

HARDING TOWNSHIP COMMITTEE
MONDAY, MARCH 9, 2020
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING MINUTES
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates opened the meeting at 5:35 pm

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on March 3, 2020 and published in the Observer Tribune on March 5, 2020.

Mayor Yates announced adequate notice of the March 9, 2020 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that all members of the Township Committee were present.

RESOLUTION TC 20-072 – Executive Session

Mayor Yates asked for a motion to recess into Executive Session at 5:35 pm. Upon a motion made by Mr. Jones, seconded by Mrs. DiTosto, and with a roll call vote of all ayes, none opposed the meeting recessed at 5:35 pm.

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.

Contracts:

- 1. Property Acquisitions – M. Roselli**
- 2. Gatehouse – M. Roselli**
- 3. Farm Contract – M. Roselli**

Litigation:

- 1. Affordable Housing – M. Roselli**

Vote on Resolution:

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

A motion to reconvene into public session was made by Mr. Jones and seconded by Mr. Platt at 6:55 pm.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates opened the regular meeting of the Township Committee to the public at 7:30 pm and asked that all join in the saying of the Pledge of Allegiance.

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. Let the record show that Mr. Himanshu Shaw and Mr. Andrew Fiore were present. There were nine members of the public in attendance.

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.

Mayor Yates announced that adequate notice of this meeting was published in accordance with the Open Public Meetings Act.

RESOLUTION TC 20-073 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Yates asked if there were any comments or questions regarding the February 10, 2020 minutes. With no comments, the Mayor asked for a motion to accept the February 10, 2020 minutes. Upon a motion made by Mr. Platt, seconded by Mr. Jones, and with a roll call vote of all ayes, none opposed, the minutes for February 10, 2020 were accepted.

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: **February 10, 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: **February 10, 2020.**

Mayor Yates asked for a motion to accept the Township Committee meeting minutes. A motion was made by Mr. Platt and seconded by Township Committee Member Jones.

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

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

Mayor Yates and the Township Committee wanted to take a moment to extend their deepest sympathies on the loss of Mr. Peter Muratore who served on the Board of Adjustment for many years. The Town has sent flowers to the service and a letter to his family.

Mayor Yates asked Mr. Falzarano to explain what the preventative measures the Township has done with the Coronavirus to date. Mr. Falzarano, Township Administrator provided members of the public with the following information.

- * *On January 27, 2020, Coronavirus information from Morris County Office of Health Management was posted on the Harding Health Department's webpage.*
- * *A conference call was conducted with the County OEM, myself, First Aid Squad, Fire Department, Police, and the Superintendent of Harding School.*
- * *Updated Coronavirus information was received from Morris County Office of Health Management on February 10th and posted on the Harding Municipal webpage and the Harding Health Department webpage.*
- * *February 10th a Coronavirus button was added to the Harding Township webpage which links to:*
 - *CDC website*
 - *NJ Department of Health website*
 - *Morris County Office of Health Management website*
 - *Harding Health Department webpage*
 - *Emergency Management information updates*
- * *February 24th sent written notice to all Harding employees regarding protective measures.*
- * *March 2nd contacted our IT for offsite remote capabilities for administrative staff.*
- * *March 2nd posted measures about hand washing in the restrooms and instituted sanitizing the Municipal Building two times a day (door knobs, surfaces, etc.), and non-essential meetings were cancelled.*
- * *March 5th met with representatives from Police, Fire, First Aid Squad, and Harding School regarding conference calls, awareness, local health, how to approach if there is a call to respond to, etc. A questionnaire on how to address these protocols has been put in place. There is an open communication between the Fire, First Aid, Police, and the School.*

** Sent an Alert to the Harding residents regarding the website and where to look for information..*

Mr. Wepler thanked Chief Heller for sending the Alerts out so people are not anxious. The First Aid Squad will be going out on distress calls wearing gowns, masks, and shields. This will create some anxiety. We need to protect our own resources as well as the people. We will try to identify the call first before responding. Supplies would help. They are in need.

Chief Heller explained that the Police Department will make some changes to their protocols and response guidelines. Will make contact with outside residents in certain cases. Limit exposure. Will attend a meeting tomorrow to discuss the Police protocols with Fire/EMS Departments. Attended a conference call today with all the Chiefs and OEM and they did reiterate that the local health agencies not the County is the protocol for supplies. At this point, we have limited supplies and supplies ordered are on back order.

Mayor Yates explained he has been in contact with Gertrude Willean, President of the Harding's seniors and they have cancelled their meetings until further notice. Mayor Yates mentioned that the Public Health Nurse is available if needed.

Mr. Wepler commented that anything the Town can do to increase the flow of supplies is needed.

Mr. Falzarano reported that the County has left the supplies to each Municipality. We are contacting vendors directly to see what we can purchase.

Mayor Yates commented that we do appreciate all the work the Police, First Aid and Fire Departments are doing. We have all the confidence that we can keep everything under control.

