

**HARDING TOWNSHIP COMMITTEE**  
**MONDAY, JULY 15, 2019**  
**EXECUTIVE SESSION at 6:00 PM**  
**REGULAR MEETING at 7:30 PM**  
**Kirby Hall, Blue Mill Road, New Vernon, New Jersey**  
**AGENDA**

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**CALL MEETING TO ORDER – Mayor Yates**

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**ADEQUATE NOTICE** of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on May 17, 2019 and published in the Observer Tribune on May 23, 2019;

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**ROLL CALL – Municipal Clerk**

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

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**RESOLUTION TC 19-152– Executive Session**

**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.

**Public Safety:**

- 1. Police Review – Chief Heller**
- 2. Police Officer Appointments – Chief Heller**

**Contracts:**

- 1. Leventhal Easement – Paul Fox**
- 2. The Farm At Harding – Bob Falzarano**
- 3. Ravenswood Easement – Mark Roselli**

**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"/>

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**RECONVENE INTO PUBLIC SESSION – Mayor Yates**

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**ROLL CALL – Municipal Clerk**

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

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**PLEDGE OF ALLEGIANCE – Mayor Yates**

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**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, and Notice was posted on the website and filed with the Municipal Clerk on January 7, 2019.

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**RESOLUTION TC 19-153 -- 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: June 14 and June 24, 2019.

**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: TC ES Resolution 19-131; June 14, 2019 and TC ES Resolution 19-132; June 24, 2019.

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

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**DISCUSSION ITEMS**

**1. Dickson's Mill Bridge – Mayor Yates**

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

**NON CONSENT RESOLUTIONS**

**TC Resolution 19-154 – Resolution Promoting Patrolman David Achenbach to the Rank of Sergeant –**

**WHEREAS**, the testing process for the rank of Sergeant within the Harding Township Police Department was conducted in 2019; and

**WHEREAS**, the testing process included written and oral examinations conducted by the New Jersey State Chiefs of Police Association; and

**WHEREAS**, the Township Administrator and Chief of Police conducted interviews with the candidates; and

**WHEREAS**, Patrolman Achenbach met or exceeded the requirements for the position of Sergeant; and

**WHEREAS**, Patrolman Achenbach graduated from the Somerset County Police Academy in 1997; and

**WHEREAS**, Patrolman Achenbach was hired by the Township of Harding as a Police Officer on July 16, 1997; and

**WHEREAS**, Patrolman Achenbach has served as a patrolman for many years; and

**WHEREAS**, Patrolman Achenbach is a graduate of the FBI-LEEDA Supervisor Leadership Institute; and

**WHEREAS**, David Achenbach received a bachelor's degree from Rowan University; and

**WHEREAS**, in accordance with the Harding Township Police Promotional Policy & Procedures, Chief Erik Heller recommends that Patrolman David Achenbach be promoted to the rank of Sergeant; and

**WHEREAS**, pursuant to the Code of the Township of Harding Chapter 7-31, Police Department, and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Harding Township Police Department shall be appointed by the Township Committee.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that they hereby approve the promotion of Patrolman David Achenbach to the rank of Sergeant in the Harding Township Police Department; and

**BE IT FURTHER RESOLVED**, that effective June 25, 2019 Patrolman David Achenbach is hereby promoted to the rank of Sergeant at an annual salary of \$125,158 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee hereby congratulate and extend their best wishes to Sergeant David Achenbach.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with Resolution TC 19-154 listed on the Non-Consent agenda.

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

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

**Mayor 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"/>

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

**NON CONSENT RESOLUTIONS**

**TC Resolution 19-155 – Resolution Promoting Patrolman David Selecky to the Rank of Sergeant**

**WHEREAS**, the testing process for Sergeant within the Harding Township Police Department was conducted in 2019; and

**WHEREAS**, the testing process included written and oral examinations conducted by the New Jersey State Chiefs of Police Association; and

