



HARDING TOWNSHIP COMMITTEE
MAY 15, 2023
IN-PERSON
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING AGENDA at 7:00 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor

ADEQUATE NOTICE of this May 15, 2023, meeting of the Harding Township Committee was sent to the Observer Tribune on January 6, 2023, and published in the Observer Tribune on January 12, 2023.

ROLL CALL – Municipal Clerk

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Resolution TC 23-102– 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. Hurstmont Site Plan/Financial Agreement/Redevelopment Agreement – R. Goldsmith
2. Affordable Housing – M. Edwards

Litigation:

1. Verizon – M. Edwards

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECONVENE INTO PUBLIC SESSION – Mayor

ROLL CALL – Municipal Clerk Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

PLEDGE OF ALLEGIANCE – Mayor

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 6, 2023, and published in the *OBSERVER TRIBUNE* on January 12, 2023; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 6, 2023, and Notice was filed with the Municipal Clerk on January 6, 2023.

RESOLUTION TC 23-103 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member _____ to proceed with Resolution TC 23-103.

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: **April 17, 2023; 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: **April 17, 2023.**

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

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION):

Resolution TC 23-104 – Amendment of Budget – Fiscal Year 2023

WHEREAS , the local municipal budget for the year 2023 was approved on the 17th day of April, 2023; and

WHEREAS, the public hearing on said budget will be held as advertised on the 15th day of May, 2023; and

WHEREAS, it is desired to amend said approved budget.

BE IT RESOLVED, by the Governing Body of the Township of Harding, in the County of Morris, State of New Jersey, that the following amendments to the approved budget of 2023 be made:

General Revenues

(1) Surplus Anticipated

From:

\$2,550,000.00

To:

\$2,342,617.11

General Revenues

(3) Miscellaneous Revenues – Section B: State Aid Without Offsetting Appropriations

Garden State Trust

From:

\$0.00

To:

\$10,606.00

(10) Miscellaneous Revenues – Section G; Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services

American Rescue Plan

From:

\$0.00

To:

\$196,776.89

Total General Revenues

\$10,265,660.31

\$10,265,660.31

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith with the Director of Local Government Services for approval.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION):

Resolution TC 23-105– Public Hearing & Adoption of Budget – Municipal Budget Notice Fiscal Year 2023

Mayor Jones asks **Township Committee Member Yates** to proceed with Resolution TC 23-105 listed on the Non-Consent agenda.

Public Hearing & Adoption of Budget -- Municipal Budget Notice – Fiscal Year 2023

WHEREAS, the Township Committee introduced and approved the 2023 Municipal Budget on April 17, 2023; and

WHEREAS, the approved introduction of the budget was advertised as required by law on April 17, 2023 in the April 20, 2023 edition of the Observer Tribune with notice of the public hearing to be held on May 15, 2023.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2023:

Summary of Revenues	Anticipated			
	2023		2022	
1. Surplus	2,342,617.11		2,750,000.00	
2. Total Miscellaneous Revenues	1,702,130.20		1,598,615.14	
3. Receipts from Delinquent Taxes	90,000.00		90,000.00	
4. a) Local Tax for Municipal Purposes	6,130,913.00		6,023,815.00	
b) Addition to Local School District Tax				
c) Minimum Library Tax				
Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	6,130,913.00		6,023,815.00	
Total General Revenues	10,265,660.31		10,462,430.14	

Summary of Appropriations		2023 Budget		Final 2022 Budget	
1. Operating Expenses:	Salaries & Wages	3,826,545.00		3,757,600.00	
	Other Expenses	3,559,908.31		3,688,530.14	
2. Deferred Charges & Other Appropriations		1,073,207.00		943,100.00	
3. Capital Improvements		450,000.00		773,600.00	
4. Debt Service (Include for School Purposes)		416,000.00		379,600.00	
5. Reserve for Uncollected Taxes		940,000.00		920,000.00	
Total General Appropriations		10,265,660.31		10,462,430.14	
Total Number of Employees		52		50	

2023 Dedicated	Sewer	Utility Budget
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Utility				
Summary of Revenues		Anticipated		
		2023		2022
1. Surplus		56,900.00		56,000.00
2. Miscellaneous Revenues		200,000.00		200,000.00
3. Deficit (General Budget)				
Total Revenues		256,900.00		256,000.00
Summary of Appropriations		2023 Budget		Final 2022 Budget
1. Operating Expenses:	Salaries & Wages	32,900.00		32,000.00
	Other Expenses	202,000.00		202,000.00
2. Capital Improvements		20,000.00		20,000.00
3. Debt Service				
4. Deferred Charges & Other Appropriations		2,000.00		2,000.00
5. Surplus (General Budget)				
Total Appropriations		256,900.00		256,000.00
Total Number of Employees				

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the budget set forth for 2023 is hereby adopted.

NON-CONSENT AGENDA VOTE:

Mayor Jones: The meeting is now open for public hearing on Resolution TC 23-105 and any member of the public may be heard.

Mayor Jones: closes the public hearing.

Mayor Jones asks **Township Committee Member Yates** to proceed with Resolution TC 23-105 listed on the Non-Consent agenda.

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

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Jones

DISCUSSION ITEMS:

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight.

To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

ORDINANCES FOR SECOND READING:

Mayor Jones asks Township Committee Member Yates to read Ordinance TC #03-2023.

Township Committee Member Yates reads Ordinance TC #03-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #03-2023
“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 17, 2023.

