HARDING TOWNSHIP COMMITTEE **MONDAY, JANUARY 18, 2021** IN-PERSON / GOTOMEETING

EXECUTIVE SESSION at 6:30 PM

REGULAR MEETING AGENDA at 7:30 PM

Kirby Hall, Blue Mill Road, New Vernon, New Jersey Please join my meeting from your computer, tablet or smartphone.

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CALL MEETING TO ORDER – Mayor Jones

Mayor Jones called the meeting to order at 5:30 pm

ADEQUATE NOTICE of this January 18, 2021 meeting of the Harding Township Committee was sent to the Observer Tribune on January 4, 2021 and published in the Observer Tribune on January 7, 2021.

Mayor Jones announced adequate notice of the January 18, 2021 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that Mrs. DiTosto, Mr. Platt, and Mr. Roselli were participating via GoToMeeting.

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Jones asked for a motion to recess into Executive Session. Upon a motion made by Township Committee Member Yates and seconded by Township Committee Member DiTosto, and with a roll call vote of all ayes, none opposed, the meeting recessed into Executive Session at 5:32 pm.

Resolution TC 21-060- 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.

Harding Township Committee Agenda January 18, 2021 Regular Meeting

Personnel	:
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1. Police Lieutenant - Chief Heller

Contracts:

- 1. Joint Court Platt / Jones
- 2. Property Acquisitions M. Roselli

Vote on Resolution:

	MOTION	FOR Approval	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson Ms. DiTosto Mr. Platt Mr. Yates Mr. Jones	2 nd 1 st				

RECONVENE INTO PUBLIC SESSION – Mayor Jones

Mayor Jones reconvened the meeting into public session at 7:35 pm and asked the Municipal Clerk to call the roll.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that Mrs. DiTosto, Mr. Platt, and Mr. Roselli, Township Attorney, were participating via GoToMeeting.

PLEDGE OF ALLEGIANCE - Mayor Jones

Mayor Jones led members of the Township Committee and members of the Public and members on the GoToMeeting in the Pledge of Allegiance.

ADEQUATE NOTICE of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 4, 2021, and published in the OBSERVER TRIBUNE on January 7, 2021; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2021, and Notice was filed with the Municipal Clerk on January 7, 2021.

Mayor Jones announced that adequate notice of the January 18, 2021 Township Committee meeting was called in accordance with the Open Public Meetings Act.

RESOLUTION TC 21-061 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

H 1-15-2021

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: December 14, 2020 and January 4, 2021; and

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: December 14, 2020 and January 4, 2021.

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

Mayor Jones asked the Municipal Clerk for a Roll Call:

Mrs. Sharp called the roll as follows: Let the record show that Township Committee Member Chipperson abstained from the December 14, 2020 regular meeting minutes and executive session meeting minutes and that Township Committee Member DiTosto abstained from both sets of minutes.

Vote on Resolution:

	MOTION	FOR Approval	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson				∑ 12/14/20	
Ms. DiTosto Mr. Platt Mr. Yates	2 nd 1 st	Minutes ☐		Minutes ⊠ □ □	
Mr. Jones	Ш	$oldsymbol{oldsymbol{oldsymbol{eta}}}$	Ш	Ш	Ш

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE - Mayor Jones

Mr. Steve Balog, Civic Association – announced that Meet the Mayor and Township Committee Members will be hosted by the Civic Association on February 9, 2021 at 7:30 pm via ZOOM. The Zoom information will be sent to the Municipal Clerk for advertising and sent via email blast through the Civic Association.

Mr. Balog, Civic Association – reported that the Hesna Pfeiffer Civic Award will be announced at the February 8, 2021 Township Committee meeting.

Mayor Jones – announced that the County is having training sessions for grants. Mayor Jones reported this information was sent to the Township of Harding Historic Society and Mrs. Jane Hockford Riley looked into the information and signed up for the workshop. Mrs. Riley to learn that one of the requirements is that the entity that is applying for any type of grant from Morris County Preservation requires to have a twenty (20) year lease in effect. Mayor Jones reported he believe the lease on the Tunis Ellicks House expires soon. This will be added to the February agenda for further discussion. Lorie Wright, Assistant Township Administrator will also attend the training session. A discussion ensued. A question was asked of the Township Attorney regarding the maximum lease term in New Jersey before running into a perpetuity. Mr. Roselli, Township Attorney, commented it depends on the use of the property. Mr. Roselli will check the State statute and asked who the tenant is. Mayor Jones commented it is the Harding Township Historic Society. Township Committee Member Yates commented that they are an approved non-profit with a 501c3.

