

**HARDING TOWNSHIP COMMITTEE  
MONDAY, JANUARY 28, 2019  
REGULAR MEETING AGENDA at 7:30 PM  
Kirby Hall, Blue Mill Road, New Vernon, New Jersey**

---

**CALL MEETING TO ORDER – Mayor Yates**

---

**PLEDGE OF ALLEGIANCE – Mayor Yates**

---

**ADEQUATE NOTICE** of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 7 2019, and published in the *OBSERVER TRIBUNE* on January 10, 2019; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2019, posted on the Harding Township website, and Notice was filed with the Municipal Clerk on January 7, 2019.

---

**ROLL CALL – Municipal Clerk**

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

---

**RESOLUTION TC 19-060 -- RESOLUTION TO ADOPT TOWNSHIP COMMITTEE MEETING MINUTES**

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following meetings are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **January 14, 2019**; and

---

**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates**

---

**DISCUSSION ITEMS**

1. 2019 Harding Township Budget Presentation – Andy Fiore
- 

**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**

**ORDINANCE #01-2019 – AN ORDINANCE AMENDING CHAPTER 171 OF THE TOWNSHIP CODE ENTITLED “FEES” AND SPECIFICALLY CHAPTER 171-1 ENTITLED “PURPOSE; FEE SCHEDULE ESTABLISHED”**

**Mayor Yates** asks Township Committee Member Modi to introduce Ordinance TC #01-2019.

**Township Committee Member Modi** introduces Ordinance TC 01-2019 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #01-2019  
AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 171 OF THE  
TOWNSHIP CODE ENTITLED “FEES” AND SPECIFICALLY CHAPTER 171-1 ENTITLED  
“PURPOSE; FEE SCHEDULE ESTABLISHED”**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #01-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member Modi: I offer Ordinance #01-2019 and move its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

## **ORDINANCES FOR SECOND READING**

### **ORDINANCE #02-2019 – AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY 7-31 ENTITLED “POLICE DEPARTMENT”**

**Mayor Yates** asks Township Committee Member DiTosto to introduce Ordinance TC #02-2019.

**Township Committee Member DiTosto** introduces Ordinance TC #02-2019 by title as follows:

#### **HARDING TOWNSHIP ORDINANCE #02-2019**

### **AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY 7-31 ENTITLED “POLICE DEPARTMENT”**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #02-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member DiTosto: I offer Ordinance #02-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**ORDINANCES FOR SECOND READING**

**ORDINANCE #03-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 171-3 REGARDING DEVELOPMENT FEES**

**Mayor Yates** asks Township Committee Member DiTosto to introduce Ordinance TC #03-2019.

**Township Committee Member DiTosto** introduces Ordinance TC #03-2019 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #03-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 171-3 REGARDING DEVELOPMENT FEES**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #03-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member DiTosto: I offer Ordinance #03-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**ORDINANCES FOR SECOND READING**

**ORDINANCE #04-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING THE GENERAL CODE OF THE TOWNSHIP OF HARDING BY REPLACING PART 5 OF CHAPTER 225, ENTITLED “AFFORDABLE HOUSING REGULATIONS,” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS**

**Mayor Yates** asks Township Committee Member DiTosto to introduce Ordinance TC #04-2019.

**Township Committee Member DiTosto** introduces Ordinance TC #04-2019 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #04-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING THE GENERAL CODE OF THE TOWNSHIP OF HARDING BY REPLACING PART 5 OF CHAPTER 225, ENTITLED “AFFORDABLE HOUSING REGULATIONS,” TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATIONS**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #04-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and

posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member DiTosto: I offer Ordinance #04-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**ORDINANCES FOR SECOND READING**

**ORDINANCE #05-2019 – "AN ORDINANCE OF THE TOWNSHIP HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE A AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS, AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP"**

**Mayor Yates** asks Township Committee Member DiTosto to introduce Ordinance TC #05-2019.

**Township Committee Member DiTosto** introduces Ordinance TC #05-2019 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #05-2019**

**"AN ORDINANCE OF THE TOWNSHIP HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE A AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS, AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP"**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #05-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns, to the Morris County Planning Board, and to all parties within the 200 foot list zones.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member DiTosto: I offer Ordinance #05-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

Township Committee member \_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ORDINANCES FOR SECOND READING

### **ORDINANCE #06-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”**

**Mayor Yates** asks Township Committee Member DiTosto to introduce Ordinance TC #06-2019.

**Township Committee Member DiTosto** introduces Ordinance TC #06-2019 by title as follows:

#### **HARDING TOWNSHIP ORDINANCE #06-2019**

#### **AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING, ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”**

Which Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on January 14, 2019.