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

The Municipal Clerk States: A legal notice was sent for publication on April 17, 2023 to the Observer Tribune indicating that Ordinance #03-2023 was introduced and passed on first reading at the April 17, 2023 meeting and indicated that the second reading and public hearing were to be held on May 15, 2023 at 7:00 pm 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 Jones: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Jones: closes the public hearing.

Township Committee Member Yates: I offer Ordinance #03-2023 and move its adoption.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCES FOR SECOND READING:

Mayor Jones asks Township Committee Member Yates to read Ordinance TC #04-2023.

Township Committee Member Yates reads Ordinance TC #04-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #04-2023
CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF
MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC
IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND
APPROPRIATING THEREFORE THE SUM OF \$578,600**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 17, 2023.

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

The Municipal Clerk States: A legal notice was sent for publication on April 17, 2023 to the Observer Tribune indicating that Ordinance #04-2023 was introduced and passed on first reading at the April 17, 2023 meeting and indicated that the second reading and public hearing were to be held on May 15, 2023 at 7:00 pm 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 Jones: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Jones: closes the public hearing.

Township Committee Member Yates: I offer Ordinance #04-2023 and move its adoption.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCES FOR SECOND READING:

Mayor Jones asks Township Committee Member Chipperson to read Ordinance TC #05-2023.

Township Committee Member Chipperson reads Ordinance TC #05-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #05-2023
“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF
NEW JERSEY, REVISING CHAPTER 171, SECTION 16, HARDING TOWNSHIP
VARIANCE FEES”**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on April 17, 2023.

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

The Municipal Clerk States: A legal notice was sent for publication on April 17, 2023 to the Observer Tribune indicating that Ordinance #05-2023 was introduced and passed on first reading at the April 17, 2023 meeting and indicated that the second reading and public hearing were to be held on May 15, 2023 at 7:00 pm 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 Jones: The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

Mayor Jones: closes the public hearing.

Township Committee Member Chipperson: I offer Ordinance #05-2023 and move its adoption.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADD-ON RESOLUTIONS:

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

CONSENT AGENDA

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

RESOLUTIONS TC 23-106 THROUGH RESOLUTION TC 23-114 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asks Township Committee Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 23-106 through TC 23-114.

Township 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 Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPOINTMENTS:

Resolution TC 23-106 – Resolution to Appoint Municipal Court Judge for Harding Township Shared Municipal Court

WHEREAS, the Township of Harding and Township of Long Hill have entered into a shared services agreement for a shared municipal court; and

WHEREAS, in accordance with paragraph 2 of the Shared Services Agreement for Shared Municipal Court, Long Hill Township has agreed to furnish its municipal court facilities and personnel, and Harding Township agreed that Long Hill Township’s Municipal Court Judge, James Bride, shall serve as the Municipal Court Judge for Harding Township in the Shared Municipal Court; and

WHEREAS, the term of the Municipal Court Judge James Bride will end on May 5, 2023; and

WHEREAS, the Township Committee wishes to re-appoint James Bride as the Municipal Court Judge for Harding Township in the shared Municipal Court. To commence May 6, 2023, and end on May 5, 2026, and until a successor is appointed and qualified.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that in accordance with the terms and conditions of the Shared Services Agreement for Shared Municipal Court between Long Hill Township and Harding Township and pursuant to NJSA 2B:12-4, that it does hereby authorize the appointment of James Bride, as Municipal Court Judge for the Township of Harding for the Shared Municipal Court.

Resolution 23-107 – Resolution Appointing Keena-Lyn Simmons as Part-time Finance/Tax Assistant

WHEREAS, there exists a part-time vacancy in the position of Finance/Tax Assistant in the Finance office; and

WHEREAS, the Assistant Administrator Vincent DeNave has determined that Keena-Lyn Simmons is qualified for the position; and

WHEREAS, Mr. Falzarano, Township Administrator recommends Ms. Simmons be hired as part-time Finance/Tax Assistant for the Finance’s Office at a rate of \$25.27, not to exceed a 28-hour work week.

After thirty (30) days, the position of Human Resources Assistant will be added to Ms. Simmons' responsibilities at a total rate of \$30.00 per hour, not to exceed a 28-hour work week.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey that effective May 16, 2023, Keena-Lyn Simmons is hereby appointed as Finance/Tax Assistant for the Finance office at an hourly rate of \$25.27 not to exceed a 28-hour work week, with employment subject to terms and conditions set forth in the letter of employment and the Township of Harding Policies and Procedures Manual.

CONTRACTS:

Resolution TC 23-108 – Resolution Authorizing and Approving a Shared Services Agreement for Public Health Services Between the Township of Harding and the County of Morris, Department of Law & Public Safety, Division of Public Health

WHEREAS, the Board of Health has negotiated a shared services agreement with the County of Morris, Department of Law & Public Safety, effective January 1, 2024 through December 31, 2028, a copy of which is on file in the office of the Township Clerk, for the provision of certain health related services, including for the provision of a properly licensed Registered Environmental Health Specialist together with such other properly trained and experienced personnel as may be required, necessary or prudent, to carry out and discharge within the territorial jurisdiction of the Township, the public health services and activities in accordance with N.J.A.C. 8:52-1.1 et seq., Public Health Practice Standards of Performance for Local Boards of Health in New Jersey; and

WHEREAS, the Board of Health made a recommendation to the Township Committee at their April 13, 2023 meeting, approving and authorizing entering into the aforementioned shared services agreement for public health services, and specifically between the Township of Harding and the County of Morris; and

WHEREAS, the Township of Harding desires to contract with the County of Morris for the provision of said services set forth in the agreement Health Services for the period of January 1, 2024 to December 31, 2028; and

WHEREAS, the County of Morris has agreed to provide services to the Township of Harding at a rate of \$79,394.85 for 2024; \$80,982.75 for 2025; \$82,602.40 for 2026; 84,254.45 for 2027; and \$85,939.54 for 2028; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in account number 01-2024-2330-0331-2- 00000 pending the adoption of the 2024, 2025, 2026, 2027, and 2028 municipal budgets; and

WHEREAS, this agreement is in the best interest of the Township of Harding.

