

HARDING TOWNSHIP COMMITTEE
MONDAY, JULY 13, 2020
REGULAR MEETING AGENDA at 9:00 AM
VIA TELEPHONE CALL IN
Kirby Hall, Blue Mill Road, New Vernon, New Jersey
Call in number: (973) 821-8321
Conference Code: 641083
No Attendee Pin Needed

(5* will allow you to raise your hand during the Q & A portion)

CALL MEETING TO ORDER – 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 June 18, 2020, and published in the *OBSERVER TRIBUNE* on June 25, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on June 25, 2020, and Notice was filed with the Municipal Clerk on June 25, 2020.

RESOLUTION TC 20-112 -- 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: **June 8, 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: **June 8, 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: NONE

ADD-ON RESOLUTIONS: NONE

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 and 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 #05-2020—“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING EXCHANGE OF INTEREST IN LANDS JOINTLY OWNED BY THE TOWNSHIP OF HARDING FOR INTEREST IN LANDS JOINTLY OWNED BY THE HARDING LAND TRUST”

Mayor Yates asks Township Committee Member Jones to read Ordinance TC #05-2020.

Township Committee Member Jones reads Ordinance TC 05-2020 by title as follows

**HARDING TOWNSHIP
 ORDINANCE #05-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING EXCHANGE OF INTEREST IN LANDS JOINTLY OWNED BY THE TOWNSHIP OF HARDING FOR INTEREST IN LANDS JOINTLY OWNED BY THE HARDING LAND TRUST”

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on June 8, 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 June 11, 2020 to the Observer Tribune indicating that Ordinance #05-2020 was introduced and passed on first reading at the June 8, 2020 meeting and indicated that the second reading and public hearing were to be held on July 13, 2020 at 9:00 am 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: closes the public hearing.

Township Committee Member Jones: I offer Ordinance #05-2020 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"/>

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

**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:
 NONE**

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 20-113 THROUGH RESOLUTION TC 20-118 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 20-113 through TC 20-118.

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 20-113 – Authorizing Submittal of Grant Application and Execution of Grant Contract for Resurfacing of Pleasantville 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 FY2021 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 Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Pleasantville Road Resurfacing-00643 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 Municipal 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.

Resolution TC 20-114 – Resolution of the Township Committee Consenting to Assignment of Township of Harding’s Solid Waste Municipal Contract With Peter Rubinetti Private Disposal LLC to Interstate Waste Services of New Jersey, Inc.

WHEREAS, by Resolution No. 19-198, the Township of Harding, after solicitation of public bids, awarded a contract to Peter Rubinetti Private Disposal LLC (hereinafter “Rubinetti”) for solid waste and recyclable collection at municipally owned properties for a three year term commencing January 1, 2020 and terminating December 31, 2022 at an annual rate of \$65,000.00 and a total three year amount of \$195,000.00; and

WHEREAS, in furtherance of the award of the contract, the Township and Rubinetti executed a Contract for a 3-year term for \$195,000.00 (hereinafter the “Contract”); and

WHEREAS, the Township of Harding has been notified by Joseph Ferrnate, Jr., Esq., as Counsel for Rubinetti that Rubinetti has petitioned the New Jersey Department of Environmental Protection (hereinafter “NJDEP”) for approval to assign it’s contract with the Township to Interstate Waste Services of New Jersey, Inc. (hereinafter “Interstate”) in connection with Rubinetti’s sale of its assets to Interstate; and

WHEREAS, in order to effectuate the assignment of the Township’s contract with Rubinetti to Interstate, the NJDEP requires pursuant to N.J.A.C. 7:26H-6, Appendix A, 3.7 the Township consent to the assignment, subject to NJDEP approval and effective upon the closing on the transfer of assets by between Rubinetti and Interstate; and

WHEREAS, the Township of Harding requires the services of a waste hauler for solid waste and recyclable collection at municipally owned properties and therefore desires to provide its consent to the assignment of the Contract from Rubinetti to Interstate, subject to NJDEP approval and effective upon the closing on the transfer of assets by between Rubinetti and Interstate and further subject to Interstate providing said services under the same terms and conditions of the Contract.