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

**The Municipal Clerk States:** A legal notice was sent for publication on January 15, 2019 to the Observer Tribune indicating that Ordinance #06-2019 was introduced and passed on first reading at the January 14, 2019 meeting and indicated that the second reading and public hearing were to be held on January 28, 2019 at 7:30 p.m. on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board.

**Mayor Yates:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

**Mayor Yates:** Seeing no one else wishing to be heard, I will now close the public hearing.

Township Committee Member DiTosto: I offer Ordinance #06-2019 and moves its adoption.

**BE IT RESOLVED**, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.



Township Committee member\_\_\_\_\_ seconds the motion.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

**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 19--061 THROUGH RESOLUTION TC 19-069 HAVE BEEN PLACED ON THE CONSENT AGENDA**

**CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 19-061 through TC 19-069.

Committee Member \_\_\_\_\_: I would like to make a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member \_\_\_\_\_.

**Mayor Yates** asks the Municipal Clerk for a Roll Call:

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## CONTRACTS:

### **Resolution TC 19-061 – Resolution Appointing Moderate Income Management as the Designated Administrative Agent for the Township of Harding**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) the Township of Harding is implementing a program to provide affordable housing units to very-low, low- and moderate-income households within the Township; and

**WHEREAS**, the Township has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act; and

**WHEREAS**, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et. seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Township of Harding has selected Moderate Income Management to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Township.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that the Township of Harding hereby appoints Moderate Income Management as its designated Administrative Agent.

### **Resolution TC 19-062 – Resolution Appointing Lorene Wright As The Designated Municipal Housing Liaison**

**WHEREAS**, the Township of Harding has petitioned the Superior Court of New Jersey for a Declaratory Judgment that its adopted Housing Element and Fair Share Plan is compliant with its constitutional obligation to provide for the realistic opportunity for the development of its fair share of the regional need for very low-, low-, and moderate-income housing; and

**WHEREAS**, the Township's adopted Housing Element and Fair Share Plan will create the realistic opportunity for the development of housing units affordable to and intended for occupancy solely by qualified very low-, low-, and moderate-income households; and

**WHEREAS**, the Township Committee of the Township of Harding has determined to appoint and designate Lorene Wright as its Municipal Housing Liaison, to fulfill the duties set forth in the Township's General Code;

**BE IT RESOLVED**, by Township Committee of the Township of Harding, County of Morris, State of New Jersey, that the Township of Harding hereby appoints Lorie Wright as its designated Municipal Housing Liaison.

---

**Resolution TC 19-063 – Resolution Endorsing the Amended Housing Element and Fair Share Plan Adopted by the Planning Board**

**WHEREAS**, on July 7, 2015, the Township of Harding (hereinafter “Harding” or the “Township”) filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), entitled In the Matter of the Application of the Township of Harding, County of Morris, Docket No. MRS-L-1672-15, seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its obligation to create the realistic opportunity to meet its “fair share” of the regional need for low- and moderate-income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, in connection with this lawsuit, the Township simultaneously sought, and ultimately secured, a protective order providing Harding and its Planning Board immunity from all exclusionary zoning lawsuits while the Township pursued approval of its Amended Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, prior to the Court ruling on the Township’s motion, the Township engaged in negotiations with the Fair Share Housing Center (hereinafter “FSHC”) and S/K Mt. Kemble Associates, L.L.C. (hereinafter “Mt. Kemble Associates”); and

**WHEREAS**, as a result of those negotiations, the Township entered into an agreement with FSHC and a separate agreement with Mt. Kemble Associates, which was incorporated in the agreement with FSHC; and

**WHEREAS**, a Fairness Hearing was held on November 2, 2018, at which the settlement agreements were approved, and said approval was later memorialized by an Order entered by the County on November 14, 2018; and

**WHEREAS**, in accordance with the terms of the settlement agreements and the Court’s November 14, 2018 Order, the Township’s planner prepared an Amended Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Planning Board held a public hearing on the Amended Housing Element and Fair Share Plan on December 17, 2018 and adopted the Amended Housing Element and Fair Share Plan on the same day; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Amended Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

**WHEREAS**, the Township Committee of the Township of Harding wishes to endorse the Amended Housing Element and Fair Share Plan and seeks approval of the Amended Housing Element and Fair Share Plan from the Court.

