

**HARDING TOWNSHIP COMMITTEE
MONDAY, AUGUST 10, 2020
EXECUTIVE SESSION at 6:30 PM
VIA / INPERSON / GOTOMEETING
REGULAR MEETING MINUTES**

CALL MEETING TO ORDER – Mayor Yates

Mayor Yates called the meeting to order at 6:30 p.m.

ADEQUATE NOTICE of this Executive Session meeting of the Harding Township Committee was sent to the Observer Tribune on July 20, 2020 and published in the Observer Tribune on July 23, 2020.

Mayor Yates announced adequate notice of the August 10, 2020 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. Let the record show that Mr. Modi and Mr. Platt were present via telephone due to COVID-19.

RESOLUTION TC 20-120 – Executive Session

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Yates asked for a motion to recess into Executive Session. Upon a motion made by Mr. Jones, seconded by Mr. Platt, and with a roll call vote of all ayes, none opposed, the meeting recessed into executive session at 6:35 pm.

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.

Personnel:

1. Replacement Hire – Chief Heller

Contracts:

1. Property Acquisitions – T. Jones / M. Roselli
2. PBA – R. Falzarano
3. The Farm – M. Roselli

Vote on Resolution:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Ms. DiTosto | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RECONVENE INTO PUBLIC SESSION – Mayor Yates

Mayor Yates asked for a motion to reconvene into public session via in person and GoToMeeting conference call. Upon a motion made by Mr. Jones, seconded by Mr. Platt and with a roll call vote of all ayes, the meeting reconvened into general session at 7:32 pm.

ROLL CALL – Municipal Clerk

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

Mrs. Sharp called the roll. All members of the Township Committee were present. Let the record show that Mr. Modi and Mr. Platt were present via telephone. There were about 15 public members attending via GoToMeeting.

PLEDGE OF ALLEGIANCE – Mayor Yates

Mayor Yates led members of the Township Committee and members of the public in the Pledge of Allegiance.

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, 2020, and published in the *OBSERVER TRIBUNE* on January 9, 2020; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 7, 2020, and Notice was filed with the Municipal Clerk on January 7, 2020.

Mayor Yates announced that adequate notice of this meeting was published in accordance with the Open Public Meetings Act.

RESOLUTION TC 20-121 -- RESOLUTION TO ACCEPT 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: **July 13, 2020.**

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: **July 13, 2020.**

Mayor Yates asked for a motion to accept the Township Committee minutes for July 13, 2020. Upon a motion made by Mr. Jones, seconded by Mr. Platt, and with a roll call vote of all ayes except for Mrs. DiTosto who abstained, the Township Committee meeting minutes for July 13, 2020 were accepted.

Vote on Resolution:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Ms. DiTosto | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE:

There were no announcements, presentations, reports or correspondence to report.

DISCUSSION ITEMS:

1. Religious Display – Rabbi Shalom Lubin – Chabad of SE Morris County

Rabbi Lubin thanked the Mayor, Township Committee, and the Township Administrator for their time and appreciates allowing him to share a few words with you. As Director of the Chabad of SE Morris County located on Park Avenue in Madison, Rabbi Lubin serves the local Morris County Community for the last 18 years and as a leader of a diverse and well round community in all sorts of ways realized that his calling and his mission goes beyond just the local Jewish community in the area and tries to be a resource to the broader community as a whole. Within this context over the course of those years, Chabad of SE Morris County conducts Thanksgiving dinners for the homebound, a project that Harding residents have participated in distributing food to people in low income housing complexes. Chabad of SE Morris County has done classes for educational programs for the entire spectrum of the broader community. Rabbi Lubin deems himself as a community leader for the community as a whole. In this context there is a particular program that Rabbi Lubin has been active in over the years that he would like to share with Harding and that is during the holiday of Hanukah, he has taken it upon himself, which he started as a student back in the 1990's, where they put a public Menorah up in Madison many years ago. There is a ceremony and a candle lighting ceremony. It was very well received and ever since then since Rabbi Lubin moved to the area in 2002/03, the project has been expanded. Rabbi Lubin reached out to the surrounding towns and encouraged these towns to consider adding a Menorah to their holiday display during the December holiday season. The primary reason being, Hanukah is a Jewish holiday, a biblical holiday going back to the festival of the lights and the time of the temple. It's a Holiday that symbolizes the power of strength of religious conviction, it shows how a few people could stand up and fight for religious freedom, the tolerance for acceptance of all people of all faiths, and the Menorah being a symbol of lights, really symbolizes in the Jewish tradition and across the Jeddiah Christian spectrum of learning, it symbolizes the ability to bring a little light into a world that needs it so badly, particularly during an era of COVID that we are now in. Rabbi Lubin felt there was no greater time to expand this project just a little bit further and within the