DISCUSSION ITEMS:

1. Public Hearing on the Application for Renewal of Municipal Consent Comcast Agreement – Charles L. Smith, Sr., Director Government/Regulatory Affairs

Mayor Yates asked Mr. Smith to come forward and reported that it is time for Comcast to renew their Municipal Consent Agreement with the Town.

Mr. Roselli, Township Attorney explained that tonight's meeting constitutes the public hearing with regards to the Application for Renewal of Municipal Consent submitted by Comcast to the State which Mr. Smith is here to make a presentation on behalf of the application and then open it up to questions and any questions the Township Committee may have.

Mr. Charles Smith, Senior Director Government/Regulatory Affairs read a prepared statement to be entered into the record.

"We are in the final stages of the cable television franchise renewal process which is governed by both federal and state statutes and regulations.

Comcast began the renewal process on or about August 15, 2017, by sending a letter to the Township indicating our intention to see renewal of our non-exclusive franchise (under Section 626 (A) of the Cable Communications Policy Acts of 1984 and 1996.

This was followed by an optional ascertainment period during which the Township had an opportunity to review our performance, assess community needs, and issue a report. The Township did not file a report.

Following the State's timeline, Comcast filed an application for renewal of Municipal Consent on or about October 11, 2019. That application has been available for public inspection in the Clerk's office.

Tonight's hearing is on that application. No action of the Council is required this evening. However, tonight's hearing is an opportunity to hear from both the Governing Body and the public.

If your Attorney has not told you yet, he will tell you that the Governing Body must base its Franchise Renewal decision on the answers to four questions.

- 1) **HAS THE CABLE OPERATOR SUBSTANTIALLY COMPLIED WITH THE MATERIAL TERMS OF THE EXISTING FRANCHISE AND APPLICABLE LAWS?**
- 2) **HAS THE QUALITY OF THE OPERATOR'S SERVICE, INCLUDING SIGNAL QUALITY, RESPONSE TO CONSUMER COMPLAINTS AND BILLING PRACTICES, BEEN REASONABLE IN LIGHT OF COMMUNITY NEEDS?**
- 3) **DOES THE OPERATOR HAVE THE FINANCIAL, LEGAL, AND TECHNICAL ABILITY TO PROVIDE THE FACILITIES AND EQUIPMENT IT IS PROPOSING TO PROVIDE?**
- 4) **IS THE CABLE OPERATOR'S FRANCHISE RENEWAL PROPOSAL REASONABLE TO MEET THE FUTURE CABLE-RELATED NEEDS AND INTEREST OF THE COMMUNITY, TAKING INTO ACCOUNT THE COSTS OF MEETING SUCH NEEDS AND INTERESTS?**

Two areas the Governing Body may not consider in deciding whether or not to renew the Franchise are:

- * **RATES.** RATES ARE GOVERNED BY STATE AND FEDERAL STATUTES AND ARE OUTSIDE OF THE MUNICIPALITY'S AUTHORITY.
- * **PROGRAMMING,** THE CHANNEL LINEUP IS PROTECTED UNDER THE FIRST AMENDMENT, JUST AS IS THE CONTENT OF A NEWSPAPER.

However, nothing precludes the public or the Governing Body from commenting on rates and programming; but such commentary cannot be factored into the Municipality's decision." Mr. Smith stated he would happy to respond to questions. *A copy of Mr. Smith's prepared commentary has been appended to these minutes.*

Mayor Yates asked if there were any public comments. With no public comments, Mayor Yates asked Mr. Roselli, Township Attorney to proceed. Mr. Roselli commented that the Town previously had an agreement with Patriot Media and that ordinance was adopted in 2004. Mr. Roselli commented on several items with respect to this.

- * *It was a 15 year term.*
- * *Is the term negotiable? Mr. Smith responded that the term is negotiable. Mr. Smith commented that it was in 2006 when Comcast acquired Patriot Media and Comcast assumed all the ordinances as they were. Comcast did not change anything that the existing ordinance required of those towns that were in Patriot Media. Comcast does operate differently than Patriot Media and there will probably be items that will be discussed that are different than what was provided with Patriot Media.*
- * *Is the Franchise Fee negotiable? Mr. Smith commented that the Franchise Fee is set by State law. Harding is at a 3.5% Franchise Fee which is higher than previously. Verizon operates in Town and that is why the fee is higher. The Franchise Fee is not negotiable.*
- * *The Extension of Service remains the same where you utilize minimum homes per miles density 25. Mr. Smith responded yes. Mr. Smith commented that this is negotiable within the Municipal*

ordinance. This is something that can be discussed if there is an issue that has changed, i.e., density of the community.

