



HARDING TOWNSHIP COMMITTEE
JULY 10, 2023
IN-PERSON
EXECUTIVE SESSION at 6:00 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 July 10, 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 23-128– 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 Financials – R. Goldsmith & M. Hanley
2. Glen Alpin – R. Goldsmith
3. Shared Services – T. Jones

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

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 March 14, 2023, and published in the *OBSERVER TRIBUNE* on March 16, 2023; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on March 16, 2023, and Notice was filed with the Municipal Clerk on March 16, 2023.

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

RESOLUTION TC 23-129 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member _____ to proceed with Resolution TC 23-129

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minute(s) from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **June 12, 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: **June 12, 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	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Jones

DISCUSSION ITEMS:

1. HPC – 88 Glen Alpin – T. dePoortere
-

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 Chipperson to read Ordinance TC #07-2023.

Township Committee Member Chipperson reads Ordinance TC #07-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #07-2023**

**“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, CREATING CHAPTER 7, SECTION 31.1,
“HARDING TOWNSHIP POLICE DEPARTMENT PROMOTION PROCESS”**

Which said Ordinance was reintroduced and passed on first reading at a regular Township Committee Meeting held on June 12, 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 June 12, 2023, to the Observer Tribune indicating that Ordinance #07-2023 was reintroduced and passed on first reading at

the June 12, 2023 meeting and indicated that the second reading and public hearing were to be held on July 10, 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 #07-2023 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	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

ORDINANCES FOR SECOND READING:

Mayor Jones asks **Township Committee Member Yates** to read Ordinance TC #08-2023.

Township Committee Member Yates reads Ordinance TC #08-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #08-2023**

**“CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC
IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND
APPROPRIATING THEREFORE THE SUM OF \$126,000”**

Which said Ordinance was reintroduced and passed on first reading at a regular Township Committee Meeting held on June 12, 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 June 12, 2023, to the Observer Tribune indicating that Ordinance #08-2023 was reintroduced and passed on first reading at H 07-07-2023

the June 12, 2023 meeting and indicated that the second reading and public hearing were to be held on July 10, 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 #08-2023 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	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

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 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 23-130 THROUGH RESOLUTION TC 23-xxx 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 23-130 through TC 23-xxx.

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	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

APPOINTMENTS: NONE

CONTRACTS:

Resolution TC 23-130 – A Shared Services Agreement by and Between the Township of Harding and the Township of Long Hill Relative to the Services of the Harding Township Administrator Robert Falzarano for Assessment, Report, and Recommendations in Relation to the Long Hill Township Police Department

WHEREAS, Harding has in its employ a certain individual known as Robert Falzarano who has been appointed as the Township Administrator for the Township of Harding; and

WHEREAS, Harding has agreed to permit Mr. Falzarano to act as a consultant for the Township of Long Hill in addition to his duties assigned by Harding to Mr. Falzarano as an employee of Harding; and

WHEREAS, Long Hill has agreed to pay Harding Township a fee of \$10,000.00 upon delivery of the final report for the assessment and evaluation of the administrative operations, facilities, and staffing functions of its police department; and

WHEREAS, in addition, Long Hill has agreed to pay Harding Township an additional sum of \$4,000.00 per month for a period of five years or, until the parties mutually agree that Mr. Falzarano's services are no longer required in the Township of Long Hill; and

WHEREAS, Harding and Long Hill seek to outline the duties and obligations of each party pertaining to Mr. Falzarano's services through a shared services agreement as outlined in N.J.S.A. 40A:65-1, *et seq.*; and

WHEREAS, Harding seeks to authorize the execution of the shared services agreement.

BE IT RESOLVED by the Township Committee of the Township of Harding (the "Committee") that subject to the following conditions:

1. The Committee hereby authorizes and directs the Mayor, or his/her designee to execute the Shared Services Agreement attached hereto as **Exhibit A**, subject to any minor revisions from Counsel.