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey that the Shared Services Agreement mentioned above is hereby authorized and accepted and the proper officials of the Township of Harding are authorized to execute said agreement; and

BE IT FURTHER RESOLVED, that the agreement shall take effect upon the execution of agreement by the parties in accordance with N.J.S.A. 40A:65-5(c), et seq; and

BE IT FURTHER RESOLVED, that a copy of this resolution and agreement shall be forwarded to the Director of the Division of Local Government Services as per NJSA 40A:65-4 (3)b.

Resolution TC 23-109 – Resolution to Authorize and Approve a Service Contract Between Animal Control Solutions LLC and the Township of Harding

WHEREAS, the Township of Harding has a need to award a contract for Animal Control Services commencing on January 1, 2024, and ending on December 31, 2026; and

WHEREAS, the Township is permitted to acquire such services through a “non-fair and open” process (as defined by N.J.S.A. 19:44A-20.4), meaning that the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Harding, and not by a “fair and open” process (as defined by N.J.S.A. 19:44A-20.4) such as awarding to the lowest bidder; and

WHEREAS, the cost of this contract is not anticipated to exceed \$17,500.00, as certified in writing by the Township Purchasing Agent; and

WHEREAS, Animal Control Solutions, 2 Marshall Drive, Flemington, New Jersey 08822 has submitted a proposal to the Board of Health at their April 13, 2023 regular meeting; and

WHEREAS, the Board of Health accepted the proposal for a two year period, plus one, one-year extension at the following costs subject to the terms and conditions as set in the contract and Appendix A; and

WHEREAS, the annual contract amount is not to exceed \$10,800.00 in 2024, \$11,232.00 in 2025, and \$11,688.00 in 2026; and

WHEREAS, Animal Control Solutions, LLC has completed and submitted the required Business Entity Disclosure Certification; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to enter into a contract with Animal Control Solutions, LLC, pursuant to the filed proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that notice of this contract will be published as required by law within ten days of the passage of this Resolution.

FINANCE:

Resolution TC 23-110 – 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 23-111 – Resolution to Authorize the Purchase of Police Vehicles

WHEREAS, there is a need to purchase vehicles for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account #04-2023-202205-4007-4- 04062 in the amount of \$97,750.86; and

WHEREAS, public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

WHEREAS, Gentilini Motors, 2703 Fire Road, Egg Harbor Township NJ 08234 is an approved vendor under New Jersey State Contract T-2776; and

WHEREAS, this purchase will be a total of two police vehicles totaling \$97,750.86.

BE IT RESOLVED, by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	State Contract/ Cooperative #	Department	Quantity	Item	Price
Gentilini Motors	NJ State Contract T-2776	Police	2	SUV	\$97,750.86
TOTAL:					\$97,750.86

Resolution TC 23-112 - Resolution to Amend the Fees of the Township of Harding for 2023 in Accordance with §171-15 - §171-32 of the Code of the Township of Harding

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 fees (Appendix A attached) have been reviewed and increased in accordance with §§171-1 and 171-4 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 fees for the Township for 2023 as reflected on Appendix A attached hereto shall become effective on May 16, 2023; and

BE IT FURTHER RESOLVED, that said fees shall become effective as of May 16, 2023.

MISCELLANEOUS:

Resolution TC 23-113 – Resolution to Authorize Harding Township Police Half Marathon

WHEREAS, in October of 2022, the Harding Township PBA Local 340 conducted a half marathon within the Township of Harding; and

WHEREAS, at the Township Committee meeting held on April 17, 2023, the Harding Township Police Department presented holding the 2023 edition of the half marathon on October 21, 2023; and

WHEREAS, the Harding Township Committee wishes to approve of the Harding Township PBA Local 340's planned half marathon, subject to the certificate of insurance naming Harding Township as the beneficiary.

BE IT RESOLVED, by the Township Committee of the Township of Harding (the "Committee"):

1. The Committee hereby approves of the Harding Township PBA Local 340 half marathon scheduled for October 21, 2023, subject upon the condition that the Township is provided with a proof of insurance at least one (1) month prior to the event's scheduled date. Attached hereto as **Exhibit A** is the proposed race map. Attached as **Exhibit B** is the Incident Operation Plan.

Resolution TC 23-114 – Resolution to Authorize Payment to the New Jersey State Parole Board for Training Costs

WHEREAS, Harding Township appointed Officer Joseph Cinnante in June of 2022 to be an officer with the Harding Township Police Department; and

WHEREAS, Officer Cinnante was originally hired and trained, beginning in August of 2020, by the New Jersey State Parole Board; and

WHEREAS, pursuant to N.J.S.A. 52:17B-77.6, when a law enforcement agency hires a new officer within two (2) years of that officer's hiring by another law enforcement agency, the hiring law enforcement agency is

responsible for one half of the costs associated with “examination, hiring, and training,” the officer as defined by that statute with prior law enforcement agency; and

WHEREAS, the New Jersey State Parole Board has requested to be reimbursed for one half of the costs associated with the “examination, hiring, and training” for Officer; and

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

Purpose: The purpose of this ordinance is to authorize the reimbursement for the “examination, hiring, and training” to the New Jersey Parole Board regarding Officer Joseph Cinnante.

