

HARDING TOWNSHIP COMMITTEE
MONDAY, OCTOBER 18, 2021
IN-PERSON ONLY
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING AGENDA at 7:00 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor Jones

ADEQUATE NOTICE of this October 18, 2021 meeting of the Harding Township Committee was sent to the Observer Tribune on September 14, 2021 and published in the Observer Tribune on September 16, 2021.

ROLL CALL – Municipal Clerk

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

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Resolution TC 21-173– 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. Glen Alpin Sale – R. Goldsmith
2. Property Acquisitions – M. Roselli
3. PBA Contract – R. Falzarano
4. Affordable Housing L&T – R. Falzarano

Personnel:

1. 2022 Employee Salaries – R. Falzarano

Vote on Resolution:

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

RECONVENE INTO PUBLIC SESSION – Mayor Jones

ROLL CALL – Municipal Clerk

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

PLEDGE OF ALLEGIANCE – Mayor Jones

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 14, 2021, and published in the *OBSERVER TRIBUNE* on September 16, 2021; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on September 14, 2021, and Notice was filed with the Municipal Clerk on September 14, 2021.

RESOLUTION TC 21-174 – RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member _____ to proceed with Resolution TC 21-174 listed on the Non-Consent agenda.

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **September 13, 2021**

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: **September 13, 2021**

Mayor Jones asks for a motion to accept the Township Committee meeting minutes.

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

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

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

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

DISCUSSION ITEMS:

1. Fox & Coyote Ordinance – N. Platt
2. Best Practices – A. Fiore
3. Part-Time Employee Scheduling – James Plosia

ORDINANCES FOR SECOND READING: NONE

NON-CONSENT RESOLUTIONS: NONE

ADD-ON RESOLUTIONS: NONE

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

CONSENT AGENDA

The following items are considered to be routine by the Harding Township Committee and will be enacted by one motion. There will be no separate discussion of these items unless a Township Committee Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

RESOLUTIONS TC 21-175 THROUGH RESOLUTION TC 21-180 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asks Committee Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 21-175 through TC 21-180.

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

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

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

APPOINTMENTS: NONE

CONTRACTS:

Resolution TC 21-175 – Resolution to Authorize an Increase Not to Exceed Amount From Co-Op Contract Vendor

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 #21-048; and

WHEREAS, the Township of Harding has to purchase additional asphalt and paving materials from Weldon Materials in the amount not to exceed \$40,000; and

WHEREAS, Weldon Materials has provided pricing through the Union County Cooperative Purchasing contract #UCCP-22-2020.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Township of Harding authorizes the Purchasing Agent to purchase certain goods or services from Union County Cooperative Purchasing 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 vendors shall be from January 1, 2021 to December 31, 2021.

FINANCE:

Resolution TC 21-176 – 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 21-177 – Resolution to Authorize an Increase to the Professional Services Contract for Plosia Cohen, LLC

WHEREAS, at the September 13, 2021, Township Committee meeting, the Township Committee authorized \$5,000.00 for the services of Plosia Cohen, LLC under their professional services contract; and

WHEREAS, it is necessary to increase the authorization for the services of Plosia Cohen LLC, under their professional services contract in the field of labor matters; 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 #01-2021-1155-0155-2-00000; and

WHEREAS, the total amount shall not exceed \$15,000.00.

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 the remainder of 2021:

Special Labor Counsel	Plosia Cohen, LLC	9/13/2021 to 12/31/2021
	Chester Woods Complex	Not to Exceed \$15,000.00
	385 Route 24, Suite 3G	01-2021-1155-0155-2-00000
	Chester, NJ 07930	

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.

Resolution TC 21-178 – Resolution to Authorize Long Hill Township as Signatory on Bank Account

WHEREAS, the Township of Harding has entered into a Shared Services Agreement for Municipal Court services with Long Hill Township Municipal Court commencing on January 1, 2022; and

WHEREAS, it is necessary to authorize Ann Naylor, Long Hill Township Municipal Court Administrator as signatory on two Harding Township bank accounts (Bail & Magistrate).

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey authorizes Ann Naylor, Court Administrator of the Long Hill Township Municipal Court to be signatory on Harding Township's two bank accounts.

Resolution TC 21-179 – Resolution of the Township Committee Authorizing an Amendment to Contract for Sale of Real Estate and Contribution Agreement with L&T Affordable Housing Urban Renewal Corporation in Connection with the Construction of Four-Unit Affordable Housing Residence and Other Related Improvements to be Constructed at the Farm

WHEREAS, on June 8, 2020, the Township of Harding (the "Township") and L & T Affordable Housing Urban Renewal Corporation (hereinafter "L & T") entered into a Contract for Sale of Real Estate for the sale and purchase (the "Contract") of Township property known as The Farm at Harding and located at 700 Woodland Avenue, Tax Block 2, Lot 16, in Harding, New Jersey (the "Property"), as authorized by Ordinance No. 15-2019 of the Township, which was duly adopted at a public meeting held on December 9, 2019, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, a condition precedent to L&T's obligation to close and accept title to the Property was that the Township was to make a financial contribution of Three Hundred Twenty-Five Thousand and No/100 Dollars (\$325,000.00) to L&T (the "Contribution"), in connection with the future construction of a building on the Property containing two affordable housing units that the Township was required to provide as part of its settlement with Fair Share Housing; and

WHEREAS, L&T received approval from the Harding Township Planning Board for the construction of a building containing four affordable housing units and a building to be used as an office for the management of the five (5) existing buildings and newly constructed building; and