**WHEREAS**, the Township Administrator and Chief of Police conducted interviews with the candidates; and

**WHEREAS**, Patrolman Selecky met or exceeded the requirements for the position of Sergeant; and

**WHEREAS**, Patrolman Selecky graduated from the Union County Police Academy in 2008; and

**WHEREAS**, Patrolman Selecky was hired by the Township of Harding as a Police Officer on January 1, 2009; and

**WHEREAS**, Patrolman Selecky has served as a patrolman for many years; and

**WHEREAS**, Patrolman Selecky is a certified Field Training Officer and a graduate of the FBI-LEEDA Supervisor Leadership Institute; and

**WHEREAS**, David Selecky received an associate degree from Union County College; and

**WHEREAS**, in accordance with the Harding Township Police Promotional Policy & Procedures, Chief Erik Heller recommends that Patrolman David Selecky be promoted to the rank of Sergeant; and

**WHEREAS**, pursuant to the Code of the Township of Harding Chapter 7-31, Police Department, and in accordance with N.J.S.A. 40A:14-118 et seq., all members of the Harding Township Police Department shall be appointed by the Township Committee.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that they hereby approve the promotion of Patrolman David Selecky to the rank of Sergeant in the Harding Township Police Department; and

**BE IT FURTHER RESOLVED**, that effective June 25, 2019 Patrolman David Selecky is hereby promoted to the rank of Sergeant at an annual salary of \$125,158 to be pro-rated for the remainder of 2019; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee hereby congratulate and extend their best wishes to Sergeant David Selecky.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with Resolution TC 19-155 listed on the Non-Consent agenda.

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

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

**Mayor 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"/>

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

**NON CONSENT RESOLUTIONS**

**TC Resolution 19-156 – Resolution to Appoint Michael Resciniti as a Full-Time Police Officer with the Harding Township Police Department**

**WHEREAS**, due to the resignation of a full-time Police Officer, there exists a vacancy in the position of Police Officer in the Harding Township Police Department; and

**WHEREAS**, Chief Erik Heller has conducted a detailed evaluation process and background check; and

**WHEREAS**, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the need for appointing a replacement Police Officer; and

**WHEREAS**, Michael Resciniti has a bachelor's degree with a Criminal Justice Major, graduated from the Bergen County Police Academy for Basic Police Officers on December 15, 2016 and has been working as a Police Officer in Clifton, NJ; and

**WHEREAS**, Chief Erik Heller recommends that Michael Resciniti be appointed as a full-time Police Officer, commencing with a one-year probationary period with the Harding Township Police Department that is effective on June 25, 2019.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Michael Resciniti as a full-time Police Officer of the Harding Township Police Department at the annual salary of \$ 58,215 to be prorated for the remainder of 2019.

**NON-CONSENT AGENDA VOTE:**

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with Resolution TC 19-156 listed on the Non-Consent agenda.

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

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

**Mayor 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"/>

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**MEETING OPEN TO THE PUBLIC FOR PUBLIC COMMENT**

**NOTICE OF PUBLIC COMMENT TIME LIMIT**

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

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**ORDINANCES FOR SECOND READING - NONE**

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**ADD-ON RESOLUTIONS**

**Resolution TC 19-166 – Resolution**

**WHEREAS**, the State of New Jersey, Division of Community Affairs was delayed in finalizing the tax rates and issuance of the Rate Certifications for Morris County; and

**WHEREAS**, the mailing of the 3<sup>rd</sup> and 4<sup>th</sup> Quarter 2019 billing will be delayed until the New Jersey Division of Community Affairs finalizes the 2019 rates and the Township receives the rate certification from Morris County or the Township decides to send estimated tax bills; and

**WHEREAS**, N.J.S.A. 54:4-64 requires an extension of the grace period to the twenty-fifth (25<sup>th</sup>) day following the mailing date of the tax bills.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the grace period payment date for the 3<sup>rd</sup> Quarter installment of taxes for the year 2019 is hereby set at 25 days following the mailing of the tax bills. Payments received after this date will have interest calculated retroactive to August 1<sup>st</sup> 2019.

**Mayor Yates** asks Committee Member \_\_\_\_\_ to proceed with Resolution TC 19-166.

Committee Member \_\_\_\_\_: I would like to make a motion to approve the add-on Resolution 19-166 placed on this evening's 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"/>

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**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

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**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 19-157 THROUGH RESOLUTION TC 19-164 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 19-157 through TC 19-164.