SECTION 1. Pursuant to N.J.S.A. 52:17B-77.6, the Township Committee hereby authorizes the payment in the amount of \$11,652.28, as outlined in the invoice dated May 26, 2022, and revised March 3, 2023, from the New Jersey State Parole Board (attached hereto as “**Exhibit A**”).

SECTION 2. This ordinance may be renumbered for the purposes of codification.

SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ORDINANCES FOR FIRST READING

Mayor Jones asks Township Committee Member _____ to re-introduce Ordinance #06-2023.

Township Committee Member _____ re-introduces Ordinance #06-2023 by title as follows:

HARDING TOWNSHIP ORDINANCE #06–2023

“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING CONSTRUCTION FEES, CHAPTER 171, SECTION 4 THROUGH CHAPTER 171, SECTION 6”

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

Township Committee Member _____ reads:

WHEREAS, the above ordinance was re-introduced and read by title at this Township Committee meeting held on May 15, 2023.

BE IT RESOLVED, that at the Township Committee meeting to be held on June 12, 2023, at 7:00 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 _____: I offer Ordinance #06-2023 and move its introduction.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADJOURNMENT – Mr. Jones

ORDINANCES

PUBLIC HEARING & ADOPTION

- 1. HARDING TOWNSHIP - ORDINANCE #03-2023** “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATE LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”
- 2. HARDING TOWNSHIP – ORDINANCE #04-2023** “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 AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$578,600”
- 3. HARDING TOWNSHIP – ORDINANCE #05-2023** “ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING THE CHAPTER 171, SECTION 16, TOWNSHIP OF HARDING VARIANCE FEES”

HARDING TOWNSHIP

ORDINANCE #03-2023

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.16a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Harding in the County of Morris finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee of the Township of Harding hereby determines that a 1.0% increase in the budget for said year, amounting to \$79,103.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Committee of the Township of Harding hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT ORDAINED, by the Township Committee of the Township of Harding in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Harding shall, in accordance with this ordinance and N.J.S.A 40A: 4-45.14, be increased by 3.5%, amounting to \$276,863.41 and that the CY2023 municipal budget for the Township of Harding be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: April 17, 2023

ADVERTISED: April 20, 2023

PUBLIC HEARING: May 15, 2023

ADOPTED: May 15, 2023

ADVERTISED: May 18, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**HARDING TOWNSHIP
ORDINANCE NO. #04-2023**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS,
NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND
ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE
SUM OF \$578,600**

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

Section 1. The Township of Harding, in the County of Morris, New Jersey (the "Township"), is hereby authorized to make the following public improvements and acquisitions in, by and for the Township, including all work, materials and appurtenances necessary and suitable therefore:

CAPITAL IMPROVEMENT FUND	
Projects	Estimated Costs
a. Exterior and Interior Improvements at all Township facilities (Kirby Hall, Bayne Park, Show Grounds, Barrett Field, Gate House, Tunis Ellicks House and Public Works)	\$ 87,500
b. Replacement/Repair of Basins, Pipes and Culverts; Seal Coat Roads	\$ 50,000
c. Road Reconstruction, including all design, work, materials and appurtenances	\$ 15,000
d. Department of Public Works: Acquisition of full size 5-7 yard 4WD dump truck	\$ 245,000
e. Acquisition and Upgrade of various Police Equipment: In-car tablet computer with docks, patrol rifles & accessories, new office spaces / interview room, and traffic classifiers	\$ 61,100
f. Acquisition of two (2) vehicles for Police Department	\$ <u>120,000</u>
Total from Capital Improvement Fund	\$ 578,600

Section 2. The aggregate sum of \$450,000 is hereby appropriated from the Capital Improvement Fund and \$128,600 from Capital Surplus of the Township to the payment of the costs of the improvements and acquisitions authorized and described in Section 1 hereof.

Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

**HARDING TOWNSHIP
ORDINANCE NO. #04-2023**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS,
NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND
ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE
SUM OF \$578,600**

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: April 17, 2023
PUBLIC HEARING: May 15, 2023
ADOPTED: May 15, 2023

ADVERTISED: April 20, 2023
ADVERTISED: May 18, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWNSHIP OF HARDING
ORDINANCE 05-2023**

**“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE
OF NEW JERSEY, REVISING CHAPTER 171, SECTION 16, HARDING TOWNSHIP
VARIANCE FEES”**

WHEREAS, Harding Township has established Variance Fees for projects within the Township, codified at Chapter 171, Section 16; and

WHEREAS, Harding Township wishes to revise the Construction Fees; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: The purpose of this ordinance is to update Chapter 171, Section 16 of the Municipal Code with the proposed modifications to the Variance Fees for projects within the Township of Harding.