Resolution TC 23-131 – Resolution Extending the Conditional Redeveloper Designation and Authorizing the Execution of an Amendment to the Conditional Redeveloper Designation and Escrow Agreement with Glen Alpin Preservation Partners, LLC

WHEREAS, on January 17, 2023, the Township Committee of Harding Township (the "**Township Committee**") adopted Resolution #23-066, designating Glen Alpin Preservation Partners, LLC conditional redeveloper (the "**Conditional Designation**") of the real property located at 685 Mt. Kemble Avenue and designated as Block 34, Lot 1 (the "**Glen Alpin Property**"), and authorized the execution of a conditional designation and escrow agreement (the "**Conditional Redeveloper Designation and Escrow Agreement**"); and

WHEREAS, the Conditional Designation was for a term ending August 1, 2023; and

WHEREAS, the Township Committee desires to extend the conditional designation of Glen Alpin Preservation Partners, LLC as the conditional redeveloper of the Glen Alpin Property through December 31, 2023, subject to further good faith negotiation and execution of a redevelopment agreement; and

WHEREAS, the Township Committee desires to authorize the execution of an amendment to the Conditional Redeveloper Designation and Escrow Agreement with Glen Alpin Preservation Partners, LLC to permit the parties to continue negotiations of a redevelopment agreement for the Glen Alpin Property.

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

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. The designation of Glen Alpin Preservation Partners, LLC as conditional redeveloper of the Glen Alpin Property is hereby extended through December 31, 2023, conditioned upon the execution of an amendment to the Conditional Redeveloper Designation and Escrow Agreement.
3. The Mayor is hereby authorized to execute the amendment to the Conditional Redeveloper Designation and Escrow Agreement.

FINANCE:

Resolution TC 23-132 – 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 23-133 – Resolution to Cancel Outstanding Checks

WHEREAS, there are certain checks that have been outstanding in excess of one (1) year, lost, or otherwise need to be cancelled; and

WHEREAS, it is necessary to formally cancel the outstanding or lost check listed below:

OUTSTANDING CHECK

5/16/2023	State of New Jersey	Affordable Housing	\$ 1,700.00
10/19/2022	Greenbaum, Rowe, Smith, & Davis LLP	Affordable Housing	\$ 6,583.50
11/15/2023	Chatham Napa	Current	\$ 633.06
1/18/2023	Fast Signs	Current	\$ 70.00
12/13/2022	Tracy Giles Flanagan	Current	\$ 1.02
3/14/2023	Lubenet, LLC	Current	\$ 1,409.80
11/15/2022	Fast Signs	Open Space	\$ 75.00
9/13/2022	Tracy Toribio	Sewer Operating	\$ 50.00
11/15/2022	LHF Partners, LLC	Tree Escrow	\$ 6,903.83

BE IT RESOLVED by the Township Committee of the Township of Harding that the above listed outstanding check totaling \$17,426.21 from the Affordable Housing Trust, Current Fund, Open Space Trust Fund, Sewer Operating, and Tree Escrow Fund be cancelled.

Resolution TC 23-134 – Resolution to Authorize an Increase to the Professional Services Agreement for Greenbaum, Rowe, Smith & Davis LLP

WHEREAS, at the January 5, 2023 Township Committee meeting, the Township Committee authorized \$25,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

WHEREAS, it is necessary to increase the authorization for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract to perform redevelopment, disposal, diversion and special council services; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$55,000.00 from account number #01-2023-1110-0100-2-00105; and

WHEREAS, the total amount shall not exceed \$80,000.00.

BE IT FURTHER RESOLVED, that all Township employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Redevelopment, disposal, diversion, and special council	1/1/2023 to 12/31/2023
	Not to exceed \$80,000.00
	01-2023-1110-0100-2-00105

Resolution TC 23-135 – Acceptance of Special Revenue from DOT Sand Spring Road Section II – Chapter 159 Local Budget & Fiscal Affairs Law – Special Items of Revenue and Appropriation

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township of Harding of the County of Morris hereby requests the Director of Local Government Services to approve the insertion of an additional unanticipated item of revenue in the budget of the year 2023 in the sum of \$112,700.00, which item, resurfacing of Sand Spring Road Section II has been awarded from the State of New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the like sum of \$112,700.00 is hereby appropriated under the caption of “Resurfacing of Sand Spring Road Section II.”