- * Patriot had provided free services such as educational public access channel. Is this still available? Mr. Smith reported there is a system wide channel. Mr. Smith does not believe that the Community has a dedicated local access channel. Mr. Roselli commented that the ordinance states it. Mr. Smith responded yes the Township does.*
- * There are certain areas that they continue to provide service to provide public facility to the Township which included the Library, Township Archives, Volunteer Fire Department, Township Municipal Building, Department of Public Works, and Harding School. Mr. Roselli asked if this same service will continued to be provided. Mr. Smith commented that in August 2019, the FCC issued a new Order which is called 621 Order. That Order has a very significant impact on how courtesy or free services are allowed or provided for by cable providers. As a Company, we are still assessing the 621 Order. There will be a hearing on March 11th that may shed more light on how Comcast would move forward. Mr. Smith commented that he would anticipate some changes in how Comcast would offer/provide courtesy services throughout the Municipality.*

Mr. Platt, Township Committee Member asked did the FCC come up with the 621 Order and who proposed changing those courtesies. Mr. Smith commented that the changes that were provided for in the 621 Order were certainly supported by the cable industry. Mr. Roselli, Township Attorney commented I am sure they were. Mr. Platt commented that lobbyists are all over this. Mr. Platt asked what if those seven or eight facilities that our Attorney pointed out that we would like serviced, what if that became a negotiating point. You are saying that the 621 Order would pre-empt us from being able to have this discussion. Mr. Smith responded that the 621 Order impact on that is basically how we would either; 1) agree to deliver those service and 2) how the Township could receive them. The 621 Order has to do a lot with Franchise Fees and those things that the company pays to the Municipality and those courtesy services are being looked at as part of the Franchise Fee that the Company pays to the Municipality. Mr. Platt commented the Township is looking at this too. Mr. Smith explained that he is in negotiations with seven Municipalities right now which are basically on hold because we need to find out exactly what the Company's position is on how to move forward. Mr. Smith reported that they anticipate that those policy changes are fairly imminent. Mr. Roselli mentioned if the Township adopted an ordinance with those provisions in it, then what happens and we have to make a decision. Mr. Smith explained that Comcast has to agree to the ordinance. Mr. Roselli commented that Comcast is a big company. Mr. Smith mentioned it is. There may be ways around it, but he is not at liberty to discuss right now but in a closed session for negotiations, we could discuss. Mr. Smith stated for full disclosure, there will be an impact on how courtesy services are deliver throughout New Jersey but throughout the Country as the Order affects everyone. Mr. Platt asked when 621 was introduced. Mr. Smith replied it was adopted in August 2019.

Mr. Modi, Township Committee Member asked if the BPU has any involvement with this FCC rule. Mr. Smith responded no. It is an FCC rule which would grant the regulations.

- * Is the Senior Citizen discount part of that order. Mr. Smith stated Comcast does provide a senior discount as provided by the State.*

Mr. Roselli commented that those were the areas he wanted to highlight as they were in the Township's prior agreement. Mr. Roselli explained that after the public hearing if there is no need to continue the hearing then ultimately, as Mr. Smith stated, we will negotiate an ordinance. It seems that Comcast is in a holding pattern but the Township will get to that point and ultimately if the Township agrees to renew or if the Township does not agree to renew, then a Resolution stating the reasons for the non-renewal will be required. If the Township

will renew the Franchise, Mr. Roselli recommends that will be affirmed by introducing and adopting an ordinance which would be the best way to proceed.

Mayor Yates asked if any member of the public has a question. Mr. Platt asked on Order 621, you are saying the decision is imminent, what does that mean; weeks, months. Mr. Smith responded what we are talking about is policy decisions by the Corporation. Policy decisions are not made locally. Mr. Platt commented that it sounds like it's an FCC rule that has already passed. Mr. Smith responded yes. Mr. Platt commented that each Corporation; Verizon, Comcast are making their own determination on whether they are going to follow 621. Mr. Smith explained that Comcast will follow the order and how they will execute courtesy services which is the issue. Mr. Jones, Township Committee member commented that what is being said is that 621 Order gives Comcast the option not to extend courtesy services. Mr. Smith responded basically. Courtesy services are always an option. It is not a mandatory type of provision. Comcast follows the law. Mr. Platt asked what the due date is for this decision. Mr. Roselli explained that once the hearing has ended, the Township is under the statute which is 45 days but Mr. Smith mentioned that the agreement expires on July 6, 2020 and negotiations can go longer. As long as the Township is in good faith negotiations. Mr. Smith commented that whenever an agreement is made, it would start as of the date the agreement ends. This is the last Patriot Media Town to be renewed by Comcast. Mr. Roselli stated that before the ordinance is adopted, it has to be reviewed by the State. Mr. Smith commented that this is a safe guard to the Municipality. The State will review the ordinance for any technical types of laws and make sure that all items that are required to be in an ordinance are in the ordinance.

With no further comments or questions, Mayor Yates thanked Mr. Smith for attending the Township Committee meeting. Let the record show that Mr. Smith left the meeting at 8:03 pm.

