# HARDING TOWNSHIP COMMITTEE MONDAY, SEPTEMBER 14, 2020 EXECUTIVE SESSION at 5:30 PM

# VIA GoToMeeting/In Person

# **REGULAR MEETING AGENDA AT 6:30 PM**

VIA GoToMeeting/In Person– Registration Form on Township Website Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETI	NG TO ORDER – Ma	nyor Yates						
	NOTICE of this Execution on August 25, 2020 a							
ROLL CALL -	ROLL CALL – Municipal Clerk Ms. DiTosto, Mr. Jones, Mr. Modi, Mr. Platt, Mr. Yates							
RESOLUTION	N TC 20-130 – Executi	ve Session						
RESOLUTION	N TO RECESS INTO	EXECUTIVI	E SESSION					
	<b>VED</b> , by the Harding Tubject matter(s) without							
appropriate acti individual priva not violate Fede	HER RESOLVED, the ion is taken on said many or prejudice to the learn, State or local statureturn to public session	atter(s), and vertes to the atternation of the atte	when disclosure will of the Township of I not fall within the at	not result in unw Harding provided s	arranted invasion of such disclosures will			
<b>Contracts</b> :								
1. Property Acc	quisitions – T. Jones / N	I. Roselli						
2. PBA – R. Fa	lzarano							
3. The Farm –	M. Roselli							
<b>Attorney Clien</b>	<u>t Privilege</u> :							
1. Ravenswood	l Water Line – M. Rose	lli						
Vote on Resolu	ıtion:							
Ms. DiTosto Mr. Jones Mr. Modi Mr. Platt Mr. Yates	MOTION  API	FOR PROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT			

**RECONVENE INTO PUBLIC SESSION – Mayor Yates** 

ROLL CALL – Municipal Cle	rk
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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 August 24, 2020, and published in the OBSERVER TRIBUNE on August 27, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on August 24, 2020, and Notice was filed with the Municipal Clerk on August 24, 2020.

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

# RESOLUTION TC – 20-131 – RESOLUTION TO AUTHORIZE THE APPOINTMENT OF RACHAEL KUNZ AS A HARDING TOWNSHIP POLICE OFFICER

**WHEREAS**, 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 Police Officer; and

**WHEREAS**, Rachael Kunz graduated from the Cape May County Police Academy for Basic Police Officers on July 2, 2020; and

**WHEREAS**, Chief Erik Heller recommends that Rachael Kunz 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 September 16, 2020.

**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 Rachael Kunz as a full-time Police Officer of the Harding Township Police Department at the annual salary of \$45,219.00.

Mayor Yates asks Committee Member to proceed with Resolution TC 19-169 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:

<b>Vote on Resolution</b>	on:				
Ms. DiTosto Mr. Jones Mr. Modi Mr. Platt Mr. Yates	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
RESOLUTION 7 MINUTES	ГС 20-132	RESOLUTION T	TO ACCEPT TOW	VNSHIP COMMI	TTEE MEETING
	s are approved		e of the Township of all be filed as a perm		
from the following	g Executive Se		o Committee of the re approved as preparation.	•	•
Mayor Yates asks	for a motion to	o accept the Townsh	nip Committee meeti	ng minutes.	
Seconded by Tow	nship Commi	ttee Member		·	
Mayor Yates asks	the Municipal	Clerk for a Roll Ca	11:		
Vote on Resolution	o <u>n:</u>				
Ms. DiTosto Mr. Jones Mr. Modi Mr. Platt Mr. Yates	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
ANNOUNCEME	NTS/PRESEN	TATIONS/REPO	RTS/CORRESPON	IDENCE – Mayor	Yates
DISCUSSION IT  1. 2019 Audit Re 2. Generators – 3. Dickson's Mill	port – Bob Sw Mayor Yates				

<b>ADD-ON</b>	RESOL	<b>LUTIONS:</b>	NONE
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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 and 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 F	OR SECONI	) READ!	ING:	NONE					
RESOLUTIONS NONE	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 20-133 THROUGH RESOLUTION TC 20-141 HAVE BEEN PLACED ON THE CONSENT AGENDA

#### **CONSENT AGENDA VOTE:**

Mayor Yates asks Committee Member agenda. Resolutions TC 20-133 through TC 20-1	to proceed with the Resolutions listed on the Consent 1.
	o make a motion to approve the resolutions placed on this lownship Committee. Seconded by Township Committee
Mayor Yates asks the Municipal Clerk for a Roll	Call:

### **Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto Mr. Jones Mr. Modi Mr. Platt Mr. Yates					

#### **CONTRACTS:**

Resolution TC 20-133 Resolution of the Township Committee Increasing Bid Threshold Amount for Qualified Purchasing Agent to Negotiate and Award Contracts Pursuant to N.J.S.A. 40A:11-3

**WHEREAS**, pursuant to N.J.S.A. 40A:11-3, the State authorized an adjustment to the bid threshold, effective July 1, 2020, for contracting units subject to the Local Public Contracts Law, which allows local contracting units with an appointed Qualified Purchasing Agent to increase their bid threshold to a maximum of \$44,000; and

**WHEREAS**, Lorene K. Wright serves as the Qualified Purchasing Agent for the Township of Harding pursuant to N.J.A.C. 5:32-4.1 et al.; and

WHEREAS, the Township desires to increase its bid threshold from \$40,000 to \$44,000.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, that the Township's bid threshold for award of public contracts is hereby increased from \$40,000 to \$44,000; and

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A. 40A:11-6.1 (a) the informal quotation threshold shall be increased from \$6,000 to \$6,600, or 15% of the bid threshold; and

**BE IT FURTHER RESOLVED**, that the Municipal Clerk of the Township of Harding shall forward a certified true copy of this resolution to the Director of the Division of Local Government Service

# Resolution TC 20-134 – Resolution Authorizing Award of Non-Fair and Open Contracts for Certain Telephone Related Services to Monmouth Telecom

**WHEREAS**, the Township of Harding has a need to acquire *Telephone Services – Equipment, Wiring, Installation and Training*, as a non-fair and open contract pursuant to the provisions of *N.J.S.A.* 19:44A-20.4 and

**WHEREAS**, the Harding Township Qualified Purchasing Agent received three quotes from; Hunter Technologies, Monmouth Telecom, and Omni; and

**WHEREAS**, the Harding Township Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the term of this contract is *two* (2) year(s); and

**WHEREAS**, Monmouth Telecom, having an address at 10 Drs. James Parker Blvd., Suite 110, Rend Bank, New Jersey 07701, has submitted a written contract indicating it will provide *Telephone Services – Equipment*,

Wiring, Installation and Training, for the total contract price of \$35,870.15, which is below the Qualified Purchasing Agent's bid threshold; and

**WHEREAS**, Monmouth Telecom has completed and submitted a Business Entity Disclosure Certification which certifies that Monmouth Telephone has not made any reportable Contributions to a political or candidate committee in the Township of Harding in the previous one year, and that the contract will prohibit the Monmouth Telephone from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Chief Financial Officer as per *N.J.A.C.* 5:30-5.4 has certified the availability of funds for the first year of the contract as follows:

#### YEAR ONE:

\$17,030.15 – Telephone Equipment, Wiring and Installation
\$9,420.00 – Telephone Utility Services

04-2018-201803-4005-4-04032
01-2020-1440-0440-2-00000

#### YEAR TWO:

\$ 9,420.00 – Telephone Utility Services

01-2021-1440-0440-2-00000

### TOTAL TWO (2) YEAR CONTRACT COST: \$35,870.15

**WHEREAS**, funding for the second year of the contract shall be subject to an appropriate budget appropriation in the 2021 municipal budget.

**BE IT RESOLVED**, that the Township Committee of the Township of Harding authorizes the Lorene K. Wright, as Township Qualified Purchasing Agent to enter into a contract with Monmouth Telecom, as described herein; and

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

**BE IT FURTHER RESOLVED**, that the Municipal Clerk is directed to cause notice of this contract award and the adoption of this resolution to be published forthwith as required by law.

# Resolution TC 20-135 – Resolution of the Township Committee Authorizing Sale or Other Disposition of Township Property Not Otherwise Needed for Public Use

**WHEREAS**, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-36, provides for the disposition of Township owned personal property not needed for public use; and

**WHEREAS**, the Township currently has various used books that are being stored in the Kirby Municipal Building, which is of negligible monetary value and not needed for public use; and

**WHEREAS**, the Local Public Contracts Law states that if the estimated fair value of the property to be sold or otherwise disposed does not exceed the applicable bid threshold in any one sale, it may be sold at private sale without advertising for bids; and

**WHEREAS**, the Township's applicable bid threshold is \$44,000.00 and the Qualified Purchasing Agent has advised that these books have no monetary value and would otherwise be disposed of as municipal waste and they are not needed for public use by the municipality; and

**WHEREAS**, in an effort to utilize these books, the Kemmerer Library has agreed to take the books and in order to do so, provided 4 volunteers and four hours each to back and box the books so that they can be taken to the Kemmerer Library.

**BE IT RESOLVED** by the Township Committee of the Township of Harding, in the County of Harding, State of New Jersey that it does hereby authorize the sale or otherwise dispose of the books referenced hereinabove as it is determined to be personal property not needed for public use, by way of private sale to the Kemmerer Library for the sum of one dollar (\$1.00) in accordance with N.J.S.A. 40A:11-36 (6).

# Resolution TC 20-136 – Resolution to Authorize an Increase to the Professional Services Contract for Greener By Design

**WHEREAS**, at the January 4, 2020 Township Committee meeting, the Township Committee authorized \$15,000.00 for the services of Greener By Design LLP, under their professional services contract; and

**WHEREAS**, it is necessary to increase the authorization for the services of Greener By Design 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 #01-2020-1110-0100-2-00020; and

WHEREAS, the total amount shall not exceed \$25,000.00.

**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:

Glen Alpin Disposal/Diversion Greener By Design

1/1/20 to 12/31/20 \$175.00 per hour Not to exceed \$25,000.00 01-2020-1110-0100-2-00020

# FINANCE:

## Resolution TC 20-137 – Resolution to Approve the 2019 Audit Review

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts, and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52-27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "General Comments" and "Recommendations;" and

R 09-14-2020

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the annual Report of Audit, and specifically the sections of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB52 to wit:

R.S. 52:27BB52- "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**BE IT RESOLVED**, that the Township Committee of the Township of Harding, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### Resolution TC 20-138- 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 20-139 – Resolution to Authorize the Township of Harding Tax Collector to Conduct An Online Tax Sale

**WHEREAS,** N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

**WHEREAS**, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities; and

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

**WHEREAS**, Harding Township wishes to participate in an electronic tax sale in 2020 and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

**BE IT RESOLVED,** by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

R 09-14-2020

# Resolution TC 20-140 – Alcohol Beverage Control License

WHEREAS, the applicant 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 applicant, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence *July 1, 2020*, and to expire at midnight on *June 30, 2021* upon clearance of the fee to the Harding Township Treasurer's Account.

## PLENARY RETAIL DISTRIBUTION LICENSE:

Applicant:
Dharma Bhaki 09, LLC
T/A The Country Store
Plenary Retail Consumption License
No. 1413-44-002-005

ADDRESS: 1098 Mount Kemble Avenue Morristown, NJ

\$2.500.00

## **PERSONNEL:**

Resolution TC 20-141 – Resolution to Accept the Resignation of C.W.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding accepts the resignation of C.W. effective August 24, 2020.

### **ORDINANCE FOR FIRST READING:**

ORDINANCE #10-2020 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-31 ENTITLED "POLICE DEPARTMENT"

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #10-2020.

**Township Committee Member** Jones introduces Ordinance TC #10-2020 by title as follows:

TOWNSHIP OF HARDING ORDINANCE #10-2020

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-31 ENTITLED "POLICE DEPARTMENT"

**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 September 14, 2020.

**BE IT RESOLVED,** that at the Township Committee meeting to be held on October 19, 2020 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.

public.					
Township Comm	nittee Member	r Jones: I offer Ord	dinance #10-2020 a	nd move its intro	duction.
Township Comm	nittee member	·se	conds the motion.		
Mayor Yates as	ks the Munici	pal Clerk for a Ro	ll Call:		
Vote on Introduc	ction:				
Ms. DiTosto Mr. Jones Mr. Modi Mr. Platt Mr. Yates	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT

#### ORDINANCE FOR FIRST READING:

ORDINANCE #11-2020 – AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REAL PROPERTY AT 163 LEE'S HILL ROAD

Mayor Yates asks Township Committee Member Jones to introduce Ordinance TC #11-2020.

**Township Committee Member** Jones introduces Ordinance TC #11-2020 by title as follows:

# TOWNSHIP OF HARDING ORDINANCE #11-2020

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF REAL PROPERTY AT 163 LEE'S HILL ROAD

**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 September 14, 2020.

**BE IT RESOLVED,** that at the Township Committee meeting to be held on October 19, 2020 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.

r							
Township Com	nmittee Membe	r Jones: I offer Or	dinance #11-2020 a	and move its intro	duction.		
Township Con	nmittee member	r se	conds the motion.				
Mayor Yates a	asks the Munici	ipal Clerk for a Ro	ll Call:				
Vote on Introduction:							
M D'T	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT		
Ms. DiTosto Mr. Jones	H						
Mr. Modi							
Mr. Platt							
Mr. Yates							

**ADJOURNMENT - Mr. Yates**