BE IT RESOLVED, by the Township Committee of Harding Township, Morris County, New Jersey that:

1. The recitals set forth above are incorporated herein and made a part hereof as set forth at length.
2. The Township Committee on behalf of the Township of Harding hereby consents to the assignment of the Contract by and between the Township of Harding and Peter Rubinetti Private Disposal LLC for solid waste and recyclable collection at municipally owned properties for a three year term commencing January 1, 2020 and terminating December 31, 2022 at an annual rate of \$65,000.00 and a total three year amount of \$195,000.00 and awarded pursuant to Resolution No. 19-198, subject to NJDEP approval and effective upon the closing on the transfer of assets by between Peter Rubinetti Private Disposal LLC and Interstate Waste Services of New Jersey Inc. and further subject to Interstate providing said services to the Township under the same terms and conditions of the Contract
3. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:26H-6, Appendix A, 3.7

FINANCE:

Resolution TC 20-115 – Resolution of the Township Committee Authorizing the Waiver of Township Planning Board Application Fees for L & T Affordable Housing Urban Renewal Corporation in Connection with the Application and Construction of Four-Unit Affordable Housing Residence and Other Related Improvements to be Constructed at the Farm

WHEREAS, the Township of Harding and L & T Affordable Housing Urban Renewal Corporation (hereinafter “L & T”) entered into an Contract for Sale of Real Estate in connection with 700 Woodland Avenue, Block 2, Lot 16 on the tax map of the Township of Harding and otherwise known as “The Farm”: and

WHEREAS, currently The Farm includes 24 affordable housing apartment units and as part of the Township’s Court approved HEFSP, the Township agreed to construct at least two additional affordable housing apartment units at The Farm; and

WHEREAS, as part of the Township’s agreement to sell The Farm to L & T and in accordance with the Township’s Court approved HEFSP, L & T agreed to make application to the Township’s Planning Board for purposes of obtaining final site plan approval for the construction of at least 2 additional affordable housing apartment units at The Farm; and

WHEREAS, L & T filed an application with the Planning Board on or about July 8, 2020 for purposes of obtaining preliminary and final major site plan approval for the construction of 4 additional affordable housing apartment units, an onsite office and other related improvements; and

WHEREAS, in light of this being an affordable housing project that is being constructed on behalf of Harding Township pursuant to the Township’s agreement of sale with L & T, L & T has requested and the Township Committee has agreed to waive the requirement that L & T submit application fees that may otherwise be required by the Township’s Code for this application.

BE IT RESOLVED, by the Township Committee of Harding Township, Morris County, New Jersey, that the foregoing background recited above is incorporated herein by refence and the Township Committee does hereby waive all application fees that may be due pursuant to the Township Code for preliminary and final major site plan approval in connection with the application filed by L & T Affordable Housing Urban Renewal Corporation with the Township Planning Board for The Farm.

Resolution TC 20-116– 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 20-117 – Resolution to Amend the Application Fee for a First Variance pursuant to NJSA 40:50D-70c

WHEREAS, the Township Committee of the Township of Harding, County of Morris, State of New Jersey sets the fees of the Township by resolution; and

WHEREAS, the application fee for a first variance pursuant to NJSA 40:50D-70c (Appendix A attached) is amended to \$644.00 in accordance with §171-16 of the Code of the Township of Harding.

BE IT RESOLVED, by the Township Committee of the Township of Harding that it does hereby approve of the amended fee for the Township for 2020 as reflected in Appendix A attached hereto shall become effective on July 14, 2020; and

Resolution TC 20-118 – Resolution to Cancel Capital Ordinance Balance

WHEREAS, certain General Capital Ordinance balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended funded balances may be returned to the Capital Improvement Fund or credited to Capital Surplus, and unfunded debt authorizations may be cancelled; and

WHEREAS, Capital Ordinances with balances to be cancelled are as follows:

Capital Ordinance	Description	Funded	Unfunded
05-11	Design and construction of additional units at the Township’s affordable housing complex including acquisition of sewer capacity	\$25,625.00	-
TOTAL		\$ 25,625.00	-

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey that the unexpended and dedicated Capital Ordinance balances listed above be cancelled and funded balances returned to the Capital Improvement Fund or credited to Capital Surplus and unfunded debt authorizations cancelled.

ORDINANCES FOR FIRST READING:

ORDINANCE #08-2020-- “CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$40,000 TO FUND THE ACQUISITION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP”

Mayor Yates asks **Township Committee Member Jones** to introduce Ordinance TC #08-2020.

Township Committee Member Jones introduces Ordinance TC 08-2020 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #08-2020**

“CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$40,000 TO FUND THE ACQUISITION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP”

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 July 13, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on August 10, 2020 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 #08-2020 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: Place Holder – M. Roselli

ORDINANCE #09-2020-- “AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION”

Mayor Yates asks **Township Committee Member Jones** to introduce Ordinance TC #09-2020.

Township Committee Member Jones introduces Ordinance TC 09-2020 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #09-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION”

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 July 13, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on August 10, 2020 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 #09-2020 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"/>

RESOLUTION TC 20-119 – Executive Session

RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION

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

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

Contracts:

1. Property Acquisitions – T. Jones / M. Roselli

Attorney Client Privilege:

1. Personnel – Mayor Yates

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"/>

ADJOURNMENT – Mr. Yates