

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

CALL MEETING TO ORDER – Mayor Yates

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on September 24, 2019 and published in the Observer Tribune on September 26, 2019.

ROLL CALL – Municipal Clerk

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

RESOLUTION TC 19-192– 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.

Contracts:

1. Redevelopment Agreement – John Hague

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"/>

RECONVENE INTO PUBLIC SESSION – Mayor Yates

ROLL CALL – Municipal Clerk

Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. 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 September 24, 2019, and published in the *OBSERVER TRIBUNE* on September 26, 2019; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on September 24, 2019, and Notice was posted on the website and filed with the Municipal Clerk on September 24, 2019.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Yates

DISCUSSION ITEMS

1. Redevelopment Agreement – Mayor Yates

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Resolution TC 19-193 Resolution Accepting the Report of the Planning Board Concerning the Amendment to Hurstmont Redevelopment Plan

WHEREAS, on November 19, 2018, the Township Committee of Harding Township adopted Resolution #18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue (the “Hurstmont Parcel”) and Block 34, Lot 1 (the “Glen Alpin Parcel”) (collectively referred to as the “Redevelopment Study Area”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, on February 19, 2019, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates (“HGA”), dated February 1, 2019 (the “Preliminary Investigation Report”), and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report the Planning Board determined that the Redevelopment Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Harding Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Harding Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution #TC-073, designated the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of Harding Township, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the “Hurstmont Redevelopment Plan”), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board considered the Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Hurstmont Redevelopment Plan dated June 3, 2019 to the Harding Township Committee; and

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WHEREAS, On June 24, 2019 the Harding Township Committee adopted a resolution accepting the Planning Board's report on the Hurstmont Redevelopment Plan and responded in the resolution to the comments of the Planning Board; and

WHEREAS, on June 24, 2019, the Harding Township Committee, after introduction and publication as required by law for adoption of general ordinances, conducted a public hearing on the Hurstmont Redevelopment Plan and the ordinance adopting the Redevelopment Plan; and

WHEREAS, the Harding Township Committee reviewed and considered the Hurstmont Redevelopment Plan and the Planning Board recommendations and determined that the Hurstmont Redevelopment Plan is consistent with the Master Plan; and

WHEREAS, on June 24, 2019, the Harding Township Committee adopted the Hurstmont Redevelopment Plan by Ordinance #13-2019; and

WHEREAS, on June 24, 2019, the Harding Township Committee designated Hurstmont Estate Acquisition, LLC as the "Redeveloper" of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, the Redeveloper has presented concept plans to the Harding Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper's concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Harding Township Committee conducted a public meeting concerning the Redeveloper's concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, special counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates have reviewed those concept plans, and they have proposed certain revisions to the Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Harding Township Committee; and

WHEREAS, on September 12, 2019 on behalf of Harding Township, HGA prepared an amendment to the Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to NJSA 40A:12A-7; and

WHEREAS, the Planning Board considered the amendment to the Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Hurstmont Redevelopment Plan dated September 24, 2019 (the "Report") to the Harding Township Committee; and

WHEREAS, the Harding Township Committee has considered the five specific recommendations of the Report which generally related to 1) traffic; 2) public safety; 3) a Revolutionary War Encampment Site; 4) retention of a historic preservation professional; and 5) landscape design (the "Recommendations") all of which the Harding Township Committee recognizes as valid concerns; and

WHEREAS, the Harding Township Committee has determined that the Recommendations constitute details that should be addressed in the Redevelopment Agreement to be negotiated between the Township and the Redeveloper and the Site Plan to be filed by the Redeveloper; and

WHEREAS, the Harding Township Committee has determined that there is no need to revise the Amendment to the Hurstmont Redevelopment Plan to address the Recommendations, other than to correct the Ordinance reference noted in the Report.

BE IT RESOLVED, by the Township Committee of the Township of Harding that:

1. The Report is accepted by the Harding Township Committee; and
2. This Resolution shall be entered into the minutes of the September 30, 2019 Harding Township Committee meeting in response to the Recommendations pursuant to NJSA 40A:12A-7.

NON-CONSENT AGENDA VOTE:

Mayor Yates asks Committee Member _____ to proceed with Resolution TC 19-193 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"/>

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.

ORDINANCES FOR SECOND READING:

ORDINANCE #16-2019 – ORDINANCE ADOPTING AMENDMENT TO THE HURSTMONT REDEVELOPMENT PLAN

Mayor Yates asks Township Committee Member Jones to proceed with Ordinance #16-2019.