MISCELLANEOUS:

Resolution TC 23-136 – New Jersey Department of Transportation, Division of Local Aid and Economic Development – Recommendation of Award – State Aid Project – Resolution Recommending the Award for the Sand Spring Road Resurfacing Section II (Milling and Paving) be Awarded to Various Vendors

BE IT RESOLVED, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Sand Spring Road Resurfacing, Section II (milling and paving) be awarded to the following vendors:

- 1) Schifano Construction Corp. (MCCPC Contract #6) whose bid amounted to \$90,495.00
- 2) Denville Line Painting, Inc. (MCCPC Contract #36) whose bid amounted to \$489.95
- 3) Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$500.00

The total of these three awards amounts to \$91,484.95.

All awards are subject to the approval of the NJ Department of Transportation; and

BE IT FURTHER RESOLVED, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

Resolution TC 23-137 – Resolution Authorizing Submittal of Grant Application and Execution of Grant Contract with the NJDOT for the 2024 Resurfacing of Jenks Road

WHEREAS, The Township Committee of the Township of Harding, County of Morris, State of New Jersey desires to apply for grant funds under the New Jersey Department of Transportation Municipal Aid FY2024 program.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey formally approves the grant application for the stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Jenks Road Resurfacing-00648 to the New Jersey Department of Transportation on behalf of the Township of Harding, County of Morris, State of New Jersey.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Harding, County of Morris, State of New Jersey and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution TC 23-138 – Resolution Authorizing Submittal of Grant Application and Execution of Grant Contract with the NJDOT for the 2024 Resurfacing of Lindsley Road

WHEREAS, The Township Committee of the Township of Harding, County of Morris, State of New Jersey desires to apply for grant funds under the New Jersey Department of Transportation Municipal Aid FY2024 program.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey formally approves the grant application for the stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2024-Lindsley Road Resurfacing-00649 to the New Jersey Department of Transportation on behalf of the Township of Harding, County of Morris, State of New Jersey.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Harding, County of Morris, State of New Jersey and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution TC 23-139 – Resolution to Authorize an Electronic Tax Sale

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and,

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and,

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and,

BE IT RESOLVED, that the Township Committee of the Township of Harding hereby authorizes to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

Resolution TC 23 -140 – New Jersey Department of Transportation Division of Local Aid and Economic Development Recommendation of Award of State Aid Project – Resolution Recommending the Award for the Sand Spring Road – Section II Resurfacing be Awarded to Various Vendors

BE IT RESOLVED, that the Township Committee of the Township of Harding, Morris County, State of New Jersey hereby recommends to the New Jersey Department of Transportation that the purchase order for Sand Spring Road – Section II Resurfacing be awarded to the following vendors:

Vendor	DESCRIPTION	Contract	TOTAL
Schifano Construction Corp	Pavement Milling (0"-2" Depth)	MCCPC Contract #6	\$ 48,495.00

Schifano Construction Corp	2" Hot Mix Asphalt (HMA) 9.5M64 Superpave (Including Tack Coat)	MCCPC Contract #6	\$ 42,000.00
Denville Line Painting	Traffic Stripe (Yellow)	MCCPC Contract #36	\$ 321.20
Denville Line Painting	Pavement Striping (Stop Bar)	MCCPC Contract #36	\$ 168.75
Campbell Foundry Company	Inlet Face Plate (ECO)	MCCPC Contract #14	\$ 500.00

The total of these award amounts to \$91,484.95.