SECTION 1. The Municipal Code, Chapter 171, Section 4, “Adjustment of Fees” chart is hereby modified to reflect the following amounts (chart begins on next page):

APPLICATION	APPLICATION FEE*	DEPOSIT FOR TECHNICAL REVIEW
Application for certification by Tax Assessor of list of adjoining property owners	\$0.25 per name or \$10 whichever is greater	N/A
Appeal pursuant to NJSA 40:50D-70(a)(appeal from administrative official or agency based on enforcement of Zoning Ordinance, including an appeal from a decision of the Tree Conservation Officer; fee to be returned if appeal successful):		
Tree Conservation Officer	\$63	\$2,500
Other Official or Agency	\$649	\$2,500
Interpretation of map or Zoning Ordinance or decision of s special questions pursuant to NJSA 40:55D-70(b)	\$649	\$2,500
Application for variance pursuant to NJSA 40:50D-70(c) not involving subdivision of land:		
First Variance	\$649	\$2,500
Each additional variance	\$120	N/A
See 171-17 for variance applications involving the subdivision of land.		
Application for variance pursuant to NJSA 40:55-70 (d) except as below	\$1,740	\$5,000
Application for variance pursuant to NJSA 40:55-70(d) in the case of a (d)(3) variance involving an accessory residence.	\$1,161	\$5,000
Request to Board of Adjustment for an amendment of conditions contained in a previously adopted resolution of approval	\$582	\$2,500
Request to Board of Adjustment for extension of variance (per year).	\$163	N/A
Application for Conditional Use Permit:		
For an accessory residence.	\$468	\$2,000
For non-residential use:		
*per 1,000 square feet of gross floor area	\$293	\$2,000
*additional per 10,000 square feet of lot area affected or portion thereof.	\$293	\$2,000
The minimum fee for a non-residential conditional use shall be:	\$1,740	\$2,000
Application pursuant to NJSA 40:55D-34 or appeal pursuant to NJSA 40:55D-36 (Building Lot to Abut Street)	\$646	\$2,500
Special meeting (Planning Board or Board of Adjustment) if requested by or with consent of applicant	\$1,740	N/A

* Application fee is subject to change pursuant to the Cost of Living Index As Published by the United States Bureau of Labor and Statistics

APPLICATION	APPLICATION FEE*	DEPOSIT FOR TECHNICAL REVIEW
Application for certification by Tax Assessor of list of adjoining property owners.	\$0.25 per name or \$10 whichever is greater	N/A
Subdivision Application:		
Concept Plan	\$582	\$2,000
Minor Subdivision Application:		
Lot line adjustment	\$582	\$5,000
Any other minor subdivision	\$3,475 per lot	\$7,500
Extension of a minor subdivision	\$582	N/A
Major Subdivision:		
Preliminary	\$3,475 per lot	\$7,500
Final (filed simultaneously with preliminary)	No fee	
Final (filed separately, per lot)	\$1,185	50% of the initial deposit for preliminary
Application for a Variance in conjunction with any Subdivision of Land:		
Minimum	\$1,176	\$2,000
Per variance per lot	\$594	\$2,000
*No fee for any lawful preexisting condition		
Amended application	½ of the original application fee within	50% of the initial deposit
Extension of preliminary or final major subdivision approval	\$1,161	50% of the initial deposit
Site Plan Application		
Concept Plan	\$582	\$2,000
Minor Site Plan Application:	\$873	\$7,500
Major Site Plan Application:		
Preliminary Residential	\$10,080 plus \$504 per unit	\$7,500
Nonresidential	\$10,080 plus \$504 per 1,000 sq. ft. or per 10,000 sq. ft. of	\$3,000

	other impervious coverage	
Final (filed simultaneously with preliminary)	No fee	
Major site plan, final (filed separately)	\$2,318	\$7,500
Amended application	½ of the original application fee	50% of the initial deposit
Extension of preliminary or final approval	\$1,161	N/A
Special meeting (Planning Board or Board of Adjustment) if requested by or with consent of application	\$1,740	N/A

SECTION 2. This ordinance may be renumbered for the purposes of codification.

SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: April 17, 2023

PUBLIC HEARING: May 15, 2023

ADOPTED: May 15, 2023

ADVERTISED: April 20, 2023

ADVERTISED: May 18, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Application fee is subject to change pursuant to the Cost of Living Index As Published by the United States Bureau of Labor and Statistics

ORDINANCES – REINTRODUCTION

1. HARDING TOWNSHIP – ORDINANCE #06-2023 “ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING CONSTRUCTION FEES, CHAPTER 171, SECTION 4 THROUGH CHAPTER 171, SECTION 6”

TOWNSHIP OF HARDING

ORDINANCE #06-2023

**“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, REVISING CONSTRUCTION FEES, CHAPTER
171, SECTION 4 THROUGH CHAPTER 171, SECTION 6”**

WHEREAS, Harding Township has established Construction Fees for projects within the Township, codified at Chapter 171, Section 4 through Chapter 171, Section 6; and

WHEREAS, based upon updated regulations, including, but not limited, the Department of Community Affairs (“DCA”), have required the code to be updated; and

WHEREAS, based upon the updated regulations and for other various issues, Harding Township wishes to revise the Construction Fees; and

WHEREAS, Harding Township wishes to amend the coding pertaining to its fees based upon the updated requirements; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: The purpose of this ordinance is to update Chapter 171, Section 4 through Chapter 171, Section 6 of the Municipal Code with the proposed modifications to the Construction Fees for projects within the Township of Harding.

SECTION 1. The Municipal Code, Chapter 171, Section 4, “Adjustment of Fees” is hereby modified and edited pursuant to the attached **Exhibit A**.

SECTION 2. The Municipal Code, Chapter 171, Section 5, “Construction Fees” is hereby modified and edited pursuant to the attached **Exhibit A**.

SECTION 3. The Municipal Code, Chapter 171, Section 6, shall now be entitled “Construction Fees,” and is hereby modified and edited pursuant to the attached **Exhibit A**.