Mrs. Jane Hockford Riley – commented that the lease for the Tunis Ellicks House has a ten year term and it's next expiration is December 31, 2021.

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

DISCUSSION ITEMS

1. Storm Water Management Ordinance - P. Fox

Mr. Fox, Township Engineer – the Township is permitted by the State of New Jersey to discharge storm water under a Municipal discharge permit that the NJDEP developed in 2004. Periodically, NJDEP updates these requirements that are part of the Township's storm water discharge permit and the Township is required to adopt these standards into our own storm water management ordinance. Mr. Fox commented it has been some time since the Township has had to do this and what this ordinance represents is a significant change to the Township's current storm water management ordinance. The ordinance is being modified to match the module ordinance that the NJDEP publishes. Mr. Fox went through the NJDEP standards to ensure the Township's existing ordinance met these standards. Where the Township's ordinance exceed the NJDEP's standards, the Township still maintains the high standards that were originally in the Township's storm water code. This is what the revisions to the ordinance for this evening represent.

Mr. Falzarano, Township Administrator -- asked if there was a deadline requirement when this ordinance has to be adopted. Mr. Fox commented by March 2021, which a year after NJDEP is proposed these changes.

Township Committee Member Yates -- commented that these changes are to bring Harding Township into compliance with State requirements, so there is not much of an option for the Town. Mr. Fox commented that is correct. The Township is meeting the minimum standards, however, the only thing that the Township exceeds the minimum standards is where the existing Township code already does so. The Township has maintained those higher standards where applicable.

Township Committee Member DiTosto – commented what is the overall affect. Mr. Fox commented overall it is zero effect for applicants that come to the Township. This is to adjust the Township's ordinance to meet the NJDEP requirements and their module ordinance. To an applicant's standpoint, it is the same standards that they will comply with and the Township maintains the same grading permit and drywell standards for a smaller project that is currently in effect.

Mr. Chris Allyn, Mt. Kemble Lake – commented this is rather an iconic statute for Harding and it is commonly referred to as no net increase ordinance. Mr. Allyn noticed several items: 1) No net increase has faded away from the actual writing of the ordinance so it exists way in the back as a technical standard and 2) the applicability has changed from all residential improvements to major residential improvements. Mr. Fox commented that is correct to be consistent with the State code. Mr. Allyn commented there is nothing that keeps us from continuing to apply it to all residential improvements. Mr. Fox commented it is currently not applied to all residential improvements except for the drywell standard which is the way the Township's code is currently written. Mr. Allyn commented that this does not change that standard. Mr. Fox commented that is correct.

Mr. Roselli, Township Attorney commented that the ordinance will need to be reviewed by the Planning Board for consistency with the masterplan, as it is a Land Use ordinance. Mr. Allyn commented that historically the environmental had a lot to do with this and would appreciate it if the Environmental Commission could weigh in. Mr. Roselli commented there is no legal requirement for this, it just needs to be reviewed by the Planning Board. A discussion ensued.

2. Harding Township's Centennial - R. Chipperson

Mayor Jones commented that Harding's Centennial is eleven plus months away and the Township's newest member of the Township Committee has some big plans for this.

Township Committee Member Chipperson – reported that she will be taking up the charge for the Township Committee with our centennial planning. Up to this point, the Township Committee has collected various ideas and volunteer have volunteered their time. There were good discussions at the HOST meeting last week. A GoToMeeting/in-person will be scheduled within the next several weeks with the many volunteers to commence planning, offer suggestions, ideas, assign volunteers and sub-committees, etc. The Centennial (2022) will be a yearlong celebration and will include the town businesses, children from the Harding School, residents, Harding organizations, etc. Mr. Balog, Civic Association offered to publish the meeting and send any publicity for the Centennial through the Civic Association email blast. Township Committee Member Chipperson is looking forward to working with everyone. To date, many interesting ideas have been provided.

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

Mayor Jones opened the meeting to members of the public and asked that all comments be brief. If any member joining the meeting through GoToMeeting wishes to be heard, please unmute yourself, say your name, and make your comment.

Wendy Miller, 8 Spruce Lane – commented about the 2020 election and asked the Township Committee members to acknowledge that the 2020 election results reflect that Joe Biden is the legitimate President.

