLC as Redeveloper as to the Senior Living District then expired on October 31, 2019; and

WHEREAS, the Township Committee and Hurstmont Estate Acquisition, LLC desired to continue to negotiate in good faith for purposes of finalizing and executing a redevelopment agreement; and

WHEREAS, the Township Committee further desired 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 a redevelopment agreement; and

WHEREAS, the Township Committee further desired to authorize the execution of a conditional redeveloper designation and escrow agreement ("Conditional Redeveloper Designation and Escrow Agreement") with the Conditional Redeveloper for the purpose of establishing the framework for the negotiation and execution of a redevelopment agreement; and

WHEREAS, on January 24, 2020, the Township Committee adopted Resolution TC 20-067 conditionally designating Hurstmont Estate Acquisition, LLC as Conditional Redeveloper of the Senior Living District located within the Redevelopment Study Area pending the negotiation, approval by vote of the Township Committee and execution of a redevelopment agreement with the Township of Harding, subject to the execution of a Conditional Redeveloper Designation and Escrow Agreement by the parties; and

WHEREAS, the Conditional Redeveloper and Township executed the Conditional Redeveloper Designation and Escrow Agreement on January 28, 2020 and January 31, 2020 respectively; and

WHEREAS, pursuant to the terms of Conditional Redeveloper Designation and Escrow Agreement and Resolution TC20-067, the designation was made for a limited period until March 31, 2020, unless further extended in the sole discretion of the Township Committee of Harding Township; and

WHEREAS, the parties require additional time to continue negotiations and execution of a redevelopment agreement; and

WHEREAS, the Township Committee desires to confirm the conditional designation of Hurstmont Estate Acquisition as Conditional Redeveloper and extend the term of the Conditional Redeveloper Designation and Escrow Agreement to provide additional time for the continued negotiation of a redevelopment agreement.

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

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. The conditional designation of Hurstmont Estate Acquisition, LLC as Conditional Redeveloper of the Senior Living District located within the Redevelopment Study Area pending the negotiation is hereby confirmed, pending the negotiation, approval by vote of the Township Committee and execution of a redevelopment agreement with the Township of Harding.
3. Pursuant to Paragraph 2 of the Conditional Redeveloper Designation and Escrow Agreement executed by the parties, the Interim Period as defined therein is hereby extended for a limited period from March 31, 2020 until May 15, 2020, unless further extended by the Township Committee, or the Conditional Redeveloper Designation and Escrow Agreement is terminated by either party at the conclusion of this extension of the Interim Period.

4. All other terms and conditions of the Conditional Redeveloper Designation and Escrow Agreement executed by the parties not modified by this Resolution shall remain in full force and effect.

FINANCE:

Resolution TC 20-088– 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 20-089 – Resolution to Waive ACH Fees for Online Payments for 60 Days

WHEREAS, Coronavirus disease 2019 (“COVID-19) is a contagious, and at times fatal, respiratory disease caused by the COVID-19 virus; and

WHEREAS, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional “Persons Under Investigation” spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey declared and a proclaimed that a public health emergency and state emergency does exist in the State of New Jersey; and

WHEREAS, in order to promote the safety and welfare of the residents of the Township of Harding by reducing the need to make municipal payments in person, the need exists for to promote online payments for tax and sewer utility billing; and

WHEREAS, the Township Committee recognizes that the ACH (Automatic Clearing House) transactions convenience fees collected should be waived during this emergency period.

BE IT RESOLVED, the convenience fees for ACH online payments is hereby waived for the next 60 days.

Resolution TC 20-090 – Resolution Authorizing Storm Recovery Reserve Funds to be Used During Emergency Declaration

WHEREAS, Harding Township has, by resolution, established a storm recovery reserve; and

WHEREAS, N.J.S.A. 40A:4-62.1 permits a municipality or county to adopt a resolution authorizing storm recovery reserve funds to be used for "any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by an emergency declared by the Governor or the President of the United States"; and

WHEREAS, any reimbursement of these expenditures shall be deposited back into the reserve.

BE IT RESOLVED, By the Township Committee of the Township of Harding in the County of Morris, State of New Jersey, that storm recovery reserve funds are hereby permitted to be used for any purpose necessary to protect the safety, security, health, and welfare, of its citizens from the damage caused by an emergency declared by the Governor or the President of the United States.

ORDINANCES FOR FIRST READING

ORDINANCE #06-2020 – “AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH HURSTMONT ESTATE URBAN RENEWAL ENTITY, LLC AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH”

Mayor Yates asks **Township Committee Member Jones** to introduce Ordinance TC #06-2020.

Township Committee Member Jones introduces Ordinance TC 06-2020 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #06-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH HURSTMONT ESTATE URBAN RENEWAL ENTITY, LLC AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH”

Township Committee Member Jones explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Jones reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on April 13, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on May 11, 2020 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: I offer Ordinance #06-2020 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	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"/>

ORDINANCES FOR FIRST READING

ORDINANCE #07-2020 – “AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION IN THE TOWNSHIP OF HARDING OF THE “FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW” PURSUANT TO N.J.S.A. 40A: 21-1”

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #07-2020.

Township Committee Member Jones introduces Ordinance TC 07-2020 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #07-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, PROVIDING FOR THE IMPLEMENTATION IN THE TOWNSHIP OF HARDING OF THE “FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW” PURSUANT TO N.J.S.A. 40A: 21-1”

Township Committee Member Jones explains the purpose of the Ordinance and moves for introduction on first reading.

Township Committee Member Jones reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on April 13, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on May 11, 2020 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: I offer Ordinance #07-2020 and move its introduction.

Township Committee member _____ seconds the motion.

Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	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"/>

ADJOURNMENT – Mr. Yates