SECTION 4. The Municipal Code, entitled “Fire Subcode Fees,” which was formerly codified at Chapter 171, Section 6, shall now be codified as Chapter 171, Section 15. No modification or edits are hereby made to that section and the fees shall remain consistent with the previously codified section.

SECTION 5. This ordinance may be renumbered for the purposes of codification.

SECTION 6. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

TOWNSHIP OF HARDING
ORDINANCE #06-2023
“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, REVISING CONSTRUCTION FEES, CHAPTER
171, SECTION 4 THROUGH CHAPTER 171, SECTION 6”

ATTEST

TOWNSHIP OF HARDING

 Lisa A. Sharp, Municipal Clerk

 Timothy D. Jones, Mayor

INTRODUCED: May 15, 2023

ADVERTISED: May 18, 2023

PUBLIC HEARING:

ADVERTISED:

ADOPTED:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit A

§ 171-4. Adjustment of fees.

These fees shall be adjusted by the municipality effective January 1 of each year commencing in 2011 in accordance with any percentage increase in inflation in the twelve-month period prior to the effective date as measured by the Consumer Price Index. All fees shall be set annually by resolution of the governing body.

§ 171-5. Construction Code Fees.

A. General

- (1) The fee for plan review shall be 20% of the amount to be charged for a new construction permit and shall be paid at the time of the application for a permit or, at the discretion of the Construction Official, be paid at the time of granting the permit. Plan review fees are not refundable.
- (2) The fee to be charged for a construction permit shall be the sum of the basic construction fees plus all applicable surcharges, flat fees and special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.
- (3) The fee to be charged for a certificate for occupancy shall be paid before the certificate is issued. This fee shall be in addition to the construction permit fee.
- (4) Fees shall be rounded to the nearest dollar amount or to the next larger dollar amount.
- (5) State Training Fee- This fee shall be in accordance with the prevailing New Jersey State permit surcharge fees pursuant to N.J.A.C. 5:23-4.19(b) of the New Jersey Uniform Construction Code.
- (6) The fee of \$68 per hour or part thereof shall be charged for all plan review revisions. Said fee shall be remitted to the Township of Harding at the time of the revision. No revision shall be released until payment is received by the Township.

B. Building subcode fees. The fees for new building construction or alterations shall be:

Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance N.J.A.C. 5:23-2.28.

For purposes of calculating the volume to determine the fee for large, open-volume, single-story spaces and buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.

- (1) The new construction fee for Use groups R-3, R-4 and R-5 shall be computed in the amount of \$0.070 per cubic foot of volume for the first 60,000 cubic feet and \$0.29 for 60,001 and above.
- (2) The fee shall be \$0.80 per cubic foot of volume for groups R-1, R-2, B, E, H, I, A, M, F-1, F-2, S-1, S-2 and U
- (3) The fee for commercial farm buildings under N.J.A.C. 5:23-3.2(d) shall be \$.045 with a maximum fee for such structures on farms not exceeding \$3,000.00 and a minimum fee of \$80.
- (2) Fees for renovations, alterations and repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connections for pre-manufactured construction shall be based upon the estimated cost of work.
 - (1) For all Use Groups the fee shall be \$40 for the first \$50,000 of the estimated cost of work \$35 for \$50,001 up to \$150,000 and \$20 for \$150,001 and greater
 - (2) For the purpose of determining estimated cost, the applicant shall submit to the enforcing agency, when required by the Construction Official, such cost data as may be available, produced by the architect or engineer of record, or by a recognized firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Construction Official shall make the final decision regarding the estimated cost of work.
- (3) Fees for additions shall be computed on the same basis as for new construction for the added portion. Additions shall have a minimum fee of \$400.00.
- (4) Fees for a combination of renovations and additions shall be computed as the sum of the fees computed separately in accordance with this fee schedule.
- (5) The minimum Building permit fee shall be \$80.
- (6) The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be a flat fee of \$175.
- (7) The fee for roofing and siding work completed on a structure in Use Groups R-3 and R-5 shall be a flat fee of \$135.
- (8) The fee for an aboveground swimming pool shall be \$225.
- (9) Radon Remediation will be a flat fee of \$86 per unit.
- (10) The fee for premanufactured garden and utility-type yard sheds, which are from 100 to 200 square feet in area or greater than 10 feet in height and accessory to Use Groups R-3 or R-5 of the building subcode, shall be \$150. The fees for all sheds greater than 200 square feet shall be computed in accordance with new buildings above.
- (11) The fee for fences installed as a pool barrier for Use group R shall be \$100.
- (12) The fee for the installation of a fence over six feet in height and accessory to

Use Groups R-3 and R-5 of building subcode shall be \$100. For all other use groups, the fee shall be \$225.

(13) Fees for retaining walls supporting an unbalanced fill greater than two feet shall be as follows:

- (1) The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$495.
- (2) The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$295.
- (3) The fee for a newly constructed retaining wall of any size other than a Class 3 residential structure shall be based on the cost of construction. Fees will be computed as \$15 per \$1,000 of the cost of construction.