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"/>

**APPOINTMENTS: NONE**

**CONTRACTS:**

**TC Resolution 19-157 – Resolution Authorizing Submittal of Grant Application and Execution of Grant Contract with the NJDOT for Resurfacing of Sand Spring 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 FY2020 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; and

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Sand Spring Road-2020 Resurfacing-00522 to the New Jersey Department of Transportation on behalf of the Township of Harding, County of Morris, State of New Jersey; and

**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.

**TC Resolution 19-158 – Resolution to Increase the Contract for Greener By Design**

**WHEREAS**, at the February 25, 2019 Township Committee meeting, the Township of Harding awarded a contract for a exigent professional services to the firm Greener By Design, LLC for consultant work on the Green Acres Diversion, in the amount not to exceed \$15,000.00; and

**WHEREAS**, it is necessary to increase the authorization for the exigent services of Greener By Design, under their professional services contract to perform Green Acres Diversion, Historic Preservation and Redevelopment tasks as presented in a proposal received on June 12, 2019; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$21,000.00 from account number #01-2019-1110-0100-2-00020; and

**WHEREAS**, the total contract amount for 2019 shall not exceed \$36,000.00.



**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby increased for a one year period as follows:

Professional Services –	- Greener By Design, LLC	1/1/2019 to 12/31/2019
Consultant – Exigency	94 Church Street, Suite 402	Not to Exceed \$36,000.00
	New Brunswick, NJ 08901	01-2019-1110-0100-2-00020

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**TC Resolution 19-159 – Resolution to Increase the Contract for Greenbaum Rowe Smith & Davis LLP – Redevelopment Attorney**

**WHEREAS**, at the March 18, 2019 Township Committee meeting, the Township of Harding awarded a contract for a redevelopment attorney from the firm Greenbaum Rowe Smith & Davis LLP for redevelopment purposes for the Township, in the amount not to exceed \$5,000.00; and

**WHEREAS**, at the May 13, 2019 Township Committee meeting, the Township Committee authorized an additional \$5,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

**WHEREAS**, at the June 24, 2019 Township Committee meeting, the Township Committee authorized an additional \$30,000.00 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 tasks; and

**WHEREAS**, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$10,000.00 from account number #25-9999-1110-0170-2-00037; and

**WHEREAS**, the total amount shall not exceed \$50,000.00.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby awarded for a one year period:

Redevelopment Attorney	Greenbaum Rowe Smith & Davis LLP	1/1/2019 to 12/31/2019
	75 Livingston Avenue, Suite 301	Not to Exceed \$50,000.00
	Roseland, NJ 07068	25-9999-1110-0170-2-00037

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**TC Resolution 19-160– Resolution to Amend and Increase the Contract for Heyer Gruel**

**WHEREAS**, Resolution TC-19-107 was adopted by the Township Committee at their April 15, 2019 meeting, and

**WHEREAS**, there is a need to amend the account numbers from which funds are charged against as follows:

Amend paragraph five to read from: #01-2019-11100-0100-2-00105” to #25-9999-1110-0170-2-00037” for preparation of Glen Alpin/Hurstmont Redevelopment Study, in the amount of \$12,000.00 and a certificate of availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

Amend paragraph six to read from: #01-2019-11100-0100-2-00105” to #25-9999-1110-0170-2-000375” for preparation of Glen Alpin/Hurstmont Redevelopment Plan in the amount of \$20,000.00 and a certificate of availability has been filed by the Chief Financial Officer with the Municipal Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

**WHEREAS**, paragraph nine, reads as follows: “to increase the 2019 contract amount by \$59,000.00 for a total not to exceed amount of \$81,500.00; and

**WHEREAS**, the amended paragraph nine of Resolution TC 107 shall read as follows: to increase the 2019 contact amount by \$84,500.00 for a total not to exceed \$107,000.00.

**BE IT RESOLVED**, that the Township of Harding Finance Department is hereby authorized to change the relating purchase orders to reflect the amended account numbers; and

**BE IT FURTHER RESOLVED**, a copy of this resolution be distributed to the Township Assistant Administrator/Purchasing Agent and the Chief Financial Officer.