All awards are subject to the approval of the Department; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$91,484.95 from accounts #02-2023-2740-0740-2-04094 and 04-2021-202107-4002-4-04030; and

BE IT RESOLVED, that the Mayor of the Township of Harding is hereby directed to sign for and on its behalf the purchase order in the prescribed form for said construction; and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Township of Harding is hereby directed to seal said purchase order with the Corporate Seal of the Governing Body and to attest to the same.

Resolution TC 233-141 – Resolution Recommending the Award for the Resurfacing (milling and paving) of Red Gate Road and Van Beuren Road be Awarded to Schifano Construction Corp

WHEREAS, the Township of Harding, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29 (c), may by resolution and without advertising for bids, purchase any goods or services under Co-operative purchase programs; and

WHEREAS, the Township of Harding, has the need to purchase goods and services utilizing the Morris County Co-operative; and

WHEREAS, the Red Gate Road and Van Beuren Road resurfacing project requires the following purchases:

1. Schifano Construction Corp, (MCCPC Contract #6) whose bid amounted to \$160,000.00

The total of this award amounts to \$160,000.00.

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$160,000.00 from accounts 04-2015-201503-9939-4-00000,

04-2016-201602-4002-4-04030, 04-2017-201702-4002-4-04030, 04-2018-201803-4002-4-04030, 04-2019-201908-4002-4-04030, 04-2020-202002-4002-4-04030, 04-2021-202107-4002-4-04030; and

BE IT RESOLVED, the Township Committee of the Township of Harding, County of Morris, State of New Jersey, does hereby authorize the Harding Township Purchasing Agent, to authorize the procurement of materials as listed; and

BE IT FURTHER RESOLVED, the Municipal Clerk shall provide a copy of this Resolution to the Township Engineer, the Superintendent of Public Works, the Chief Financial Officer, and the Township Purchasing Agent.

PERSONNEL:

Resolution TC 23-142 – Resolution to Accept the Retirement of H.S.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby accepts the retirement of H.S., effective August 30, 2023.

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member _____ to introduce Ordinance #09-2023.

Township Committee Member _____ introduces Ordinance TC #09-2023 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #09-2023**

“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 THEREFOR THE SUM OF \$8,000”

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 introduced and read by title at this Township Committee meeting held on July 10, 2023.

BE IT RESOLVED, that at the Township Committee meeting to be held on August 14, 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 #09-2023 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	☐	☐	☐	☐	☐
Dr. Lacz	☐	☐	☐	☐	☐
Mr. Platt	☐	☐	☐	☐	☐
Mr. Yates	☐	☐	☐	☐	☐
Mr. Jones	☐	☐	☐	☐	☐

ADJOURNMENT – Mr. Jones

ORDINANCES

PUBLIC HEARING & ADOPTION

1. HARDING TOWNSHIP – ORDINANCE #07-2023 “ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, CREATING CHAPTER 7, SECTION 31.1, “HARDING TOWNSHIP POLICE DEPARTMENT PROMOTION PROCESS””

2. HARDING TOWNSHIP – ORDINANCE #08-2023 – CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY, AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM of \$126,000

TOWNSHIP OF HARDING
ORDINANCE #07 - 2023
“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, CREATING CHAPTER 7, SECTION 31.1,
“HARDING TOWNSHIP POLICE DEPARTMENT PROMOTION PROCESS””

WHEREAS, Pursuant to N.J.S.A. 40A:14-118, the Township of Harding has established the “Harding Township Police Department,” codified at Chapter 7, Section 31, in the code of the Township of Harding; and

WHEREAS, Harding Township wishes to outline the process upon which its officers are to be promoted, in order to provide all eligible candidates for promotion with fair notice and equal access to the promotional process by effectuating a policy outlining the promotion criteria; 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 enact a criteria upon which the Harding Township Police Department promotes eligible officers as outlined in Chapter, Section 31 of the Code of the Township of Harding.

SECTION 1. The Municipal Code, Chapter 7, Section 31.1, “Harding Township Police Department Promotion Process” is hereby created and shall read as follows:

PROCEDURE:

I. PROMOTIONAL PROCESS ADMINISTRATION

- A. In all instances, except for the promotion to the position of Chief itself, the Chief of Police or designated representative shall be responsible for coordinating the promotional process, as outlined in Section IV of this policy.