SE Morris County borders, Harding is a part of it. There are members within our community that live here in Harding. Rabbi Lubin felt this would be a wonderful idea to include a Menorah in the Holiday display in the town that time of year which is why Rabbi Lubin is here this evening. Rabbi Lubin is here to answer any questions and provided the Township Committee with a list of towns that currently place Menorahs on display.

Mayor Yates -- *thanked Rabbi Lubin for coming in and asked if any member of the Township Committee have any comments or questions.*

Mrs. DiTosto -- *welcomed Rabbi Lubin and thanked him for coming. Rabbi Lubin reached out to Mrs. DiTosto and she commented she was so glad that he did.*

Mayor Yates -- *asked if any member of the public wished to be heard. Mrs. Sharp commented that if any member of the public would like to be heard, please unmute yourself, provide your name and address and ask your question or comment. With no comment, Mayor Yates explained that the Township Committee will take your request under advisement. Mayor Yates mentioned that Harding does not have any sectarian displays during the December holidays. This is new for Harding and the Township Committee will discuss this and get back to you on your request. Rabbi Lubin commented that would be great and added in his experience, Townships have handled this differently. Some towns that have various displays and sectarian depends on how you define a tree, but some towns have said they would like to purchase the Menorah to be a part of their town display, other places have said Chabad of SE Morris County put it up with a sign that says sponsored by their organization. Every town has their own guidelines on how they would like to work and Chabad of SE Morris County are happy to work within the framework of whatever the town feels its best and in terms of where we may think to place the Menorah. Whether it is near the tree on the corner of Sand Spring or in the center of Bayne Park by the circle, wherever as long as there is some access, Rabbi Lubin is totally flexible to work with the guideline of the town or your suggestions. The Township Committee thanked Rabbi Lubin.*

Let the record show that Rabbi Lubin left the meeting at 7:45 p.m.

ADD-ON RESOLUTIONS: NONE

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.

Mayor Yates opened the public meeting for comments from the public and asked that they state their name and address.

Elaine McHale, resident – *commented if the individual who was speaking sounded like he was in the meeting room. Is there now an option to attend meetings at the Town Hall? Mr. Falzarano, Township Administrator commented that Mrs. Sharp did put that out, however, it is limited to an audience of seven (7) people total. E. McHale thanked Mr. Falzarano.*

With no further comments, Mayor Yates closed the public comment session at 7:46 pm.

ORDINANCES FOR SECOND READING:

ORDINANCE #08-2020 -- “CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$40,000 TO FUND THE ACQUISITION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP”

Mayor Yates asked Township Committee Member Jones to read Ordinance TC #09-2020.

Township Committee Member Jones read Ordinance TC 08-2020 by title as follows

HARDING TOWNSHIP ORDINANCE #08-2020

“CAPITAL ORDINANCE TO APPROPRIATE THE SUM OF \$40,000 TO FUND THE ACQUISITION OF REAL PROPERTY IN, BY AND FOR THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS AND THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP”

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on July 13, 2020.

Township Committee Member Jones asked the Municipal Clerk to give a summary of the legal notice.

The Municipal Clerk States: Mrs. Sharp explained a legal notice was sent for publication on July 13, 2020 to the Observer Tribune indicating that Ordinance #08-2020 was introduced and passed on first reading at the July 13, 2020 meeting and indicated that the second reading and public hearing were to be held on August 10, 2020 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 opened the meeting for public hearing on the Ordinance and any member of the public may be heard. Township Committee Member Jones commented that these are the monies that were appropriated for the purchase of the NJDOT property, directly adjacent to Primrose Farm.

With no public comment, Mayor Yates closed the public hearing at 7:48 pm.

Township Committee Member Jones offered Ordinance #08-2020 and moved 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 Platt seconded the motion.