Township Committee Member Platt – commented that President Biden is welcome to take the Oath of Office and Mr. Platt will be watching.

Township Committee Member Chipperson – commented that her understanding of history is that we choose not to make political statements from the ad dais. When she was elected she understands that she represents both Democrats and Republicans and whether we say he is the legitimate President or not from the ad dais, it does not have an impact that he will be sworn in on Wednesday. Unity is important.

Elaine McHale, 238 Blue Mill Road – commented about the civil unrest nationwide is there any advisories that might affect Harding. Chief Heller commented that there is nothing related to Harding Township at this time. Chief Heller reported there are no threats or concerns in Harding Township.

With no further comments, Mayor Jones closed the public meeting at 8:05 pm.
ORDINANCES FOR SECOND READING NONE
ADD-ON RESOLUTIONS: NONE
RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE
CONSENT AGENDA
The following items are considered to be routine by the Harding Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Township Committee Member's requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
RESOLUTIONS TC 21-062 THROUGH RESOLUTION TC 21-068 HAVE BEEN PLACED ON THI CONSENT AGENDA
CONSENT AGENDA VOTE:
Mayor Jones asked Committee Member Yates to proceed with the Resolutions listed on the Consent agenda Resolutions TC 21-062 through TC 21-068.
Committee Member Yates 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 Platt.
Mayor Jones asked the Municipal Clerk for a Roll Call: Mrs. Sharp called the roll as follows: Let the record
show that Township Committee Member Chipperson abstained from TC Resolution 21-064.
Vote on Resolution:
MOTION FOR AGAINST ABSTAIN ABSENT APPROVAL APPROVAL Ms. Chipperson □ □ □ Ms. DiTosto □ □ □ Mr. Platt 2nd □ □ □ Mr. Yates 1st □ □ □ Mr. Jones □ □ □ □
APPOINTMENTS: NONE

CONTRACTS:

H 1-15-2021

TC Resolution 21-062 – Resolution Authorizing Settlement of Tax Appeals

WHEREAS, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

PROPERTY OWNER	BLOCK	LOT	ADDRESS
Hennessy Sunset Farm LP	5	3	577 Van Buren Rd
The Ridge at Sand Spring LLC	25.02	10.10	47 Ravenswood Lane
O'Connor, Brendan & Braunstein,	46	5	97 Baileys Mill Rd
Alexandra			

[;] and

WHEREAS, the Township's Tax Assessor and Township Special Tax Attorney have reviewed the appeals and recommended a settlement reducing the assessment on the property for the years under appeal; and

WHEREAS, the property owner and the Township of Harding have further agreed that the refund resulting from the settlement shall be made within sixty (60) days of the date of entry of Judgment by the Tax Court of New Jersey; and

WHEREAS, the property owner has agreed to waive pre-judgment interest due on any refunds payable as a result of the proposed settlement provided that the refund is made within sixty (60) days of the date of entry of Judgment by the Tax Court; and

WHEREAS, the settlement of this matter, as set forth herein, is in the best interest of the Township of Harding and is recommended by the Township Special Tax Attorney and Assessor and should, therefore, be settled pursuant to the terms set forth herein.

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

1. The settlement of the following tax appeals filed at the Tax Court of New Jersey is hereby authorized as follows:

PROPERTY OWNER	YEAR	ORIGINAL ASSESSMENT	PROPOSED SETTLEMENT
Hennessy Sunset Farm, LP	2018	\$4,400,000	\$4,000,000
Hennessy Sunset Farm, LP	2019	\$4,400,000	\$3,600,000
The Ridge at Sand Spring, LLC	2019	\$1,615,000	\$1,000,000
The Ridge at Sand Spring, LLC	2020	\$1,157,500	\$1,157,500
O'Connor, Brendan & Braunstein, Alexandra	2018	\$2,096,800	\$1,600,000
O'Connor, Brendan & Braunstein, Alexandra	2019	\$2,096,800	\$1,659,100
O'Connor, Brendan & Braunstein, Alexandra	2020	\$1,659,100	\$1,659,100

2. Upon receipt of the Tax Court Judgment, the Township Tax Collector is hereby authorized to refund the amount due and to be paid within sixty days of the issuance of the Judgment by the Tax Court of New Jersey.