2. 2020 Budget – A. Fiore

Mayor Yates reported that this is the presentation of the Harding 2020 budget and this represents work that started last summer. Mayor Yates mentioned that we have described in the past how detailed the budget is and it is a combination of a lot of work from Mr. Falzarano, Mr. Shah, Mr. Fiore and staff.

Mr. Fiore explained that tonight we will discuss two presentations; the Harding Township 2020 Preliminary Budget and the 2020 Capital Budget.

Mr. Fiore commented that we are introducing the 2020 budget this evening and will have a public hearing and adoption at the April 13, 2020 Township Committee meeting. Mr. Fiore discussed each slide to the Township Committee and members of the Public. A copy of the 2020 budget presentations is appended to these minutes.

A question was asked about the reserve. Mayor Yates commented that the reserve is against the possibility of not collecting taxes. Mr. Shah reported that the \$5.8 million represents Municipal Tax Levy. The reserve calculation is based on the entire Township tax levy that includes; County, Open Space, and School. Mayor Yates explained that the Municipality has to write a check to the County and to the School for the amount of billed taxes and if the Township does not collect it, the Township does not get it back. Mr. Shah commented that the Township collection rates rounds about 99%. The recommendation from all the rating agencies and everybody to maintain safe guard is 3% below actual collection rate which is how the Township came up with 4%.

Mr. Platt asked about the PBA salary and wage increase of \$108,000 was that an additional patrolman. Mr. Falzarano replied yes and it also includes the in grade raises for the officers as well. Mayor Yates explained from a budgeting standpoint it does not include a new police office. The Township fully budgeted in the 2019 budget. Mayor Yates commented with regard to the pension, Harding is fully paid up. Mr. Falzarano explained that the Township did not take the pension Holiday which was a very smart thing to do. Mr. Platt asked when the pension holiday was offered. Mr. Falzarano reported around 2005. Mr. Shah commented that the Township

did not offer the Holiday. Mr. Shah explained it is important to recognize that the State did an injustice to the Towns. They constantly try to margin, a measure that the State uses, because the State has not funded the pension. The State goes out and borrows money and says they will not contribute any more. They carry on year after year and created a complete disaster at the State level. Most of the Municipalities except for those that offered the Holiday contributed their required contribution based on actual analysis. The State Official continues to blame Municipalities for mismanagement. Mr. Shah stated it really is not a mismanagement, the entire pension plan is managed by the State. Police and Fire were able to lobby separate control. Unfortunately, PRS does not have separate control. All public officials should be made aware of the attempts made by the State Officials and Bureaucrats. Shamefully. Mr. Falzarano commented very well said.

Mr. Fiore provided a quick summary of assessed value. There was \$113,000,000 increase to assessed valuation due to the revaluation or an overall increase of 5,64%. Mayor Yates explained that the total valuation of the Town went up but the tax rate fell due to the budget increased a lot less than the valuations so the tax rate fell even though the total dollars collected went up by \$64,000 for the Municipal portion. A discussion ensued. Mr. Shah explained that the revaluation was forced by Morris County. The Town was ordered to do this, it was not an order by the Township Committee.

Mr. Fiore provided a slide presentation on 2020 Capital. Mr. Fiore explained that the Capital Budget for 2020 is being introduced this evening with a public hearing and adoption for the April 13, 2020 Township Committee meeting. A copy of the capital presentation is appended to these minutes.

Mr. Fiore mentioned that Department of Public Works usually has a longer list but they have one large request for 2020 which is a full size dump truck for \$215,000. The total budget for 2020 is \$585,000. The last two slides are the six (6) year capital plan which is required to be in the budget. The capital plan from 2021 to 2025 is just a plan. Mayor Yates mentioned that the Township does go out further than 2025. Mayor Yates commented that he would like to thank Mr. Toribio for keeping the DPW vehicles operating way beyond their expected life. The DPW is very good with maintaining these vehicles. The Township is very fortunate to receive as much life out of the equipment as the Town has.

Mr. Platt commented on the \$25,000 drone. Mr. Platt mentioned that he thought we would use the County's drone if needed. Mr. Platt asked Mr. Falzarano about alternative fuel. Mr. Platt commented that he realizes the Town is looking for electric cars for the Police Department but what about future maintenance. Mr. Falzarano responded that the Township is in the process of doing an evaluation of our generator and electrical power here at the Municipal Building and to price out charging stations because that is going to be the future. Both accessible for the Public and the Police Department in years to come. The most important part is to ensure that there is generator back-up, especially for emergency service vehicles. In the event there is a power failure, the Township still has to run those vehicles. The next part is, natural gas was tried in the 1980's with several different Police Departments and did not work well with the cars. The real future as Mr. Falzarano sees it is electric cars. Trucks will be forthcoming also. Mr. Falzarano recommends to the Governing Body to start to plan for the electric cars and to make sure the Township builds the infrastructure at the Municipal Building as it develops.