Township Committee Member Jones asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Adoption:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Ms. DiTosto | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ORDINANCES FOR SECOND READING:

ORDINANCE #09-2020 -- “AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION”

Mayor Yates reported that he is recusing himself from Ordinance #09-2020.

Township Committee Member Jones read Ordinance TC 09-2020 by title as follows

**HARDING TOWNSHIP
ORDINANCE #09-2020**

“AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM NEW JERSEY DEPARTMENT OF TRANSPORTATION”

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on July 13, 2020.

Township Committee Member Jones asked the Municipal Clerk to give a summary of the legal notice.

The Municipal Clerk States: Mrs. Sharp explained a legal notice was sent for publication on July 13, 2020 to the Observer Tribune indicating that Ordinance #09-2020 was introduced and passed on first reading at the July 13, 2020 meeting and indicated that the second reading and public hearing were to be held on August 10, 2020 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.

Township Committee Member Jones opened the meeting for public hearing on the Ordinance and any member of the public may be heard.

With no member of the public wishing to be heard, Township Committee Member Jones closed the public hearing at 7:51 p.m. and offered Ordinance #09-2020 and moved 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.

Mrs. DiTosto asked if any of this property or acres is going to be used for Open Space. Mr. Falzarano commented that this property is ear marked for the Disposal/Diversion.

Township Committee Member DiTosto seconded the motion.

Township Committee Member Jones asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows:*

Vote on Adoption:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Ms. DiTosto | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

Resolution TC 20-122 – Resolution Authorizing a Morris County Trail Construction Grant Application for Bayne Park – Municipal Campus Trail Extension

WHEREAS, the Morris County Board of Chosen Freeholders authorized the creation of the Trail Construction Grant Program (hereinafter “Program”) to provide funding to any of its 39 municipalities for recreational trail construction projects; and

WHEREAS, the Program is funded through the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund and requires a 20% match from applicants through a financial contribution or in-kind services; and

WHEREAS, Harding Township is submitting a grant to the Morris County Trail Construction Grant Program in the amount of \$30,000 for a project entitled Bayne Park – Municipal Campus Trail Extension.

BE IT RESOLVED, that the Mayor and Township Committee of the Township of Harding do hereby authorize the preparation and submission of a Morris County Trail Construction Grant Application; and

BE IT FURTHER RESOLVED, that the Mayor and Township Committee of the Township of Harding authorize the expenditure of the required 20% match for this grant through Open Space Funds; and

BE IT FURTHER RESOLVED, that the Mayor and Township Committee of the Township of Harding acknowledge the grant program will operate on a reimbursement basis only and agree to provide full advance funding to complete the proposed project.

Mr. Falzarano -- *commented that this resolution is an authorization for the Township to submit an application to the County to apply for grant funds for an extension of the trail to Bayne Park parking lot. The notification came from the County about five (5) days before there was actual interest. The letter of interest is the first part. What the Township Committee is asking this evening is will you authorize a submission for an actual application. That letter of submission was due above five (5) days from when the Township received the email. Mr. Falzarano spoke with Mr. Platt and Mayor Yates, as the Mayor had to sign the letter of interest, which he did, the Township now moves to the next Phase which is does the Township Committee want to submit the application to apply for funding for the actual grant. Ms. Wright will prepare the grant as was conducted the last time for the trail. Ms. Wright and Mr. Fox are both on the phone to answer any questions or concerns.*

Mrs. DiTosto -- *asked if the extension of the trail could be described. Mr. Fox commented that the current trail terminates at the foot bridge at the western end of the pond. On the other side of the foot bridge, the trail would be continued, moving around the pond, going along paralleling the shore line, and ending at the gravel parking lot. Mr. Platt commented that when the trail grant was originally conducted, it was supposed to go beyond the foot bridge and end as a somewhat walking cul-de-sac, 25 yards beyond the foot bridge. Due to the popularity of the trail during the pandemic there was an idea to extend the trail from point A to point B, rather than just having one point A. A discussion ensued.*

Mr. Modi -- *commented that he has not seen the application and does not have an idea on exactly where the trail will be, does not have any numbers, and is confused on how he can vote on this resolution without seeing the application. Ms. Wright commented that the pricing is an estimate based on what was spent on linear foot of the last trail project.*