C. Plumbing subcode fees; plumbing fixtures and equipment.

- (1) For plumbing fixtures and equipment, the fee shall be in the amount of \$30 per fixture, piece of equipment or appliance connected to the plumbing system and for each appliance connected to the gas piping or oil piping system, except as indicated in Subsection C (2) below.
- (2) The fee shall be \$110 per special device for the following: grease traps, oil separators, refrigeration an A/C units, utility service connections, backflow preventers equipped with test ports, steam boilers, hot-water boilers (excluding those for domestic water heating), sewer pumps, oil piping, active solar systems, sewer pumps interceptors and other special devices.
- (3) There shall be a flat fee of \$80 for every cross-connection backflow preventer that is subject to annual inspection and re-testing per the Uniform Construction Code.
- (4) The fee for a mechanical inspection in a Use Group R-3 or R-5 structure by a mechanical inspector shall be a flat fee of \$114 for the first installed device, appliance, or piece of equipment and \$80 for each additional device, appliance, or piece of equipment. No separate fee shall be charged for the gas, fuel oil or water-piping connections associated with the mechanical equipment inspected.
- (5) The Minimum fee for a plumbing permit shall be \$80.

D. Electrical subcode fees; electrical fixtures and devices.

- (1) The fee for the first block of outlets consisting of one to 50 receptacles, fixtures or devices shall be \$78, and for each additional block consisting of 25 receptacles, fixtures or devices, the fee shall be \$33. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communication outlets, light standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or

similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw)

- (2) For each motor or electrical device rated from one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kva to 10 kw or kva; for each replacement of wiring involved one branch circuit or part thereof; for each storable pool or hydromassage bathtub; for each underwater lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light standard greater than eight feet in height including luminaries; and for each communications closet, the fee shall be \$30.
- (3) For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw, for service equipment, panel board, switch board, switch gear, motor control center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$78.
- (4) For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment panel board, switch board, switch gear, motor control center or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$160.
- (5) For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor control center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$768.
- (6) The fee charged for electrical work for each permanently installed private swimming pool above ground as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$191 which shall include any required bonding and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and underwater lighting fixtures.
- (7) The fee charged for electrical work for each permanently installed private swimming pool in ground as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$305 which shall include any required bonding and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and underwater lighting fixtures.
- (8) For public swimming pools, the fee shall be based on the basis of number

of electrical fixtures and ratings of the devices involved in accordance with Subsection D(1) through (5) above.

- (9) The fee charged for the installation of single- and multiple-station smoke or heat detectors and for fire, burglar and security alarm systems and detectors in buildings within all use groups, the fee shall be charged in accordance with Subsection D (1) and (2) above.
- (10) For solar photovoltaic systems, in any use group, the fee shall be based on the total number of solar photovoltaic modules being installed:
- i. For 1-50 modules, the fee shall be \$129.
 - ii. For 51 to 100 modules, the fee shall be \$181.
 - iii. For 101-250 modules, the fee shall be \$387.
 - iv. For 251-500 modules, the fee shall be \$723.
 - v. Greater than 500 modules is an additional \$1 per module.
 - vi. All other electrical devices, other than the solar photovoltaic modules, shall be a separate fee based on ampere or kilowatt rating of the device.
- (11) For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with Subsection D(3), (4) and (5) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.
- (12) For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starters, and disconnecting means.
- (13) For electrical work requiring the replacement of service entrance conductors or feeder conductors only, the fee shall be in accordance with Subsection D(2) through (5) above based on the designated ampere rating of the overcurrent device of the service or feeder.
- (14) The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or cutoff device.
- (15) For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in type, shall be counted.
- (16) For the inspection of an electrical service and the issuance of a cut in

card, as part of an electric utility request to install or unblock an electric meter, the fee shall be \$80.

- (17) The fee for the annual electrical inspection of swimming pools, spas or hot tubs, which are required to be inspected pursuant to N.J.A.C. 5:23-2.18C, shall be \$170.

- (18) The Minimum Electrical permit fee shall be \$80.

E. Fire protection subcode fees. For fire protection and hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas- and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums, the fee shall be as follows:

- (1) The fee for 20 or fewer heads shall be \$114; for 21 to and including 100 heads, the fee shall be \$205; for 101 to and including 200 heads, the fee shall be \$382; for 201 to and including 400 heads, the fee shall be \$979; for 401 to and including 1,000 heads, the fee shall be \$1,335; for over 1,000 heads, the fee shall be \$1,670.
- (2) The fee for one to 12 detectors shall be \$85; and for each additional 10 detectors or portion thereof, the fee shall be in the amount of \$15.
- (3) The fee for each standpipe shall be \$370.
- (4) The fee for each independent pre-engineered system shall be \$176.
- (5) The fee for each gas- or oil-fired appliance that is not connected to the plumbing system shall be \$78.
- (6) The fee for each residential kitchen exhaust system shall be \$95. Commercial shall be \$225.
- (7) The fee for each incinerator or crematorium shall be \$464.
- (8) The fee for a chimney liner shall be \$100.
- (9) Smoke Control systems shall be \$290 each.
- (10) Fire pumps shall be \$234 each.
- (11) Freestanding fire department connections \$234 each.
- (12) For single- and multiple-station smoke or heat detectors and fire alarm systems in any one- or two-family dwellings, there shall be a flat fee of \$85 per dwelling unit. For detectors and fire alarm systems in buildings other than one- or two-family dwellings the fee shall be charged in accordance with Subsection E(2) above.
- (13) The fee for the installation of a flammable or combustible liquid storage tank in use groups R-3 and R-5 shall be \$125. For all other use groups, the fee shall be \$250 per tank.

(14) The minimum fee for a fire permit shall be \$80.