With no future comments or questions, Mayor Yates closed the discussion portion of the meeting at 8:50 p.m.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 20-074 listed on the Non-Consent agenda.

Committee Member Modi read the following:

N 03-05-2020

Resolution TC 20-074 -- 2020 Budget to be Read by Title Only at the Public Hearing

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions will be met.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the budget shall be read by title only.

NON-CONSENT AGENDA VOTE:

Mayor Yates asked **Committee Member Modi** to proceed with Resolution TC 20-074 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 Jones.

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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	1 st	<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 – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Yates asked Committee Member Modi to proceed with Resolution TC 20-075 listed on the Non-Consent agenda. *Committee Member Modi read the following:*

Resolution TC 20-075 – Introduction of Budget -- Municipal Budget Notice – Fiscal Year 2020

BE IT RESOLVED, that the attached statements of revenues and appropriations shall constitute the Municipal Budget for year 2020; and

BE IT FURTHER RESOLVED, that said Budget be published in the Observer-Tribune in the issue of March 12, 2020; and

BE IT FURTHER RESOLVED, that the Governing Body of the Township of Harding does hereby approve the attached as the Budget for the year 2020; and

SUMMARY OF REVENUES - CURRENT FUND		ANTICIPATED	
		2020	2019
1	SURPLUS	2,100,000.00	2,100,000.00
2	TOTAL MISCELLANEOUS REVENUES	1,536,254.28	1,477,639.00
3	RECEIPT FROM DELINQUENT TAXES	90,000.00	90,000.00
4	LOCAL TAX FOR MUNICIPAL PURPOSE	5,839,480.00	5,777,133.00
	TOTAL GENERAL REVENUES	9,565,734.28	9,444,772.00
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	496,675.00
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	914,897.00	912,403.00
	TOTAL GENERAL APPROPRIATIONS	9,565,734.28	9,444,772.00
SUMMARY OF REVENUES - SEWER UTILITY FUND		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

BE IT FURTHER RESOLVED, that a Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 13th, 2020, at 7:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

NON-CONSENT AGENDA VOTE:

Mayor Yates asked **Committee Member Modi** to proceed with Resolution TC 20-075 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 nd	<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 st	<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"/>

NON-CONSENT – (REQUIRING SEPARATE ACTION)

Mayor Yates asked **Committee Member Modi** to proceed with Resolution TC 20-076 listed on the Non-Consent agenda. *Committee Member Modi read the following:*

Resolution TC 20-076 – Emergency Temporary Appropriations Resolution

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2020 budget and no adequate provision has been made in the **2020** temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year **2020** pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$2,686,270.00.

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$2,686,270.00 as follows:

Department	Budget Line Item	2020 Emergency Temporary Appropriations (3/9/20)
HUMAN RESOURCES	OTHER EXPENSES	860.00
GENERAL ADMINISTRATION	SALARIES AND WAGES	108,270.00
GENERAL ADMINISTRATION	OTHER EXPENSES	22,470.00
MIS	OTHER EXPENSES	28,920.00
MAYOR AND COUNCIL	SALARIES AND WAGES	1,040.00
MAYOR AND COUNCIL	OTHER EXPENSES	3,070.00
MUNICIPAL CLERK	SALARIES AND WAGES	16,180.00
MUNICIPAL CLERK	OTHER EXPENSES	12,750.00
ELECTION	OTHER EXPENSES	1,010.00
FINANCIAL ADMINISTRATION	SALARIES AND WAGES	44,170.00
FINANCIAL ADMINISTRATION	OTHER EXPENSES	4,740.00
AUDIT SERVICES	OTHER EXPENSES	8,960.00
TAX COLLECTION	SALARIES AND WAGES	13,930.00
TAX COLLECTION	OTHER EXPENSES	1,650.00
TAX ASSESSMENT	SALARIES AND WAGES	14,760.00
TAX ASSESSMENT	OTHER EXPENSES	2,690.00
COST OF TAX APPEAL	OTHER EXPENSES	8,670.00
TAX MAP REVISION	OTHER EXPENSES	1,880.00
LEGAL SERVICES	OTHER EXPENSES	37,540.00
ENGINEERING SERVICES	OTHER EXPENSES	14,440.00
PLANNING BOARD	SALARIES AND WAGES	3,180.00
PLANNING BOARD	OTHER EXPENSES	29,860.00
BD OF ADJUSTMENT	SALARIES AND WAGES	13,750.00
BD OF ADJUSTMENT	OTHER EXPENSES	9,560.00
UNIFORM CONST. CODE	SALARIES AND WAGES	80,220.00
UNIFORM CONST. CODE	OTHER EXPENSES	4,150.00
LIABILITY INSURANCE	OTHER EXPENSES	41,580.00
GROUP INSURANCE	OTHER EXPENSES	402,140.00
HEALTH BENEFIT WAIVER	OTHER EXPENSES	8,250.00
UNEMPLOYMENT INSURANCE	OTHER EXPENSES	30.00
POLICE DEPARTMENT	SALARIES AND WAGES	541,170.00
POLICE DEPARTMENT	OTHER EXPENSES	31,250.00
EMERGENCY MANAGEMENT	SALARIES AND WAGES	1,160.00
EMERGENCY MANAGEMENT	OTHER EXPENSES	440.00
FIRE HYDRANT SERVICE	OTHER EXPENSES	1,740.00
STREETS & ROAD MAINT	SALARIES AND WAGES	193,790.00
STREETS & ROAD MAINT	OTHER EXPENSES	24,320.00
SNOW REMOVAL	SALARIES AND WAGES	22,000.00