WHEREAS, the Township and L & T memorialized the terms and conditions of disbursement of the Contribution in a certain Contribution Agreement dated as of November 30, 2020 (the "Contribution Agreement"), that included a payment schedule that reflected the terms and conditions of the \$325,000.00 financial contribution from the Township, which included five payments totaling \$325,000.00 in varying amounts to L & T upon it reaching certain conditions; and

WHEREAS, due to the unexpected and unprecedented increase in the cost of building materials and other related items, L & T requested that the Township increase the contribution amount by an additional \$100,000.00, for a total financial contribution amount of \$425,000.00, with all other terms and conditions of the Contract that remain in effect post-closing and the Contribution Agreement, remaining in full force and effect; and

WHEREAS, in light of this being an affordable housing project that is being constructed on behalf of Harding Township pursuant to the Township's agreement of sale with L & T, the Township Committee has agreed to increase the contribution amount under the Contract to \$425,000.00 and to reflect the additional amount by increasing each of the five payments set forth in paragraph 1 of the Contribution Agreement by \$20,000.00, thereby amending each agreement in accordance with the terms hereof.

BE IT RESOLVED, by the Township Committee of Harding Township, Morris County, New Jersey, that the foregoing background recited above is incorporated herein by reference and the Township Committee does hereby agree to amend the Contract for Sale of Real Estate by increasing the financial contribution amount set forth in paragraph 13 (b) from \$325,000.00 to \$425,000.00 and to amend paragraph 1 of the Contribution Agreement by increasing each of the five payments required thereunder by \$20,000.00, as follows:

1. **Payment Schedule.** The Township shall pay, directly to L&T the following sums at the following times:

- | | | | |
|----|---|----|------------|
| a. | Issuance of Building Permit by the Township of Harding: | \$ | 85,000.00 |
| b. | At the time that work is 25% complete: | \$ | 85,000.00 |
| c. | At the time that work is 50% complete: | \$ | 85,000.00 |
| d. | At the time that work is 80% complete: | \$ | 133,750.00 |
| e. | Issuance of final certificate of occupancy by Township | \$ | 36,250.00 |

BE IT FURTHER RESOLVED, that the Contract for Sale of Real Estate and Contribution Agreement referenced herein shall be deemed amended in accordance with the terms of this Resolution.

MISCELLANEOUS:

Resolution TC 21-180 – Approval of Best Practice Inventory 2021

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 Committee, having reviewed the contents in a public meeting, hereby approves of the completed CY 2021 Best Practice Inventory as prepared and certified by the Municipal Clerk, Lisa A. Sharp and the Chief Financial Officer.

ORDINANCES FOR FIRST READING

ORDINANCE #07-2021 – CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$557,100

Mayor Jones asks Township Committee Member _____ to introduce Ordinance #12-2021.

Township Committee Member _____ introduces Ordinance #12-2021 by title as follows:

HARDING TOWNSHIP ORDINANCE #12-2021

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM CATHERINE B. APPLETON

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

Township Committee Member _____ reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on October 18, 2021.

BE IT RESOLVED, that at the Township Committee meeting to be held on November 8, 2021 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member _____: I offer Ordinance #12-2021 and move its introduction.

Township Committee Member _____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

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

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Resolution TC 21-181– Resolution to Adjourn into Executive Session

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

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

Attorney Client Privilege:

1. James Plosia

Vote on Resolution:

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

ADJOURNMENT – Mr. Jones

ORDINANCES – INTRODUCTION

- 1. ORDINANCE 12-2021 – An Ordinance of the Township of Harding, County of Morris, State of New Jersey, Authorizing the Acquisition of Certain Real Property From Catherine B. Appleton**

**HARDING TOWNSHIP
ORDINANCE #12-2021
AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, NEW
JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM
CATHERINE B. APPLETON**

WHEREAS, the Township of Harding, New Jersey wishes to acquire from Catherine B. Appleton (hereinafter "Seller") certain real property located at 528 Van Beuren Road and more commonly described as Block 6, Lot 11.02 on the Tax Map of the Township of Harding, Morris County, consisting of unimproved land totaling approximately 3.79 acres more or less (hereinafter the "Real Property"), for the total purchase price not to exceed \$1,000,000.00, plus costs associated with the purchase, pursuant to N.J.S.A. 40A:12-1 et seq. generally, and N.J.S.A. 40A:12-4 and 40A:12-5 specifically; and

WHEREAS, the Chief Financial Officer has certified that funding for this purchase is available through account number 05-5000-0000-9401-2-05010; and

WHEREAS, this land is being acquired for legitimate public purposes that being for both passive recreation and open space within the Township.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Harding, County of Morris and State of New Jersey as follows:

1. The acquisition of 528 Van Beuren Road and more commonly described as Block 6, Lot 11.02 on the Tax Map of the Township of Harding, Morris County, consisting of unimproved land totaling approximately 3.79 acres more or less (hereinafter the "Real Property") for the total purchase price not to exceed \$1,000,000.00, plus costs associated with the purchase that includes necessary property inspections, title insurance, survey not to exceed \$35,000.00, is hereby approved, subject to the Township negotiating and executing an Agreement of Sale with the Seller, and the Mayor, Township Clerk and Township Attorney are hereby authorized to sign said Agreement and such other documents necessary to effectuate closing, including obtaining any and all necessary inspections, title insurance, survey and subject to the Township receiving clear and marketable title.

2. The real property is being acquired for legitimate public purposes that being for open space and passive recreation activities within the Township.

3. All ordinances or part of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

5. This Ordinance shall take effect after publication and passage according to law.

ATTEST:

TOWNSHIP OF HARDING

Lisa A. Sharp
Township Clerk

Timothy D. Jones
Mayor

INTRODUCED: October 18, 2021

ADVERTISED: October 20, 2021

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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