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## **FINANCE:**

### **Resolution TC 19-161 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.

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### **Resolution TC 19-162 Resolution to Amend Resolution TC 19-145 for Alcoholic Beverage Control Licenses**

**WHEREAS**, Resolution TC-19-145 was adopted by the Township Committee at their June 24, 2019 meeting, and

**WHEREAS**, there is a need to amend the applicants under the Plenary Retail Consumption License and the Plenary Retail Distribution License; and

**WHEREAS**, the applicants for Alcoholic Beverage Control License set forth below has been duly investigated; and

**WHEREAS**, the Harding Township Committee is satisfied that all the rules and regulations of the Alcoholic Beverage Law, Title 33, Chapter 1 of the Revised Statutes of New Jersey, 1937, as amended and supplemented, including P.L. 1970, Ch. 77, have been duly complied with.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Harding Township Committee hereby agrees to issue to the following applicants, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence *July 1, 2019*, and to expire at midnight on *June 30, 2020* upon clearance of the fee to the Harding Township Treasurer’s Account.

**CLUB LICENSES:**

<b><u>Applicants:</u></b>	<b><u>ADDRESS:</u></b>	<b><u>FEE:</u></b>
New Vernon Volunteer Fire Department Club License No. 1413-31-004-001	22 Village Road New Vernon, NJ	\$63.00
Mt. Kemble Lake Country Club Club License No. 1413-31-003-001	3 Trails End Morristown, NJ	\$63.00

**PLENARY RETAIL DISTRIBUTION LICENSE:**

<b><u>Applicant:</u></b>	<b><u>ADDRESS:</u></b>	<b><u>FEE:</u></b>
Dharma Bhaki 09, LLC T/A The Country Store Plenary Retail Consumption License No. 1413-44-002-005	1098 Mount Kemble Avenue Morristown, NJ	\$2,500.00

**PLENARY RETAIL CONSUMPTION LICENSE:**

<b><u>Applicant:</u></b>	<b><u>ADDRESS:</u></b>	<b><u>FEE:</u></b>
K.A. Lee Enterprises, LLC T/A Market Taverne Plenary Retail Consumption License No. 1413-33-001-010	995 Mt. Kemble Avenue Morristown, NJ	\$2,500.00

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby authorized to issue the aforesaid license in the form approved by the Department of Alcoholic Beverage of the State of New Jersey to the aforesaid applicants.

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**MISCELLANEOUS:**

**TC Resolution 19-163 – Resolution to Authorize Replacement of the Dickson’s Mill Bridge**

**WHEREAS**, on June 24, 2019, the Morris County Engineer, Christopher Vitz, advised the Harding Township Committee that the condition of the Dickson’s Mill Road Bridge should be scheduled for replacement; and

**WHEREAS**, the Township Engineer, Paul Fox, concurs with the bridge replacement; and

**WHEREAS**, the bridge re-evaluation survey report prepared by SJH Engineer dated July 26, 2017 has evaluated the overall physical condition of the Dickson’s Mill Road Bridge; and

**WHEREAS**, the bridge re-evaluation survey report reads as follows: “The structure is in poor condition due to the condition of the substructure”; and

**WHEREAS**, the Morris County Engineer has stated that the bridge will be replaced without eliminating the approaching curves on each end of the bridge.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris, and State of New Jersey, that the Harding Township Committee supports the replacement of the Dickson's Mill Road Bridge; and

**BE IT FURTHER RESOLVED**, that the replacement bridge will meet standards for State funding and County maintenance; and

**BE IT FURTHER RESOLVED**, that the Harding Township Committee requests that the bridge replacement be funded in the Morris County August 2019 budget cycle; and

**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 the resolution.

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**TC Resolution 19-164 – Resolution to Authorize Waiver of Interest**

**WHEREAS**, the owner of the real property commonly referred to as 208 Lee's Mill Road, Basking Ridge, New Jersey 07920 and identified as Block 47, Lot 4.01 on the Township Tax Map (hereinafter the "Subject Property") contacted the Township's Tax Collector regarding having received a Delinquent Tax Notice for the tax payment due on May 1, 2019 for the Subject Property; and