SNOW REMOVAL	OTHER EXPENSES	66,000.00
SOLID WASTE COLLECTION	SALARIES AND WAGES	580.00
SOLID WASTE COLLECTION	OTHER EXPENSES	26,570.00
RECYCLING	SALARIES AND WAGES	2,880.00
RECYCLING	OTHER EXPENSES	4,910.00
BUILDING & GROUNDS	OTHER EXPENSES	25,560.00
VEHICLE MAINT.	OTHER EXPENSES	19,930.00
HEALTH SERVICE	SALARIES AND WAGES	28,060.00
HEALTH SERVICE	OTHER EXPENSES	5,320.00
ENVIRONMENTAL COMMISSION	SALARIES AND WAGES	660.00
ENVIRONMENTAL COMMISSION	OTHER EXPENSES	1,070.00
ANIMAL CONTROL COST	OTHER EXPENSES	730.00
WELFARE ADMINISTRATION	OTHER EXPENSES	220.00
OPENSOURCE COMMISSION	SALARIES AND WAGES	660.00
HISTORICAL PRESERVATION	OTHER EXPENSES	440.00
CONT. TO S/C PROGRAM	OTHER EXPENSES	1,300.00
MAINT. OF PARKS	OTHER EXPENSES	10,110.00
MUNICIPAL ALLIANCE	OTHER EXPENSES	150.00
ACCUMULATED LEAVE COMP	SALARIES AND WAGES	8,250.00
ELECTRICITY	OTHER EXPENSES	11,550.00
STREET LIGHTING	OTHER EXPENSES	1,380.00
TELEPHONE	OTHER EXPENSES	8,530.00
WATER & SEWER	OTHER EXPENSES	290.00
NATURAL GAS/HEATING OIL	OTHER EXPENSES	4,130.00
GASOLINE	OTHER EXPENSES	19,250.00
CONTINGENCY	OTHER EXPENSES	730.00
PERS	OTHER EXPENSES	155,900.00
DCRP	OTHER EXPENSES	3,000.00
SOCIAL SECURITY	OTHER EXPENSES	120,000.00
PFRS	OTHER EXPENSES	338,500.00
JUDGEMENTS	OTHER EXPENSES	30.00
MORRIS COUNTY I/L	OTHER EXPENSES	35,200.00
MORRIS CTY PARTNERSHIP	OTHER EXPENSES	290.00
JOINT MUNICIPAL COURT	OTHER EXPENSES	27,500.00
TOTAL CURRENT BUDGET EXCLUDING CIF & DEBT SERVICE		\$ 2,686,270

2. Said emergency temporary appropriations will be provided for in the **2020** budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

NON-CONSENT AGENDA VOTE:

Committee Member Modi made a motion to approve Resolution TC-20-076 placed on this evening's Non-Consent Agenda by consent of the Township Committee, seconded by Township Committee Member Jones.

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

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 for comments by members of the public at 9 p.m.

Mr. Weppler, resident – thanked the Township Committee for the signs in the crosswalk.

With no further comments, Mayor Yates closed the public comment at 9:02 p.m.

ORDINANCES FOR SECOND READING

ORDINANCE #01-2020 -- AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM CITIBANK, N.A (FORMERLY FIRST NATIONAL CITY BANK) AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FRANCIS N. BANGS

Mayor Yates asked Township Committee Member Jones to read Ordinance TC #01-2020.

Township Committee Member Jones reads Ordinance TC 01-2020 by title as follows:

**HARDING TOWNSHIP
 ORDINANCE #01-2020**

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM CITIBANK, N.A (FORMERLY FIRST NATIONAL CITY BANK) AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FRANCIS N. BANGS

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on February 10, 2020.

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

The Municipal Clerk explained that a legal notice was sent for publication on February 11, 2020 to the Observer Tribune indicating that Ordinance #01-2020 was introduced and passed on first reading at the February 10, 2020 meeting and indicated that the second reading and public hearing were to be held on March 9, 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 announced that the meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

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

Township Committee Member Jones offered Ordinance #01-2020 and moved 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 Platt seconded the motion.