Township Committee Member Jones reads Ordinance #16-2019 entitled:

**TOWNSHIP OF HARDING
ORDINANCE #16-2019**

ORDINANCE ADOPTING AMENDMENT TO THE HURSTMONT REDEVELOPMENT PLAN

Which Ordinance was introduced and passed on first reading at a regular Township Committee meeting held on September 12, 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 September 19, 2019, to the Observer Tribune indicating that Ordinance #16-2019 was introduced and passed on first reading at the September 12, 2019 special meeting and indicating that the second reading and public hearing would be held at 7:30 p.m. on September 30, 2019, on or any time thereafter for consideration of final adoption. 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. Copies of this Ordinance were made available to the general public, posted on the Harding 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 Jones: I offer the following Ordinance 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 Ordinance:

	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)

Resolution TC 19-194 Resolution Designating Redeveloper

WHEREAS, on November 19, 2018, the Township Committee of Harding Township adopted Resolution #18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue (the “Hurstmont Parcel”) and Block 34, Lot 1 (the “Glen Alpin Parcel”) (collectively referred to as the “Redevelopment Study Area”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, on February 19, 2019, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates (“HGA”), dated February 1, 2019 (the “Preliminary Investigation Report”), and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report the Planning Board determined that the Redevelopment Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Harding Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Harding Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution #TC-073, designated the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of Harding Township, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the “Hurstmont Redevelopment Plan”), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board considered the Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Hurstmont Redevelopment Plan dated June 3, 2019 to the Harding Township Committee; and

WHEREAS, On June 24, 2019 the Harding Township Committee adopted a resolution accepting the Planning Board’s report on the Hurstmont Redevelopment Plan and responded in the resolution to the comments of the Planning Board; and

WHEREAS, on June 24, 2019, the Harding Township Committee, after introduction and publication as required by law for adoption of general ordinances, conducted a public hearing on the Hurstmont Redevelopment Plan and the ordinance adopting the Redevelopment Plan; and

WHEREAS, the Harding Township Committee reviewed and considered the Hurstmont Redevelopment Plan and the Planning Board recommendations and determined that the Hurstmont Redevelopment Plan is consistent with the Master Plan; and

WHEREAS, on June 24, 2019, the Harding Township Committee adopted the Hurstmont Redevelopment Plan by Ordinance #13-2019; and

WHEREAS, on June 24, 2019, the Harding Township Committee designated Hurstmont Estate Acquisition, LLC as the “Redeveloper” of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, the Redeveloper has presented concept plans to the Harding Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper’s concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Harding Township Committee conducted a public meeting concerning the Redeveloper’s concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, special counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates have reviewed those concept plans, and they have proposed certain revisions to the Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Harding Township Committee; and

WHEREAS, on September 12, 2019 on behalf of Harding Township, HGA prepared an amendment to the Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to NJSA 40A:12A-7; and

WHEREAS, the Planning Board considered the amendment to the Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Hurstmont Redevelopment Plan dated September 24, 2019 to the Harding Township Committee; and

WHEREAS, the designation of the Redeveloper expired by passage of time as of September 23, 2019; and

WHEREAS, on September 30, 2019, the Harding Township Committee, after introduction on September 12, 2019 and publication as required by law for adoption of general ordinances, conducted a public hearing on the amendment to the Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Harding Township Committee adopted the amendment of the Hurstmont Redevelopment Plan by Ordinance #16-2019; and

WHEREAS, on September 30, 2019 the Harding Township Committee recognized Hurstmont Estate Acquisition, LLC as the Redeveloper of the Senior Living District located within the Redevelopment Study Area as set forth in the amendment of the Hurstmont Redevelopment Plan approved by Ordinance #16-2019; and

WHEREAS, the Harding Township Committee and the Redeveloper shall have through October 31, 2019 to agree on a specific proposal and enter into a Redevelopment Agreement.

BE IT RESOLVED, by the Township Committee of the Township of Harding that:

1. Hurstmont Estate Acquisition, LLC is hereby confirmed as the Redeveloper of the Senior Living District and the Mayor is hereby authorized to negotiate a Redevelopment Agreement with the Redeveloper to be approved by vote of the Township Committee; and

2. this resolution shall be effective for the period through October 31, 2019, after which it shall be of no further force and effect unless the Redeveloper shall have entered into a Redevelopment Agreement with the Township of Harding.

Mayor Yates asks Committee Member _____ to proceed with Resolution TC 19-194 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"/>

ADD-ON RESOLUTIONS

ORDINANCES FOR FIRST READING: NONE

ADJOURNMENT – Mr. Yates