Mayor Yates -- *commented if CPAC reviewed the application and have they supported it. Mayor Yates commented that it was mentioned that the estimate used was used for the current trail yet there were significant engineering issues with that trail with washing out and lack of stability. The Town had to spend monies to go in and fix the issues. Mayor Yates commented why the Township would use the same engineering plans and the estimate for trails with significant after the fact modifications. Mr. Fox, Township Engineer, commented that the area for the extension is a much spire grade and the area that Mayor Yates is referring to are the curbs and the area directly adjacent to Blue Mill Road of the existing path system. There is a steep grade that comes down to where the road parallels and a steep grade when the trail returns back to the upper level (where the tennis courts are). Where the trail is being proposed at Bayne Park, the area does not have the steep slopes. Mr. Platt commented CPAC has not had a meeting. Mrs. DiTosto commented that CPAC should review this application as there was a lively discussion at CPAC regarding the first trail. Mrs. DiTosto commented that there should be a letter from CPAC to the Township Committee expressing their views on the extension. Mrs. DiTosto commented if there should be other alternative services for the trail. A discussion ensued regarding the grant application and cost estimates*

Mr. Falzarano -- *commented that the application would need to be submitted by August 31, 2020 and asked if Mr. Fox had the cost estimates. Mr. Fox commented that based on the prior work that was conducted and applying a 10 percent escalation, the cost estimate for the extension was about \$13,000.00. Mrs. DiTosto commented what the \$30,000.00 estimate in the resolution is for. Mr. Fox commented that the \$30,000 is a budget figure which would cover overages and if the Township wanted to install equipment. Mrs. DiTosto*

commented that the application should have further review so that the Township Committee could understand the full scope. Mr. Platt commented the cost estimate is \$13,000.00, plus 10% overage.

Larry Weppler, Lee's Hill Road – *commented that he walks the trail virtually every day and would like to understand if you extend the trail, why is the trail not being extended back to the original trail. Mr. Weppler would advocate to mow a path and keep it mowed. If the trail path is going to be put it, it should be bigger than what is being proposed. It should be a loop that goes back to the original path beyond the surfaces.*

Mayor Yates – *commented that we have had issues with the crossing at Sand Spring Road and we should look to see if there are opportunities to do something with the crossing; i.e., signage, etc., which should be incorporated in the trail application. Mayor Yates commented that he is hearing that this seems rushed and maybe it should be looked at by CPAC and HOST as it is using open space monies. The engineering should be readdressed. Mrs. DiTosto agreed with Mayor Yates. A discussion ensued regarding the crossing and signage. Mayor Yates asked what the consensus of the Township Committee is with regard to the resolution.*

Mrs. DiTosto -- *commented she would like to see CPAC and HOST weigh in on the application and provide a letter with recommendations to the Township Committee. The trail will be used but it should be properly planned.*

Mr. Platt -- *commented that the Mayor should reach out to Freeholder Shaw to see if an extension could be granted. Mr. Platt will reach out to CPAC for a special meeting. Mayor Yates commented that the Township can reach out to the County to see if they would grant the Township an extension. It is more than just having CPAC and HOST review the applications, there is engineering and cross walk concerns.*

Mayor Yates -- *commented that this resolution will be tabled and the Township will ask the County for an extension.*

Mayor Yates asked for a motion to Table Resolution TC 20-122.

A motion was made by Mrs. DiTosto and seconded by Mr. Platt.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows.*

Vote on Resolution:

| | MOTION | TO TABLE | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Ms. DiTosto | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE:

Resolution TC 20-126 – Resolution to Authorize the Maintenance Items for the Traphagen Tennis Court

WHEREAS, the Traphagen Tennis Courts require maintenance items that include resurfacing and crack repairs; and

WHEREAS, the Township secured quotes and explored options as to how to best provide for those items; and

WHEREAS, the quote submitted by Halecon, Inc. in the amount of \$28,500.00 with alternates totaling \$2,630.00 has been determined to be the best option by the Township Engineer and the Township Purchasing Agent; and

WHEREAS, the anticipated value of the work is not expected to exceed the Township's Public Bid Threshold; and

WHEREAS, Halecon, Inc., will perform complying with Prevailing Wage (N.J.S.A. 34:11-56.25 et seq.), the Pay-to-Play Law (N.J.S.A. 19:44A-20.4 et seq.), and Business Registration Certification (N.J.S.A. 52:32-44); and

WHEREAS, Halecon, Inc. has submitted all required paperwork and has performed work for Harding Township in the past; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that monies are available in the amount of \$31,130.00 from account number #05-5000-0000-0170-2-00000.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the Traphagen Tennis Court maintenance materials and applications on the Traphagen Tennis Courts at Blue Mill Road is hereby approved; 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 this Resolution.