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

Vote on Adoption:

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

ADD-ON RESOLUTIONS - *There were no add-on resolutions.*

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 20-077 THROUGH RESOLUTION TC 20-080 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member DiTosto to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 20-077 through TC 20-080.

Committee Member DiTosto 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 Jones.

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 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<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:

Resolution TC 20-077 -- Resolution to Authorize a Tonnage Grant Application

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand the existing program; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS; the recycling regulations impose on the municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2020 recycling grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Harding Township Committee

to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

BE IT RESOLVED, by the Harding Township Committee that:

1. Harding Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Tracy Toribio to ensure that the application is properly filed.
2. The monies received from the recycling tonnage grant will be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
3. This resolution replaces resolution TC 19-092 which was approved on March 18, 2019.

FINANCE:

Resolution TC 20-078– 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.

MISCELLANEOUS:

TC Resolution 20-079 – Resolution to Accept Donations to the Harding Township Police Department

WHEREAS, Robert and Dana Hamwee, Carolyn Brettler, and Irina and Mikhail Karbachinskiy are residents of Harding Township; and

WHEREAS, they have generously offered, by way of donations, either on their own (Carolyn Brettler) or through their respective charitable organizations (Karbachinskiy Charitable Trust/The Hamwee Family Charitable Fund), to the Harding Township Police Department in the amounts of Two Thousand dollars (\$2,000), One Thousand dollars (\$1,000), and One Thousand dollars (\$1,000) respectively; and

WHEREAS, the Township Committee desires to accept said donations pursuant to N.J.S.A. 40A:11-13.1 and/or N.J.S.A. 40A:5-29, as applicable.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the Township Committee has determined it is in the best interests of the Township and its residents to accept the generous donations from Carolyn Brettler, the Karbachinskiy Charitable Trust, and the Hamwee Family Charitable Fund in the total amount of Four Thousand Dollars (\$4,000) for use by the Harding Township Police Department, as determined by the Chief of Police; N.J.S.A. 40A:11-13.1 and/or N.J.S.A. 40A:5-29, as applicable.

TC Resolution 20-080 – Resolution to Authorize the Disposal of Surplus Police Equipment

WHEREAS, Chief Erik Heller recommends the disposal of surplus police equipment -- L-3 Communications Mobile-Vision, Inc. Microphone (Model: MV-VLP2-2.4TR) and chargers (7 microphones and 7 chargers); and

WHEREAS, the Wanaque Police Department, 579 Ringwood Avenue, Wanaque, NJ 07465, is upgrading their video equipment and are in need of this surplus equipment.

BE IT RESOLVED, that the Township Committee of the Township of Harding, State of New Jersey authorize the disposal of the surplus police equipment recommended by Chief Erik Heller to the Wanaque Police Department.

ORDINANCES FOR FIRST 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 asked Township Committee Member Modi to introduce Ordinance TC #02-2020.

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

**HARDING TOWNSHIP
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”

Township Committee Member Modi explained the purpose of the Ordinance and moved for introduction on first reading. *This Ordinance covers capital improvements.*

Township Committee Member Modi reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 9, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 13, 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 Modi offered Ordinance #02-2020 and moved its introduction.
 Township Committee Member Platt seconded the motion.*

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

It was mentioned that the fund balance does not have to be in the Ordinance.

Vote on Introduction:

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

ORDINANCES FOR FIRST 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 asked Township Committee Member Modi to introduce Ordinance TC #03-2020.

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

**HARDING TOWNSHIP
 SEWER CAPITAL 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

Township Committee Member Modi explained the purpose of the Ordinance and moved for introduction on first reading.

Township Committee Member Modi read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 9, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 13, 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 Modi offered Ordinance #03-2020 and moved its introduction.

Township Committee Member DiTosto seconded the motion.

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 nd	<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 st	<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"/>

ORDINANCES FOR FIRST 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)”

Mayor Yates asked Township Committee Member Modi to introduce Ordinance TC #04-2020.

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

HARDING TOWNSHIP

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)”

Township Committee Member Modi explained the purpose of the Ordinance and moves for introduction on first reading.

Mr. Shah explained that the CAP Bank limits the increase. The State allows 2.5%. The State allows the Municipality to bank unused monies; what is allowed and the difference that the Town can use for next year. The Township is below the CAP. This is a tool in case the Township sees an emergency.

Township Committee Member Modi read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on March 9, 2020.

BE IT RESOLVED, that at the Township Committee meeting to be held on April 13, 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 Modi offered Ordinance #04-2020 and moved its introduction.
Township Committee Member DiTosto seconded the motion.*

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

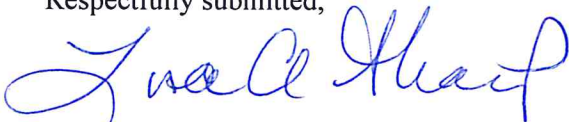
Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	2 nd	<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 st	<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

With no further business, Mayor Yates asked for a motion to adjourn. Upon a motion made by Mr. Jones and seconded by Mr. Platt, the meeting adjourned at 9:10 pm.