II. JOB RELATEDNESS

- A. All elements of the promotional process shall measure job knowledge and performance that are necessary to perform the job, and/or are included in the position’s written job description as an essential job function.
- B. Essential functions must be specific and relate to the position as outlined within the job description for the position.

III. PROMOTIONAL ANNOUNCEMENT

- A. When a promotion is needed for the rank of sergeant or lieutenant, the Chief of Police shall seek approval of the Appropriate Authority to initiate the process.
- B. Once the Appropriate Authority has approved the promotion process to begin, the Chief of Police shall supervise the announcement process.
- C. A written announcement shall be provided by the Chief of Police at least 45 days before any oral exam is administered.
- D. The written announcement shall describe the position available, contain the eligibility requirements, and a description of the process to be used in the selection of personnel for the vacancy announced.
- E. The written announcement will also include suggested study materials and/or areas of study.
- F. No later than ten (10) days after the announcement is posted, each officer intending to participate in the process must submit a letter of intent including a cover letter and professional resume detailing that officer's background. At a minimum, the letter must include:
 - 1. Service Time/Seniority – years of service in current rank with the Harding Township Police Department, including dates.
 - 2. College Education - highest degree earned, including dates.
 - 3. Active-Duty Military Service – years of service, including dates.

IV. PROMOTIONAL PROCESS PROCEDURES

- A. General Provisions: To be eligible for promotion, candidates must meet all the criteria established (Section VI A-D) for such promotion on the date the vacancy announcement is posted.
 - 1. Officers must be members of the Harding Township Police Department at the time that the promotional process is announced.
 - 2. The agencies listed in Appendix #1 are recognized higher education accrediting organizations. In order to qualify for education credit as specified by this policy, a college or university must be accredited by one of the accrediting agencies listed in Appendix #1.

- B. Sergeant Eligibility Requirements: The candidate must have completed a total of three (3) years in the rank of police officer with the Harding Township Police Department; 40A: 14-130.
1. The candidate must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
 2. Effective January 1, 2027, the candidate must possess a bachelor's degree from an accredited college or university.
 3. In the event that there is only one candidate meeting the eligibility requirements, the Chief of Police may recommend that the sole candidate be promoted, based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.
 - a. Based upon the recommendation of the Chief of Police, the Appropriate Authority may recommend to the Township Committee that the sole candidate be promoted.
- C. Lieutenant Eligibility Requirements: The candidate must have completed one (1) year of supervisory police experience as a sergeant within the Harding Township Police Department.
1. The candidate must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
 2. Effective January 1, 2027, the candidate must possess a bachelor's degree from an accredited college or university.
 3. In the event that there is only one candidate meeting the eligibility requirements, the Chief of Police may recommend that the sole candidate be promoted, based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the

candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.

- a. Based upon the recommendation of the Chief of Police, the Appropriate Authority may recommend to the Township Committee that the candidate be promoted.

D. Chief of Police Eligibility Requirements: The candidate must have completed one (1) year of supervisory police experience as a Lieutenant within the Harding Township Police Department. In the event that there is no eligible Lieutenant at the time of the promotional announcement, eligibility will include Sergeants who have completed one (1) year of supervisory police experience as a Sergeant. The Appropriate Authority reserves the right to include Sergeants and Lieutenants in this promotional process at any time.

1. The candidate must have completed three FBI-LEEDA courses (Trilogy Award) consisting of Supervision Leadership Institute, Command Leadership Institute, and Executive Leadership Institute and must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
2. Effective January 1, 2027, the candidate must have completed three FBI-LEEDA courses (Trilogy Award) consisting of Supervision Leadership Institute, Command Leadership Institute, and Executive Leadership Institute and a bachelor's degree from an accredited college or university.
3. The Appropriate Authority shall make a recommendation to the Township Committee regarding the promotion of the candidate. This recommendation shall be based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.
4. The Appropriate Authority may consider a recommendation from the current Chief of Police, if available, in order to help assess a candidate.
5. Based upon the assessments completed, the Appropriate Authority may recommend to the Township Committee that the candidate be promoted.

V. EVALUATION FOR PROMOTION – SERGEANT AND LIEUTENANT

A. A candidate's final score (and ranking) on a promotional list consists of two (2) weighted parts:

1. An oral exam administered by the New Jersey State Chiefs of Police Association – 100 points (maximum)
2. A calculation of the following:
 - a. Seniority - years of service in their current rank with the Harding Township Police Department – 1 point for each year (not to exceed 15 points)
 - b. College Education – (for the highest degree earned) - 1 point for an associate's degree (or 60 credits), 3 points for a bachelor's degree, 5 points for a master's degree (not to exceed 5 points)
 - c. Active-Duty Military Service - .5 points for each year of service (not to exceed 5 points)

3. SCORING

- a. A maximum combined score of 125 points is possible.
- b. A minimum combined score of 70 % is required in order to be ranked on the eligibility list.

B. EVALUATION FOR PROMOTION – CHIEF OF POLICE

1. A Promotion Review Board consisting of the Appropriate Authority and the Township Committee members shall evaluate candidates for promotion to the rank of Chief of Police.

VI. RANKING – ELIGIBILITY LIST

A. The Chief of Police shall rank candidates in numerical order from highest to lowest score.

1. Each candidate shall be provided with the number they place on the eligibility list.
2. For the promotion to the rank of Sergeant and/or Lieutenant, the Chief of Police may submit a recommendation to the Appropriate Authority and Township Committee to select any one of the top three ranking candidates

on the eligibility list, utilizing the “rule of three”, to be recommended for appointment to that rank.

3. The promotional eligibility list shall expire one year after the posting date of the list. The eligibility list may be extended for one additional year at the discretion of the Chief of Police. Under no circumstances will a promotional eligibility list extend beyond two years.
4. For the promotion to the rank of Chief of Police, the Appropriate Authority shall make a recommendation to the Township Committee for appointment of the candidate.

VII. SIX-MONTH PERIOD IN ACTING CAPACITY AS PART OF THE PROMOTIONAL PROCESS

- A. Prior to a recommendation for promotion to the rank of Sergeant or Lieutenant, the Chief of Police shall assign an officer to serve a six-month period in acting capacity, as part of the promotional process.
- B. Prior to completion of the six-month period in acting capacity, the candidate shall be evaluated every three months by the officer’s supervisor.
- C. All personnel must achieve an acceptable rating on their performance evaluations. Unsatisfactory performance shall be corrected through training, counseling, or a performance improvement plan, which must be completed within the six-month period that the officer is serving in an acting capacity.
 1. At the discretion of the Chief of Police, the assignment of an officer in an acting capacity may be extended for not longer than two (2) months.
- D. Personnel not receiving an acceptable performance rating at the end of the acting capacity shall not be recommended for permanent appointment.
- E. Upon successful completion of the period in acting capacity, the Chief of Police may make a recommendation to the Appropriate Authority for permanent appointment.

VIII. APPEAL OF PROCESS

- A. Within ten days of the posting of the ranking of candidates, a candidate may file a written letter of appeal.
- B. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police.

- C. The Chief of Police will assess the request on a case-by-case basis and determine the process to decide the appeal. The Chief of Police shall consult with the Appropriate Authority in every instance. Appeal requests may include the following promotional process categories:
 - 1. Review and recalculation of the scored elements of the selection process.
 - 2. Review any evaluation or internal document that was used in the selection process related to the appellant.
 - 3. If the appeal impacts the results of the promotional ranking as determined by the Chief of Police and the Appropriate Authority, the scored elements of the selection process may be recalculated, and a new eligibility list may be issued.
- D. In the event there is an appeal of the evaluation process for the position of Chief or Police, that appeal shall be made to the Township Committee.