Mr. Falzarano – *commented that a crack has developed across the tennis courts and the tennis courts will have to be resurfaced. Mr. Falzarano asked Mr. Fox, Township Engineer to look at the tennis courts and provide an estimate for what the repairs will cost. Mr. Falzarano asked Mr. Fox to explain the technical engineering parts, why the crack developed, and what has to be done to repair it.*

Mr. Fox – *commented that when the tennis court project was reviewed about ten years ago, we were asked to come up with different options for how to repair the tennis courts. The recommendation at that time was to replace the sub soils under the tennis court because the soils were the likely culprit for some of the fees and costs issues the Township was seeing. Unfortunately, the budget to address this issue was not there, so the solution was to overlay the tennis courts with new asphalt, install new nets, and restripe the courts. It has been a little over five years since this was conducted. Mr. Fox mentioned that some cracking has returned. A proposal from a tennis court contractor was received to conduct repairs that would place a fiberglass patch over the cracks, resurface the tennis courts with new coloring including stain blocker to prevent any of the rust spots that are coming through. Mr. Platt provided some history of the traphagen tennis courts. Mr. Platt commented that there are about six (6) fissures in the tennis courts with some being major. A discussion ensued regarding the repairs to the tennis courts.*

Mayor Yates – *commented if compaction inspections were conducted. Mr. Fox commented yes, however, the original asphalt was not taken out from underneath, we built over top of the courts, which was the least costly solution. Again, this did not address the cost susceptible soils under the courts. We are not seeing settling on the courts, it is frost action that is being seen. Mr. Fox estimates that the cost of fixing the crack would be \$15,000.00.*

Mr. Jones – commented going forward, in five (5) years, the Township will be looking at a \$15,000.00 expenditure. Mr. Fox commented that it will depend on the weather and the winters. Mr. Jones asked what the Township should be budgeting for the tennis courts going forward. If the courts should be painted every five (5) years, money should be earmarked for this going forward. Mr. Falzarano commented he has had experience with tennis courts and the word with tennis courts is maintenance, annually and every five years, especially to deal with the resurfacing. It is critical to include this in a capital budget and look at it after the third year of resurfacing which is when you start to look to see if resurfacing is needed in fourth or fifth year. Mr. Modi commented that the Township is not addressing the permanent corrective action. How does the Township deal with this from an engineering standpoint? Mr. Fox reported that we are looking at providing relief joints along the net line as well as between the two courts to give the pavement a location to move that is not in the area of play. As part of the work on the tennis courts, they will cut relief joints to try to give the pavement a location to move that is not located where people are playing tennis. Unfortunately, the concern you bring up is a decision that was made several years ago based on budgetary constraints. To solve the prior concerns, would involve spending about \$175,000.00. Mr. Falzarano commented that the fiberglass material has some flexibility to it. Whereas, if asphalt was applied, it does not have the ability due to the thaw and the freezing to expand and contract. Is this what is trying to be accomplished. Mr. Fox reported yes, it is a woven fiberglass material with asphalt backing on it. Mr. Platt commented that this is something that happens in the northeast and agrees with Mr. Jones' that monies should be included in the budget. Mr. Platt commented that he does not believe the tennis courts have cost the Township any monies from when they were done in 2014.

Mrs. DiTosto -- commented if the Township Administrator could go through the financial history of the tennis courts and report to the Township Committee on how much has been spent on the courts to date, what was spent originally, where the money came from, etc. Mr. Modi commented if it would be worth the Township to conduct a five or ten year maintenance plan to appreciate the magnitude on how much the Township will be spending to maintain that cannot be properly fixed. Mr. Falzarano explained that yes the Township would want to project what our costs potentially would be but there are a lot of variables with tennis courts, weather is the biggest. From 2014 to 2020, the Township Administrator realizes that technology has changed in terms of what is being discussed today with the ability of making repairs that will last much longer than what they would have lasted back in 2014. All facilities should be looked at in terms of capital improvements and a determination made approximately what is anticipated that will require repair and what the cost would be.