**WHEREAS**, as a result of not having received the tax payment by the subject due date and permitted grace period, the Tax Collector assessed an additional \$84.64 as accumulated interest; and

**WHEREAS**, the property owner advised that the tax payment was mailed on April 29, 2019 at the New Vernon Post Office and in fact, the payment received by the Township's Tax Collector's Office was postmarked April 29, 2019; and

**WHEREAS**, despite the payment having been depositing with the Post Office on April 29, 2019, it was not received by in the Tax Collector's office until May 20, 2019, almost three weeks after being delivered to the Post Office; and

**WHEREAS**, as a result of this situation, the Township Administrator contacted the Postmaster for the New Vernon Post Office by letter dated June 10, 2019, who confirmed by letter also dated June 10, 2019 the fact that the initial payment was indeed postmarked April 29, 2019 and further stated that mail that is received by this Post Office is then delivered to the customer the same day it is received by the Post Office, which did not occur in this instance; and

**WHEREAS**, the Postmaster however could not provide any type of explanation for the delay in this instance; and

**WHEREAS**, there have been other instances in which the Township did not received tax payments from the Post Office in a timely manner, which included three payments with a one year old postmark; and

**WHEREAS**, while this was also relayed to the Postmaster by the Township Administrator, the Postmaster similarly had no explanation as to why this may have occurred; and

**WHEREAS**, relevant State statute (N.J.S.A. 54:4-1 et seq.) states that payment is determined by when the payment is actually received by the Tax Collector and not the date postmarked on the envelope and that neither the Tax Collector nor staff has the authority to waive any interest that may be due; and

**WHEREAS**, the property owner diligently pursued this issue with the Township and the Postmaster was unable to provide any type of plausible reason or justification for the late delivery of the mail to the Township; and

**WHEREAS**, given these circumstances and in order to avoid any type of dispute or litigation with property owner, the Township Attorney and Tax Collector have opined that it would be prudent and appropriate for the Township Committee, in this instance, to adopt a resolution authorizing the Tax Collector to waive the \$84.64 interest that is due and outstanding.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding that for the reasons stated hereinabove, the \$84.64 of accumulated interest that remains due and outstanding for the Subject Property be and is hereby waived and the Township Tax Collector is hereby authorized to make the appropriate notation and adjustment on the tax records for the Subject Property confirming that the \$84.64 has been waived and is no longer due and payable.

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**PERSONNEL: NONE**

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#### **ORDINANCES FOR FIRST READING**

**ORDINANCE #14-2019 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING IN PART ORDINANCE #05-2019 AND SPECIFICALLY CHAPTER 225, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 ZONING DISTRICT**

**Mayor Yates** asks Township Committee Member Jones to introduce Ordinance TC #14-2019.

**Township Committee Member Jones** introduces Ordinance TC #14-2019 by title as follows:

**TOWNSHIP OF HARDING  
ORDINANCE #14-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING IN PART ORDINANCE #05-2019 AND SPECIFICALLY CHAPTER 225, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY, AND BULK REGULATIONS FOR THE AHO-1 ZONING DISTRICT**

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

**Township Committee Member Jones** reads:

**WHEREAS**, the above ordinance was introduced and read by title at this Township Committee meeting held on July 15, 2019.

**BE IT RESOLVED**, that at the Township Committee meeting to be held on August 12, 2019 at 7:30 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is hereby requested to publish the proper notice thereof, including this ordinance, post the ordinance, and make copies available to members of the general public.

Township Committee Member Jones: I offer Ordinance #14-2019 and move its introduction.

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"/>

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**RESOLUTION TC 19-165– 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. Tunis Elick – Bob Falzarano
2. Gatehouse – Tim Jones
3. CPNJ – Bob Falzarano
4. Engineering Services – Chris Yates

**Personnel:**

1. BOA Alternate #2 – Chris Yates

**Vote on Resolution:**

Q 07-15-2019

	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"/>

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**ADJOURNMENT – Mr. Yates**