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

1. That it hereby endorses the Amended Housing Element and Fair Share Plan, as adopted by the Harding Township Planning Board on December 17, 2018 via the Planning Board resolution, attached hereto as Exhibit A.
2. That it authorizes and directs its professionals to file with the Court (i) the Amended Housing Element and Fair Share Plan, (ii) the resolutions of the Planning Board adopting and the Township Committee endorsing the Amended Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Amended Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Amended Housing Element and Fair Share Plan, should that be necessary.

---

**Resolution TC 19-064 – Resolution Adopting the “Affirmative Marketing Plan” For the Township of Harding**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, et seq., the Township of Harding is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Township of Harding, are affirmatively marketed to low- and moderate-income households within Housing Region 2, the COAH Housing Region encompassing the Township of Harding.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey does hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. All affordable housing units in the Township of Harding shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low- and moderate-income units, including those that are part of the Township’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Township of Harding. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Harding, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
  2. Broadcasting of an advertisement by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. Pursuant to N.J.S.A. 40:37A-114.1, preference for affordable housing within a housing project may be provided to homeless veterans, disabled veterans, and family members who are the primary residential caregivers to disabled veterans residing with them. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Harding is located in COAH Housing Region 2, consisting of Essex, Morris, Union, and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger* and *Daily Record*.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Location of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Size, as measured in bedrooms, of units;
    - e. Maximum income permitted to qualify for the units;
    - f. Location of applications;
    - g. Business hours when interested households may obtain an application; and
    - h. Application fees.

4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Morris County and the other two of which shall be circulated primarily outside of Morris County but within the housing region.
  5. The developer must provide satisfactory proof of public dissemination. See "Attachment A" COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2*** (attached to and hereby made part of this Resolution).
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
1. Township Hall of Harding Township
  2. Harding Township Web Site
  3. Developer's Sales/Rental Offices
  4. Morris County Administration Building
  5. Essex County Administration Building
  6. Union County Administration Building
  7. Warren County Administration Building
  8. Morris County Library (all branches).
  9. Essex County Library (all branches)
  10. Union County Library (all branches)
  11. Warren County Library (all branches)
- Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents.
- H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2*** (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Morris County Board of Realtors  
Essex County Board of Realtors  
Union County Board of Realtors  
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Welfare or Social Service Board (via the Director)  
Rental Assistance Office (local office of DCA)  
Office on Aging  
Housing Authority (municipal or county)  
Community Action Agencies  
Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

4. In addition, specific notification of the availability of affordable housing units in Harding (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Morris County Branch of the NAACP, Homeless Solutions of Morristown, and the Supportive Housing Association.

I. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for very low, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (N.J.S.A.52:27D-311), a preference for very low, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Township prior to the affirmative marketing of the units.

J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*

K. The Administrative Agent shall provide or direct qualified very low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

- L. All developers/owners of very low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
  - M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.
  - N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*
- 

#### **FINANCE:**

#### **Resolution TC 19-065 – Resolution To Appropriate Funds or Bonds in the Event of a Shortfall in Funding for the Township’s Affordable Housing Programs**

**WHEREAS**, on or about July 7, 2015, the Township of Harding (hereinafter “Harding” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division, Morris County seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its constitutional obligation to provide the realistic opportunity for the development of its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, the Township simultaneously, and ultimately secured, a protective order providing Harding immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

**WHEREAS**, the Township adopted an Amended Housing Element and Fair Share Plan on December 17, 2018; and

**WHEREAS**, in the event funding sources as identified in the proposed Spending Plan prove inadequate to complete the affordable housing programs included in the Township’s Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Township shall provide sufficient funding to address any shortfalls.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey that to the extent permitted by law, the Township Committee does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

**BE IT FURTHER RESOLVED** that, upon written notification by the Council on Affordable Housing (“COAH”), such other agency or entity duly created to replace COAH, or a court of competent jurisdiction, after a finding that inadequate funding exists to complete the affordable housing programs included in the Township’s Housing Element and Fair Share Plan and any future amendments thereof, and to the extent permitted by law, the Township agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by the Council on Affordable Housing or a court of competent jurisdiction; and



**BE IT FURTHER RESOLVED**, that the Township may repay debt through future collections of development fees, as such funds become available.

---

#### **Resolution 19-066 – Resolution Approving the Spending Plan**

**WHEREAS**, on September 21, 2018, the Township of Harding (“Township”) entered into a Settlement Agreement with Fair Share Housing Center (“FSHC”) that established the Township’s fair share obligation and preliminarily approved the Township’s compliance mechanisms in accordance with the March 10, 2015 decision of the New Jersey Supreme Court, which transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (“COAH”) to designated Mount Laurel trial judges within the Superior Court; and

**WHEREAS**, on November 2, 2018, the Honorable Maryann L. Nergaard, J.S.C. held a Fairness Hearing, and, subsequently, on November 14, 2018 issued a Court Order approving a Settlement Agreement between the Township and FSHC, finding it to be fair to those in need of low- and moderate-income household; and

**WHEREAS**, the Township’s Planning Board adopted a 2018 Housing Element and Fair Share Plan (“HEFSP”) consistent with the Court-approved Settlement Agreement on December 17, 2018; and

**WHEREAS**, the Township Committee endorsed the HEFSP on January 28, 2019 at a properly noticed public meeting; and

**WHEREAS**, the adopted and endorsed HEFSP and the Court-approved Settlement Agreement include the requirement to prepare a Spending Plan in accordance with N.J.A.C. 5:93-5.1(c), which projects anticipated revenues to the Borough’s Affordable Housing Trust Fund, and describes anticipated expenditures of funds through the end of the Third Round; and

**WHEREAS**, the Township requires approval of its Spending Plan in order to utilize any of the funds within the Affordable Housing Trust Fund; and

**WHEREAS**, the Township of Harding has prepared a Spending Plan consistent with N.J.S.A. 52:27D-301, et, seq., the Fair Housing Act, and the applicable COAH Regulations, as well as the Settlement Agreement entered into between the Township of Harding and FSHC on September 21, 2018; and

**WHEREAS**, the Township desires to submit its Spending Plan to the Court in connection with the Compliance Action for review and approval.

**BE IT RESOLVED**, the Township Committee of the Township of Harding in the County of Morris, and the State of New Jersey, hereby adopts the Spending Plan that is attached hereto as Exhibit A and requests that the Court review and approve the Township’s Spending Plan, so that it can expend the funds in its Affordable Housing Trust Fund.

---

#### **Resolution TC 19-067 – Resolution Authorizing Release of Escrows**

**WHEREAS**, the Township Engineer, Township Construction Official, Board of Adjustment Attorney, and/or the Tree Conservation Officer have certified that there are no outstanding invoices and have approved the release of the following escrows.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey, that appropriate municipal officials be and are hereby authorized to release the following escrows as per N.J.S.A. 40:55D-53.1.

**Grading, Engineering, Tech Review, Performance & Tree Escrow**

Name	Type of Escrow	Block	Lot	Amount
Steven DiRienzo	Grading	51	20.02	\$99.60

---

**Resolution TC 19-068– 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 19-069 – Resolution Adjusting the Fees of the Township of Harding for 2019**

**WHEREAS**, the Township Committee of the Township of Harding, County of Morris, State of New Jersey is desirous of setting the Township Fees by resolution; and

**WHEREAS**, the fees (Appendix A) have been reviewed and increased in accordance with the published October 2018 Consumer Price Index "F", as provided for under Chapter 171.

**BE IT RESOLVED**, the fees shall become effective on March 1, 2019 the date approved by the Township Committee of the Township of Harding, County of Morris, State of New Jersey.

---

**ORDINANCES FOR FIRST READING - NONE**

---

**RESOLUTION TC 19-070– Executive Session**

**RESOLUTION TO ADJOURN INTO EXECUTIVE SESSION**

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

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

**Contracts:**

1. Property Acquisitions – Tim Jones
- 

**ADJOURNMENT – Mr. Yates**