Mayor Yates -- asked if HOST had looked at the repairs and costs for the tennis courts and how were they incorporated into the HOST budget. Mr. Wepler commented that HOST has not looked at the tennis courts at all. Mr. Falzarano commented that the repairs would come out of open space monies. Mr. Wepler explained the tennis court repairs have not been included in any of the HOST budgets that he has prepared. Mayor Yates commented how the Township proceeds. Mr. Platt commented that the repairs must be made. The cracks will get worse and it will be more costly to repair. A discussion ensued. Mayor Yates explained the tennis courts are a significant asset to the town and they need to be maintained. Mayor Yates asked if the Township Administrator was confident that this is the correct repair approach with the tennis courts. Mr. Falzarano commented that he has had some experience with the fiberglass, which is now placed in concrete to make light weight concrete. This is a good process and is far superior than laying asphalt down. The resurfacing of the courts is an ongoing maintenance concern. When you place both repairs together, this is why the costs end up being higher than they normally would be. Mrs. DiTosto commented that it sounds like the Township should allocate \$5,000.00 a year for maintenance of the tennis courts. Mr. Platt and Mr. Falzarano concurred.

Mrs. DiTosto – commented who is responsible to determine when the maintenance occurs. Mr. Falzarano explained this would be DPW as part of their regular submission of their budget. Mr. Modi commented if this could go till September to allow HOST time to review. Mr. Platt explained HOST meets this Wednesday and will discuss this subject. Mr. Platt explained that the contract conducting the repair is very busy and the Township is trying to get this on their schedule, therefore, pushing the resolution off till September may not be a

wise decision. Mayor Yates commented that HOST should be apprised of these costs. Mr. Weppler commented that HOST has no information regarding the tennis courts, the meeting is Wednesday which there is a very full agenda, and now there are two items that have been sent to HOST to be addressed on Wednesday. HOST will conduct the review but would like to be included much sooner with information. Mrs. DiTosto commented she would like to see a written letter from HOST to the Township Committee with their recommendations.

Mayor Yates commented if the resolution is adopted in September would the Township be able to get the repairs done. Mr. Falzarano deferred the comment to Mr. Fox. Mr. Fox commented that weather is the main concern. The Township would want to make sure that we are not losing a weather window in terms of when this can be applied. Mr. Platt commented the resolution should be adopted tonight. Mr. Modi commented given the nature of the defect being repaired, is it advisable to perform the repair before the winter or after the winter. Mr. Fox explained it is advisable to perform the repair before the winter because it is at the edge of becoming a safety issue. Mr. Jones commented how long will the courts be out of commission. Mr. Fox commented about two weeks. Mayor Yates commented that these proposals should be taken through the proper committees and not seem them for the first time when they show up on an agenda. The tennis courts as mentioned earlier are a significant asset to the Township.

Mayor Yates asked for a motion to adopt resolution TC 20-126. Upon a motion made by Township Committee Member Platt and seconded by Township Committee Member Jones. Mrs. DiTosto commented she would like to have a letter from the HOST committee following their discussion on Wednesday with regard to the tennis courts.

Mayor Yates asked the Municipal Clerk for a Roll Call: Mrs. Sharp called the roll as follows.

Vote on Resolution:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Ms. DiTosto | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 20-123 THROUGH RESOLUTION TC 20-129 HAVE BEEN PLACED ON THE CONSENT AGENDA

Mayor Yates commented that Resolutions TC 20-122 and TC 20-126 will be removed from the Consent Agenda for further discussion and vote.

CONSENT AGENDA VOTE:

Mayor Yates asked Committee Member Platt to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 20-123 through TC 20-125 and TC 20-127 through TC 20-129.

Committee Member Platt made a motion to approve the resolutions placed on this evening's Consent Agenda by consent of the Township Committee. Seconded by Township Committee Member Jones.

Mayor Yates asked the Municipal Clerk for a Roll Call: *Mrs. Sharp called the roll as follows: Let the record show that Mr. Modi abstained from Resolution TC 20-123 (Bill List) as he did not receive a copy for review.*

Vote on Resolution:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT |
|-------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Ms. DiTosto | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | 2 nd | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | 1 st | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

FINANCE:

Resolution TC 20-123– 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 20-124 – 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.