F. Fees for certificates and other permits are as follows:

- (1) For a demolition or removal permit for a residential one- or two-family dwelling (Use Group R-3 or R-5) and structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(d), the fee shall be \$502. For all other use groups, the fee shall be \$669. For the removal of a structure, accessory to use group R-3 or R-5 the fee shall be \$89.
- (2) The removal of an above-ground combustible or flammable liquid storage tank up to 660 gallons in capacity for all use groups shall be \$165. For above-ground tanks over 660 gallons, the fee shall be \$250.
- (3) For the removal or abandonment of an underground flammable or combustible liquid storage tank and accessory to a Use Group R-3 or R-5 shall be \$165. All other use groups shall be \$250.
- (4) The fee for a permit to construct a sign shall be in the amount of \$9 per square foot of surface area of the sign, computed on one side only for double-faced signs. The minimum fee for a sign shall be \$100.
- (5) The fee for a certificate of occupancy shall be \$450 for buildings in Use Groups R-3 and R-5 of the building subcode. For Use Groups A, B, E, F, H, I, M, R1, R2, R4, S, and U in the building subcode, the fee shall be \$457. For buildings requiring the issuance of multiple certificates of occupancy for more than one dwelling or tenant space, the fee shall be \$88 per tenant space, dwelling unit, or other unit area within the building.
- (6) The fee for certificate of occupancy pursuant residential alterations and for new residential accessory structures shall be \$75.
- (7) The fee for a certificate of occupancy granted pursuant to a change of use shall be \$202.
- (8) The fee for a certificate of continued occupancy shall be \$202.
- (9) The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$45 for all use groups.
- (10) The plan review fee of a building, for compliance under the alternate systems and nondepletable energy source provisions of the energy subcode shall be \$274 for one- and two-family homes (Use Groups R-3 or R-5 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$1,369 for all other structures.
- (11) The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$794 for Class I structures and \$195 for Class II and Class III structures. The fee for a resubmission of an application for a variation shall be \$229 for Class I structures and \$65 for Class II and Class III structures.

- (12) The fee for a permit for lead hazard abatement work shall be \$106. The fee for a lead abatement clearance certificate shall be \$47.
- (13) The administrative fee for a construction permit issued for an asbestos hazard abatement project shall be \$106.
- (14) An administrative fee for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project shall be \$47.
- (15) All monies collected shall be collected under penalty provision of the UCC. All penalties collected shall be retained by the Department of Inspections and shall be placed in a special trust fund to be applied to the cost to the department for training, technical support programs, certification, new equipment, and transportation. An independent fund shall be set up and retained by the Director of Finance to be the Trustee of this account.
- (16) A fee of \$35 shall be charged for a change of contractor. This administrative fee shall be charged whenever a change of contractor occurs when a permit is open, and the Township has to adjust its records to identify the change of contractor.

I. Annual permit requirements and fees.

- (1) The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers (including foremen) employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers, and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing.
 - a. Fees for annual permits shall be as follows:
 - b. For one to 25 persons, the fee shall be \$667 per worker, and for each additional person over 25 the fee shall be \$232 per worker.
- (2) Prior to the issuance of the annual permit, a training registration fee of \$140 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Training Section, along with a copy of a construction permit (Form FI 70). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

J. Elevator devices.

- (1) Elevator devices will be inspected by NJDCA per the New Jersey Uniform

Construction Code. Fee shall be governed by NJDCA.

- (2) The administrative fee for elevator devices in all Use Groups shall be \$110. This fee is for the administrative work associated with the permit process by Harding Township.

§ 171-6. Other fees

- A. No person shall occupy or use any portion of a commercial or residential building after such building or portion thereof has been vacated, sold, or leased, or when there has been any change in use or occupancy of such building or any portion thereof, until the owner or landlord thereof shall have applied for and secured a certificate of records clearance (CRC) from the Construction Official or his/her designee. Such certificate shall be issued upon compliance with applicable building, property maintenance, zoning, health, safety and fire codes, regulations, ordinances, and statutes of Harding Township and State of New Jersey. The certificate of records clearance (CRC) may require visual inspection of the parts of the building and the portion thereof that has been vacated, sold, or leased, or in which there has been a change in use and occupancy, finding that there are no open violations of State or local codes.
- B. No owner shall permit the sale of a residential or commercial premises covered under this section unless the requisite CRC has been issued. No purchaser shall occupy any premises covered under this section until the requisite CRC has been issued. Owners and purchasers shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 20 business days prior to the change of ownership on the form provided by the Township.
- C. The appropriate official, when necessary, shall conduct an inspection of the premises in question within a reasonable time, not exceeding 30 days after receipt of an application and payment of the requisite fee, and shall issue a certificate of records clearance (CRC), provided that the standards set forth herein have been satisfied and, in the case of a residential building, that the premises are in compliance with the requirement of the installation of a smoke detector and carbon monoxide detector as required by applicable state statute and/or local ordinance.
- D. If, after inspection by the Township Official, a certificate of clearance may not be issued to the commercial, or residential building or portion thereof because of the existence of a violation of any code or failure to comply with the standards set forth herein, notice shall be given by the Construction Official or Zoning Officer to the owner detailing the violations of applicable laws, regulations, or ordinance. The Zoning Officer shall have the authority to issue any summons or complaint for any violation of any ordinance, statute, or regulation against the owner and/or occupant of the commercial, or residential building or portion thereof wherein the violation exists. In the event any violations are found to exist, there shall be no new occupancy or use of the premises until the criteria has been

satisfied for the issuance of the certificate of clearance.

- E. The application fee for a certificate of clearance shall be set by resolution at minimum of \$250 for any residential or commercial site and may be amended by duly adopted resolution of the Council from time to time. The application shall be on a form prescribed for said purpose and shall be available from the Construction Official or Zoning Official.