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk

**PUBLIC HEARING
HARDING TOWNSHIP
MARCH 9, 2020**

GOOD EVENING MAYOR CHRIS YATES, AND MEMBERS OF THE GOVERNING BODY. MY NAME IS CHARLES SMITH AND I AM THE SENIOR DIRECTOR OF GOVERNMENT AND REGULATORY AFFAIRS FOR COMCAST'S FREEDOM REGION SYSTEMS IN NORTHERN NEW JERSEY.

I DO HAVE A PREPARE STATEMENT THAT I WOULD LIKE TO ENTER INTO THE RECORD.

WE ARE IN THE FINAL STAGES OF THE CABLE TELEVISION FRANCHISE RENEWAL PROCESS WHICH IS GOVERNED BY BOTH FEDERAL AND STATE STATUES AND REGULATIONS.

COMCAST BEGAN THE RENEWAL PROCESS ON OR ABOUT AUGUST 15, 2017 BY SENDING A LETTER TO THE TOWNSHIP INDICATING OUR INTENTION TO SEEK RENEWAL OF OUR NON-EXCLUSIVE FRANCHISE (UNDER SECTION 626 (A) OF THE CABLE COMMUNICATIONS POLICY ACTS OF 1984 AND 1996).

THIS WAS FOLLOWED BY AN OPTIONAL ASCERTAINMENT PERIOD DURING WHICH THE TOWNSHIP HAD AN OPPORTUNITY TO REVIEW OUR PERFORMANCE, ASSESS COMMUNITY NEEDS AND ISSUE A REPORT. THE TOWNSHIP DID NOT FILE A REPORT.

FOLLOWING THE STATE'S TIMELINE, COMCAST FILED AN APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT ON OR ABOUT OCTOBER 11, 2019. THAT APPLICATION HAS BEEN AVAILABLE FOR PUBLIC INSPECTION IN THE CLERK'S OFFICE.

TONIGHT'S HEARING IS ON THAT APPLICATION. NO ACTION OF THE COUNCIL IS REQUIRED THIS EVENING. HOWEVER, TONIGHT'S HEARING IS AN OPPORTUNITY TO HEAR FROM BOTH THE GOVERNING BODY AND THE PUBLIC.

IF YOUR ATTORNEY HAS NOT TOLD YOU YET, HE WILL TELL YOU THAT THE GOVERNING BODY MUST BASE ITS FRANCHISE RENEWAL DECISION ON THE ANSWERS TO FOUR QUESTIONS.

- 1) **HAS THE CABLE OPERATOR SUBSTANTIALLY COMPLIED WITH THE MATERIAL TERMS OF THE EXISTING FRANCHISE AND APPLICABLE LAWS?**
- 2) **HAS THE QUALITY OF THE OPERATOR'S SERVICE, INCLUDING SIGNAL QUALITY, RESPONSE TO CONSUMER COMPLAINTS AND BILLING PRACTICES, BEEN REASONABLE IN LIGHT OF COMMUNITY NEEDS?**
- 3) **DOES THE OPERATOR HAVE THE FINANCIAL, LEGAL, AND TECHNICAL ABILITY TO PROVIDE THE FACILITIES AND EQUIPMENT IT IS PROPOSING TO PROVIDE?**
- 4) **IS THE CABLE OPERATOR'S FRANCHISE RENEWAL PROPOSAL REASONABLE TO MEET THE FUTURE CABLE-RELATED NEEDS AND INTEREST OF THE COMMUNITY, TAKING INTO ACCOUNT THE COSTS OF MEETING SUCH NEEDS AND INTERESTS?**

TWO AREAS THE GOVERNING BODY MAY NOT CONSIDER IN DECIDING WHETHER OR NOT TO RENEW THE FRANCHISE ARE:

RATES. RATES ARE GOVERNED BY STATE AND FEDERAL STATUTES AND ARE OUTSIDE OF THE MUNICIPALITY'S AUTHORITY.

PROGRAMMING, THE CHANNEL LINEUP IS PROTECTED UNDER THE FIRST AMENDMENT, JUST AS IS THE CONTENT OF A NEWSPAPER.

HOWEVER, NOTHING PRECLUDES THE PUBLIC OR THE GOVERNING BODY FROM COMMENTING ON RATES AND PROGRAMMING; BUT SUCH COMMENTARY CANNOT BE FACTORED INTO THE MUNICIPALITY'S DECISION.

I WOULD BE HAPPY NOW TO RESPOND TO YOUR QUESTIONS.

15 YEAR RENEWAL

SUBS: 440

NO GRANT

2% FF

FRANCHISE FEES

2020	\$24,157.75
2019	\$25,194.36
2018	\$28,197.85
2017	\$27,520.07
2016	\$27,777.42