IX. NON-DISCRIMINATION

- A. During the reviews of the promotional process as defined in Section IV of this policy, an analysis and determination will be made as to whether adverse impact or the potential for discrimination exists in the promotional process components. Adverse impact involves analyzing identifiable factors through comparisons made of the race, gender, and ethnicity of the applicants participating in the promotional process. This shall be accomplished by measuring the selection rates for each applicant by race, gender, and ethnic group as compared to the group having the highest selection rate.
 - 1. Where adverse impact or discrimination is indicated, the Chief of Police will develop a plan to correct any inequities indicated in the promotional process.
 - 2. Adverse impact records will be maintained. The office of the Chief of Police shall maintain all records and data collected. Copies shall be sent to the Appropriate Authority.
 - 3. Annually by January 31st, the Chief of Police, or designee, shall report to the Morris County Prosecutor's Office the age, gender, race, and ethnicity of each law enforcement officer eligible for promotion and promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

X. SECURITY OF PROMOTIONAL MATERIALS

- A. The Chief of Police shall be responsible for the security of promotional material.
- B. All promotional materials will remain in a secure promotional file located in the office of the Chief of Police.

XI. EMERGENCY PROMOTION

- A. In the event that the Chief of Police is incapacitated, or the Chief's employment is terminated, or the Chief retires, and there is not sufficient time to implement a full promotional process, upon recommendation by the Appropriate Authority, the Township Committee may appoint an Acting Chief or Officer-In-Charge.
- B. Unless removed by the Township Committee, the Acting Chief or Officer-In-Charge will serve until the Township Committee, in accordance with this promotional policy, appoints a permanent Chief of Police.

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: June 12, 2023
PUBLIC HEARING: July 10, 2023
ADOPTED: July 10, 2023

ADVERTISED: June 15, 2023
ADVERTISED: July 13, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		☐	☐	☐
Dr. Lacz		☐	☐	☐
Mr. Platt		☐	☐	☐
Mr. Yates		☐	☐	☐
Mr. Jones		☐	☐	☐

**HARDING TOWNSHIP
ORDINANCE #08-2023**

**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 \$126,000**

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. Department of Public Works: Acquisition of stump grinder & ride on lawn mower	\$ 20,000
b. Exterior and Interior Improvements at all Township facilities (Kirby Hall, Bayne Park, Show Grounds, Barrett Field, Gate House, Tunis Ellicks House and Public Works)	\$ 26,000
c. Exterior improvements at Public Works Complex including entrance gate, gasoline pumps and gasoline controls	\$ 80,000
 Total from Capital Improvement Fund	 \$ 126,000

Section 2. The aggregate sum of \$126,000 is hereby appropriated 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 #08-2023**

**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 \$126,000**

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: June 12, 2023
PUBLIC HEARING: July 10, 2023
ADOPTED: July 10, 2023

ADVERTISED: June 15, 2023
ADVERTISED: July 13, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		☐	☐	☐
Dr. Lacz		☐	☐	☐
Mr. Platt		☐	☐	☐
Mr. Yates		☐	☐	☐
Mr. Jones		☐	☐	☐

ORDINANCE – INTRODUCTION

1. ORDINANCE 9-2023 – “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 THEREFOR THE SUM OF \$8,000”

**HARDING TOWNSHIP
ORDINANCE NO. #09-2023
“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 THEREFOR THE SUM OF \$8,000”**

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. Acquisition of two (2) vehicles for Police	\$ 8,000.00
Total from Capital Improvement Fund	\$ 8,000.00

Section 2. The aggregate sum of \$8,000.00 is hereby appropriated 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.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: July 10, 2023

ADVERTISED: July 13, 2023

Vote on	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Introduction:				
Ms. Chipperson		☐	☐	☐
Dr. Lacz		☐	☐	☐
Mr. Platt		☐	☐	☐
Mr. Yates		☐	☐	☐
Mr. Jones		☐	☐	☐