- 3. The Tax Assessor is hereby authorized to allocate the new total assessment between land and improvements in a manner he deems appropriate, and to make all other adjustments or corrections to the Township's tax records which may be necessary or desirable to effectuate this settlement.
- 4. This settlement is based upon the specific facts relating to this property, and is made without prejudice to the Township's interest in any other pending or future tax assessment appeals.

TC Resolution 21-063 – Resolution to Award a Maintenance Contract to DeBlock Environmental

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

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

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

WHEREAS, the Harding Township Committee authorized the award of contract by approving Resolution TC 20-064; and

WHEREAS, it has been determined that it is in the best interest of the Township to exercise its' option to renew the contract for the year 2021, for an amount not to exceed as follows:

Year 2021	Licensed Operator	Special Project Hourly Rate (Est. 40 hrs.)	Emergency Response Hourly Rate (Est. 12 hrs.)	Total
DeBlock Environmental	Lump Sum	\$115/hr. \$4,600	\$95/hr. \$1,140	\$ 7,060
Services, LLC	\$1,320	\$4,000	\$1,140	\$ 7,000

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the contract for 2021 submitted by DeBlock Environmental Services, LLC is hereby approved.

FINANCE: Let the record show that Township Committee Member Chipperson abstained from this resolution.

Resolution TC 21-064 - 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:

Resolution TC 21-065 – Resolution to Appoint Mr. Devanshu Modi to the Glen Alpin Disposal/Diversion Sub-Committee for 2021

WHEREAS, Mr. Modi was previously on the Glen Alpin Disposal/Diversion Sub-Committee while a member of the Harding Township Committee; and

WHEREAS, the Harding Township Committee would like to appoint Mr. Devanshu Modi to the Glen Alpin Disposal/Diversion Sub-Committee for 2021.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that Mr. Devanshu Modi is hereby appointed to the Glen Alpin Disposal/Diversion Sub-Committee for 2021.

Resolution TC 21-066 - Resolution to Accept the Resignation of Christopher M. Yates as the Office of Emergency Management Coordinator

BE IT RESOLVED, that Christopher M. Yates has resigned as the Office of Emergency Management Coordinator effective January 18, 2021.

Resolution TC 21-067 – Resolution to Appoint Timothy D. Jones as the Office of Emergency Management Coordinator

BE IT RESOLVED, effective January 18, 2021, by the Township Committee of the Township of Harding that Timothy D. Jones is hereby appointed as Emergency Management Coordinator to fill the unexpired term ending on December 31, 2021.

Resolution TC 21-068 – Resolution Authorizing the Purchase of Electricity Supply Services for Public Use on an online Auction Website

WHEREAS, Harding Township has determined to move forward with the EMEX Reverse Auction in order to procure Electricity for the Local Unit; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the "Act") authorizes the purchase of Electricity supply service for public use through the use of an online auction service; and

WHEREAS, Harding Township will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act.

BE IT RESOLVED, that the Mayor and the Municipal Clerk are authorized to execute on behalf of Harding Township any Electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction.

ORDINANCES FOR FIRST READING

ORDINANCE #01-2021—AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 225 PART 4 (STORMWATER MANAGEMENT) OF THE CODE OF THE TOWNSHIP OF HARDING TO MEET NJDEP STANDARDS FOR STORMWATER MANAGEMENT

Mayor Jones asked Township Committee Member Chipperson to introduce Ordinance TC #01-2021.

Township Committee Member Chipperson introduced Ordinance TC #01-2021 by title as follows:

HARDING TOWNSHIP ORDINANCE #01 - 2021

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 225 PART 4 (STORMWATER MANAGEMENT) OF THE CODE OF THE TOWNSHIP OF HARDING TO MEET NJDEP STANDARDS FOR STORMWATER MANAGEMENT

Township Committee Member Chipperson explained the purpose of the Ordinance and moves for introduction on first reading. The Stormwater Management Ordinance is being amended to meet the NJDEP Standards.

Township Committee Member Chipperson read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on January 18, 2021.

BE IT RESOLVED, that at the Township Committee meeting to be held on February 8, 2021 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 Chipperson offered Ordinance #01-2021 and moved its introduction. Township Committee Member DiTosto seconded the motion.

Mayor Jones 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. Chipperson Ms. DiTosto Mr. Platt Mr. Yates Mr. Jones	1 st 2 nd				

ADJOURNMENT - Mr. Jones

With no further comments or concerns, the meeting adjourned into Executive Session at 8:08 pm.

Respectfully submitted,

Lisa A. Sharp,

Municipal Clerk