CLUB LICENSES:

Applicant:

ADDRESS:

FEE:

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

Resolution TC 20-125 – Resolution to Authorize an Increase to Professional Services Contract

WHEREAS, at the January 4, 2020 Township Committee meeting, the Township Committee authorized \$25,000.00 for the services of Greenbaum Rowe Smith & Davis LLP, under their professional services contract; and

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

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$85,000 from account number #05-5000-0000-0155-2-00000; and

WHEREAS, the total amount shall not exceed \$110,000.00.

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 \$110,000.00 |
| | Roseland, NJ 07068 | 05-5000-0000-0155-2-00000 |

PERSONNEL:

Resolution TC 20-127 – Resolution Authorizing the Reappointment of Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer

WHEREAS, the Township of Harding appointed Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer for five consecutive one-year terms commencing on August 12, 2013, in accordance with N.J.S.A. 40A:146.14 (a); and

WHEREAS, Police Chief Erik Heller has recommended Mr. Atoche be reappointed as a Class II Special Law Enforcement Police Officer for an additional one-year term with the Harding Township Police Department commencing August 12, 2020; and

WHEREAS, Fernando Omar Atoche continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

WHEREAS, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Atoche for an additional one-year term.

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 Police Chief Erik Heller be and hereby is accepted and that it does hereby re-appoint Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on August 12, 2020 at the rate of \$31.21 per hour.

Resolution TC 20-128 – Resolution Authorizing the reappointment of Patrick Meade as a Class II Special Law Enforcement Police Officer

WHEREAS, the Township of Harding appointed Patrick Meade as a Class II Special Law Enforcement Police Officer for a one year term on September 16, 2019, in accordance with N.J.S.A. 40A:146.14 (a); and

WHEREAS, Police Chief Erik Heller has recommended Mr. Meade be reappointed as a Class II Special Law Enforcement Police Officer for an additional one-year term with the Harding Township Police Department commencing September 16, 2020; and

WHEREAS, Patrick Meade continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

WHEREAS, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Meade for an additional one-year term.

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 Police Chief Erik Heller be and hereby is accepted and that it does hereby re-appoint Patrick Meade as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on September 16, 2020 at the rate of \$32.64 per hour.

Resolution TC 20-129 – Resolution to Authorize an Increase to the Co-Op Contract Vendor Amounts

WHEREAS, the Township of Harding, pursuant to N.J.S.A. 40 A: 11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program, the Morris County Cooperative Pricing Council, Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO to purchase goods or services, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System for any State or County contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, the Morris County Cooperative Pricing Council, the Somerset County Cooperative Pricing System and the Middlesex Regional Educational Services Commission Cooperative Pricing System as approved by TC Resolution #20-049; and

WHEREAS, the Township of Harding has the need to increase not to exceed amounts for certain vendors approved contract vendors, and

Morris Asphalt Co. – State Contract – Not to Exceed \$126,500.00 increased \$ 96,500
Beyer Ford / Fleet – State Contract – Not to Exceed \$112,000.00 increased \$ 82,000 (2 PD – 1 Const.)

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Township of Harding authorizes the Purchasing Agent to purchase certain goods or services from Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO pursuant to all conditions of the individual State, Morris County, Somerset County and Middlesex Regional Educational Services Commission Cooperative Pricing System Cooperative contracts; and

BE IT FURTHER RESOLVED, that the Governing Body of the Township of Harding pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

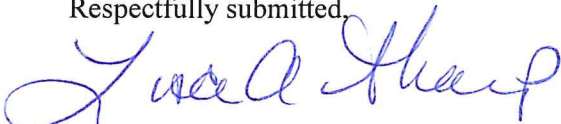
BE IT FURTHER RESOLVED, that the duration of the contracts between the Township of Harding and the Union County Cooperative Purchasing and the National Cooperative – WSCA-NASPO Contract Vendors shall be from January 1, 2020 to December 31, 2020.

ORDINANCES FOR FIRST READING: NONE

ADJOURNMENT – Mr. Yates

Seeing no further business, Mayor Yates asked for a motion to adjourn. Upon a motion made by Mr. Platt, seconded by Mr. Jones and with a roll call vote of all ayes, none opposed, the meeting adjourned at 8:54 p.m.

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk