

HARDING TOWNSHIP COMMITTEE
MONDAY, AUGUST 8, 2022
IN-PERSON
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING AGENDA at 7:00 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

MEETING MINUTES

CALL MEETING TO ORDER – Mayor

Mayor Jones call the August 8, 2022 meeting to order at 5:30 pm.

ADEQUATE NOTICE of this August 8, 2022 meeting of the Harding Township Committee was sent to the Observer Tribune on January 3, 2022 and published in the Observer Tribune on January 6, 2022.

Mayor Jones announced that adequate notice of this August 8, 2022 meeting of the Harding Township Committee was called to order in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

Mrs. Sharp called the roll as follows:

<i>Present:</i>	<i>Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones</i>
<i>Absent:</i>	<i>None</i>
<i>Also Present:</i>	<i>Mr. Falzarano, Township Administrator; Mr. Mark Roselli, Township Counsel (arrived at 6:05 pm); Mrs. Sharp, Municipal Clerk; Mr. Goldsmith, Special Counsel; and Mr. DeNave, Assistant Administrator</i>

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Jones asked for a motion to recess into Executive Session. Upon a motion made by Township Committee Member Platt, seconded by Township Committee Member Yates and with a roll call vote of all ayes, none opposed, the Township Committee recessed into Executive Session at 5:32 pm.

Resolution TC 22-148 - 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. Hurstmont – R. Goldsmith
2. Glen Alpin – T. Jones

Litigation:

1. Verizon – M. Roselli

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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	2 nd	<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"/>

RECONVENE INTO PUBLIC SESSION – Mayor

Mayor Jones asked for a motion to reconvene into public session. Upon a motion made by Township Committee Member Platt, seconded by Township Committee Member Yates, and with a vote of all ayes, the meeting reconvened into public session at 7:02 pm

ROLL CALL – Municipal Clerk

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

Mrs. Sharp called the roll as follows:

Present:

Ms. Chipperson, Dr. Lacz, Mr. Platt, Mr. Yates, Mr. Jones

Absent:

None

Also Present:

Mr. Falzarano, Township Administrator; Mr. Mark Roselli, Township Counsel (arrived at 6:05 pm); Mrs. Sharp, Municipal Clerk

PLEDGE OF ALLEGIANCE – Mayor

Mayor Jones 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 3, 2022, and published in the *OBSERVER TRIBUNE* on January 6, 2022; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 3, 2022, and Notice was filed with the Municipal Clerk on January 3, 2022.

Mayor Jones announced that adequate notice of this August 8, 2022 meeting of the Township Committee was called to order in accordance with the Open Public Meetings Act.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Jones

Mayor Jones announced that Pleasantville Road reconstruction has begun and should be completed by August 9, 2022. Mayor Jones reported that the Madison Road Bridge is closed and will be replaced.

Mayor Jones commented that the aerator at Bayne Park is in and that the strip that is always wet has been fixed thanks to Mr. Toribio and his employees.

Township Committee Member Chipperson reported that the true 100 year anniversary for Harding Township is September 1, 2022. The festivities for September 1, 2022 at Memorial park will start at 6 pm and end at 8 pm. There will be speakers and a brick oven pizza truck and an ice cream truck. On October 1, 2022, there will be festivities at Margetts field from 2 pm to 7 pm. There will be food, fun, and fireworks.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

RESOLUTION TC 22-149 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member Lacz to proceed with Resolution TC 22-148.

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minute(s) from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **June 20, 2022, July 11, 2022, and Special Meeting July 27, 2022; and**

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: **June 20, 2022, July 11, 2022, and Special Meeting July 27, 2022.**

Township Committee Member Lacz made 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 Platt.

Mayor Jones 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. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	1 st	<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"/>
Mr. Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Mayor Jones asked Township Committee Member Yates to proceed with Resolution TC 22-150 listed on the Non-Consent agenda.

Resolution TC 22-150 – Resolution to Appoint Acting Chief of Police

WHEREAS, because of the impending leave of absence and retirement of the Chief of Police, Erik Heller, there is a need for the appointment of an Acting Chief of Police of the Harding Township Police Department, on a temporary basis; and

WHEREAS, in consultation with the Appropriate Authority/Township Administrator Robert Falzarano and Chief of Police, Erik Heller has recommended that Lieutenant Michael Gromek be designated as Acting Chief of Police of the Harding Township Police Department on a temporary basis, effective August 8, 2022 and to serve in that capacity until such time as a successor is appointed by the Township Committee; and

WHEREAS, the Acting Chief of Police, in consultation with the Appropriate Authority, shall be responsible for the day to day operations of the police department including the administration and enforcement of rules and regulations; assignments of duties to police officers and other department personnel; authority to approve reports and maintaining communication with the Township Administrator/Appropriate Authority pertaining to the operations of the department. The Acting Chief of Police may administer additional duties and responsibilities for the conduct and management of the Police Department as needed and permitted by law; and

WHEREAS, the Harding Township Committee endorses the recommendation for appointment of the Acting Chief of Police as set forth herein and wishes to memorialize same.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that Lieutenant Michael Gromek be and is hereby appointed on a temporary basis as Acting Chief of Police of the Harding Township Police Department and he shall serve in that capacity until such time as a successor is appointed by the Township Committee; and

BE IT FURTHER RESOLVED, until a successor is appointed, Acting Chief of Police, Michael Gromek, shall receive a \$500.00 stipend to be paid in each of the two monthly payrolls during the time Lieutenant Gromek serves as Acting Chief of Police.

NON-CONSENT AGENDA VOTE:

Mayor Jones asked **Township Committee Member Yates** to proceed with Resolution TC 22-150 listed on the Non-Consent agenda.

Township Committee Member Yates made 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 Platt.

Mayor Jones 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. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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	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"/>

Mrs. Sharp conducted the oath of office with Lieutenant Gromek for Acting Chief of Police. Acting Chief Gromek thanked his family, the Township Committee, Erik Heller, and Mike Meade. Mayor Jones presented Acting Chief Gromek with a signed and sealed copy of the resolution.

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

Mayor Jones asked *Township Committee Member Chipperson* to proceed with Resolution TC 22-151 listed on the Non-Consent agenda.

Resolution TC 22-151 – Resolution to Authorize the Person-to-Person Transfer of Dharma Bhakti09, LLC, Liquor License to 4G Hospitality, LLC

WHEREAS, 4G Hospitality, LLC filed an application with the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control for a Person-to-Person transfer of Plenary Retail Distribution License Number 1413-44-002-005, heretofore issued to DHARMA BHAKTI09, LLC; and

WHEREAS, the submitted application form is complete in all respects and the transfer fees have been paid; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey that the transfer of the aforesaid Plenary Retail Distribution License Number 1413-44-002-005 to 4G Hospitality, LLC for premises located at 1098 Mt. Kemble Avenue, Harding Township, New Jersey is hereby approved effective August 8, 2022; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Harding does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to 4G Hospitality, LLC, for premises located at 1098 Mt. Kemble Avenue, Harding Township, New Jersey, effective August 8, 2022."

NON-CONSENT AGENDA VOTE:

Mayor Jones opened the meeting to members of the public at 7:21 pm.

Mr. Larry Wepler, resident – *commented if this is the Deli on Route 202. Mayor Jones responded with yes.*

With no further comments or questions, Mayor Jones closed the public hearing at 7:22 pm.

Township Committee Member Chipperson made 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 Lacz.

Mayor Jones 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. Chipperson	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	2 nd	<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 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"/>

DISCUSSION ITEMS: NONE

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

M 08-09-2022

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.

Mayor Jones opened the meeting to members of the public at 7:24 pm. With no comments from any member of the public, Mayor Jones closed the public comment portion of the meeting at 7:25 pm.

ORDINANCES FOR SECOND READING: NONE

ADD-ON RESOLUTIONS:

Mayor Jones announced that the following two resolutions are add on resolutions and the vote on the resolutions will be included in the Consent Agenda.

Resolution TC 22-166 – Resolution to Prohibit Smoking and/or Vaping of any Kind at the Township Centennial Celebration at Margetts Field

WHEREAS, the Township of Harding will be hosting a Centennial Celebration on October 1, 2022, at Margetts Field, a Township-owned property; and

WHEREAS, the Township Committee anticipates that this event will be attended by a considerable number of residents and visitors, including children and Seniors; and

WHEREAS, the Township Committee believes maintaining a smoke-free environment at the Centennial Celebration is in the best interest of the attendees, and serves to protect the public health and safety of those be attending and participating in the event; and

WHEREAS, the Township Committee therefore desires to prohibit smoking or vaping of any kind, nature or material, including without limitation, cigarettes, cigars, marijuana, cannabis, e-cigarette or any vape device, at the Centennial Celebration at Margett's Field on October 1, 2022.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that any smoking and/or vaping of any kind, nature or material, including without limitation, cigarettes, cigars, marijuana, cannabis, e-cigarette or any vape device, shall be prohibited at Margett's Field before, during and after the Township of Harding's Centennial Celebration presently scheduled for October 1, 2022.

BE IT FURTHER RESOLVED, that the Township Administrator shall ensure that appropriate signage is posted at Margett's Field for purposes of providing notice of same to all those attending the event.

Mr. Falzarano explained that the first bid was in May 2022 with no bidders. Mr. Falzarano being concerned with the recent change in the hauler that the contract may increase significantly, especially since no bids were

received in May. Mr. Falzarano recommended to the Township Committee to go out for a second bid and contact the current hauler as he was not aware of the first bid. The second bid was opened on August 4, 2022 with one bidder. The current hauler was the only bidder and the first year's bid is \$63.00 lower than the present bid. There is an increase over the three year bid that totals about \$9,700. Mr. Falzarano explained that the Township is very fortunate to receive this bid and should lock in the bid. Township Attorney, Mark Roselli reviewed the bid and was able to provide the resolution for tonight's meeting.

Resolution TC 22-167 – Resolution to Award Contract for Solid Waste and/or Recyclable Collection Services for the Township of Harding, Including the Annual Bulk Clean-up Week

WHEREAS, the Township of Harding solicited public bids pursuant to its public advertisement for purposes of solid waste services for the Township of Harding Department of Public Works and solid waste and collection services for the Township's annual bulk clean up week, for a three year term commencing January 1, 2023 and terminating December 31, 2025, in accordance with the prescribed "Bid Specifications for Collection and Disposal of Solid Waste Type 13 and Collection and Disposal of Solid Waste and Recyclable Materials Type 10"; and

WHEREAS, the following bid was received in response to public advertisement and opened on August 4, 2022:

<u>CONTRACTOR</u>	<u>2023 Total Bid</u>	<u>2024 Total Bid</u>	<u>2025 Total Bid</u>
Interstate Waste Services of NJ, Inc.	\$64,937.00	\$68,184.00	\$71,593.00

TOTAL THREE (3) YEAR CONTRACT: \$204,714.00

WHEREAS, the Township Attorney having reviewed the bid proposal submitted and has determined that the lowest responsive and responsible bidder is Interstate Waste Services of New Jersey, Inc.; and

WHEREAS, the Chief Financial Officer has filed a certification of availability of funds in the office of the Municipal Clerk, as required by the Local Budget Law.

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

1. The bid submitted by Interstate Waste Services of New Jersey, Inc., having an address at 300 Frank W. Burr Boulevard, Suite 39, Teaneck, NJ 07666 in the total amount of \$204,714.00 to provide for solid waste and recyclable collection for Harding Township, including the Township's annual bulk pick up in accordance with the prescribed "Bid Specifications for Collection and Disposal of Solid Waste Type 13 and Collection and Disposal of Solid Waste and Recyclable Materials Type 10" for a three-year term and at the annual amounts set forth above be and is hereby accepted.
2. The Mayor and Municipal Clerk are authorized and directed to execute and deliver a 3-year contract in the total amount of \$204,714.00 between Interstate Waste Services of New Jersey, Inc. and the Township of Harding for solid waste collection and disposal as per the above specified bid specifications.

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

Township Committee Member Platt asked that Resolution TC 22-153 be removed from the Consent Agenda for further discussion. Mr. Platt read a prepared statement into the minutes. A copy of the prepared statement is appended to these minutes. Mr. Platt commented that this resolution should be

tabled as it is a bad idea and not good for Harding. Mayor Jones explained that the needs assessment was presented to go forward at the May Township Committee meeting by Township Committee Member Platt. Mayor Jones commented that there are definite needs in the building. Township Committee Member Lacz commented that she believes the Township needs to look at everything. Township Committee Member Yates commented that the Municipal Building is lacking facilities and infrastructure. Township Committee Member Chipperson commented that the needs of the future of the building need to be addressed and that the Township has hired a very experienced and talented Administrator to address these needs. After a lengthy discussion, it was recommended that the "and/or" be added to the first two Whereas paragraphs after the word "renovations".

Township Committee Member Yates made a motion to move Resolution TC 22-153 as amended, seconded by Township Committee Member Lacz.

Resolution TC 22-153 – Resolution to Authorize a Needs Analysis & Feasibility Study for the Kirby Municipal Building

WHEREAS, at the May 9, 2022, Township Committee meeting, the Harding Township Committee discussed the need for a Municipal Building needs analysis and feasibility study to determine the desired programming for renovations and/or additions; and

WHEREAS, the architectural design firm Rosen, Kelly, Conway submitted a proposal dated June 3, 2022, to prepare a Needs Analysis and Feasibility Study for proposed renovations and/or additions; and

WHEREAS, it has been determined that it is in the best interest of the Township to approve the proposal submitted by Rosen, Kelly, Conway in the amount not to exceed \$9,500.00; and

WHEREAS, the Qualified Purchasing Agent has reviewed the proposal and determined the proposal is a qualified professional service contract pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a) may be awarded as a non-fair and open contract; and

WHEREAS, the Chief Financial Officer has determined funds are available as follows:

Account # 04-2018-201817-4024-4-04042
Not to exceed \$9,500.00

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the Mayor is authorized to execute the proposal submitted by Rosen, Kelly, Conway dated June 3, 2022; and

BE IT FURTHER RESOLVED, the Township Administrator shall be the contact person for Rosen, Reilly, Conway and shall coordinate the process.

Township Committee Member Yates made a motion to approve resolution TC 22-153 as amended.

Seconded by Township Committee Member Lacz.

Mayor Jones 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. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	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"/>

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 22-152 THROUGH RESOLUTION TC 22-167 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asked **Township Committee Member Lacz** to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 22-152 through TC 22-165.

Let the record show that Resolution TC 22-153 was removed from the Consent Agenda for further discussion.

Township Committee Member Lacz 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 Chipperson. Mr. Roselli, Township Attorney commented that you need to add the two add-on resolutions or vote on them separately.

Township Committee Member Lacz amended her motion to approve Resolution TC 22-152, 154 through 167 placed on this evening's Consent Agenda by consent of the Township Committee, seconded by Township Committee Member Chipperson.

Mayor Jones 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. Chipperson	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	1 st	<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 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"/>

APPOINTMENTS:

Resolution TC 22-152 – Resolution to Appoint Jonathan Drill as Special Counsel for Affordable Housing Matters

WHEREAS, the Township of Harding has a need to award a contract for the services of a Special Counsel for Affordable Housing matters, commencing August 9, 2022, and ending December 31, 2028; and

WHEREAS, the Township is permitted to acquire such services through a “non-fair and open” process (as defined by N.J.S.A. 19:44A-20.4), meaning that the award is made by the Township Committee in its judgment of which provider will best serve the interests of the citizens of Harding, and not by a “fair and open” process (as defined by N.J.S.A. 19:44A-20.4) such as awarding to the lowest bidder; and

WHEREAS, the cost of this contract is not anticipated to exceed \$17,500, as certified in writing by the appropriate Township official; and

WHEREAS, Sticker, Koenig, Sullivan & Drill (Jonathan Drill, Esq.) has submitted a proposal dated June 28, 2022; and

WHEREAS, the annual contract amount is not to exceed \$17,500.00 from account #25-9999-1110-0170-2-00037; and

WHEREAS, Sticker, Koenig, Sullivan & Drill (Jonathan Drill, Esq.) has completed and submitted the required Business Entity Disclosure Certification; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Township Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that the Mayor and Township Clerk are hereby authorized to enter into a contract with Sticker, Koenig, Sullivan & Drill (Jonathan Drill, Esq.) pursuant to the filed proposal; and

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

BE IT FURTHER RESOLVED, that notice of this contract will be published as required by law within ten days of the passage of this Resolution.

CONTRACTS:

FINANCE:

Resolution TC 22-154 – 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 22-155 – Resolution to Approve the 2021 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 2021 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

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 22-156 – Resolution to Authorize Block 6 Lot 11.02 Cancellation of Taxes

WHEREAS, the Township of Harding is the owner of said property located at 528 Van Beuren Road also known as Block 6 Lot 11.02 and authorizes the Municipal Tax Collector's office to process the cancellation of taxes billed for this property which is considered to be 100% exempt; and

WHEREAS, the Township of Harding further finds and declares that the Municipal Tax Collector is qualified to process the cancellation of tax for Block 6 Lot 11.02.

BE IT RESOLVED, by the Township Committee of the Township of Harding that the Municipal Tax Collector is authorized to process the cancellation of tax for Block 6 Lot 11.02 for 2022 Final and 2023 Preliminary Taxes.

Resolution TC 22-157 – Resolution to Authorize 2022 Tax Sale

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of 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; 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.

BE IT RESOLVED, that the Township Committee of the Township of Harding hereby authorizes to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

Resolution TC 22-158 – Resolution to Authorize the Purchase of a Truck Lift

WHEREAS, there is a need to purchase a truck lift for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account # 04- 2022-202213- 4003- 4- 04085 in the amount of \$54,249.48; and

WHEREAS, on public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

WHEREAS, Hoffman Services Inc, 55-57 East Bigelow Street, Newark, NJ is an approved vendor under New Jersey State Contract # 22-FLEET-01984 for a Steril-Koni ST1085-2FRA Earthlift column lift.

BE IT RESOLVED, by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	State Contract/ Morris County Cooperative #	Department	Quantity	Item	Price
Hoffman Services Inc.	22-FLEET-01984	DPW	1	Stertil-Koni ST1085-2FRA Earthlift column lift	54,249.48
TOTAL:					\$54,249.48

Resolution TTC 22-159 – Resolution to Authorize the Purchase of a Dump Truck

WHEREAS, there is a need to purchase a dump truck for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account # 04- 2022-202205- 4003- 4- 04072 in the amount of \$154,421.88; and

WHEREAS, on public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

WHEREAS, Gabrielli Truck Sales, 2306 Route 130, Dayton, NJ is an approved vendor under Educational Services Commission of New Jersey # 20/21-55 for a Kenworth T480 dump truck.

BE IT RESOLVED, by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	State Contract/ Morris County Cooperative #	Department	Quantity	Item	Price
Gabrielli Truck Sales	20/21-55	DPW	1	Kenworth T480 Dump Truck	154,421.88
TOTAL:					\$154,421.88

Resolution TC 22-160 – Resolution to Authorize the Purchase of a Hook Lift

WHEREAS, there is a need to purchase a hook lift for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account # 04- 2022-202205- 4003- 4- 04072 in the amount of \$72,350.47; and

WHEREAS, on public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

WHEREAS, Cliffside Body Corporation, 130 Broad Avenue, Fairview, NJ is an approved vendor under Educational Services Commission of New Jersey # 20/21-55 for a T-50 hook lift.

BE IT RESOLVED, by the Harding Township Committee of the Township of Harding in the County of Morris that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	State Contract/ Morris County Cooperative #	Department	Quantity	Item	Price
Cliffside Body Corporation	20/21-55	DPW	1	T-50 hook lift	72,350.47
TOTAL:					\$72,350.47

Resolution TC 22-161 – Resolution Approving the Purchase of a Marked Police Vehicle

WHEREAS, there is a need to purchase vehicles for the Township of Harding, in the County of Morris, State of New Jersey; and

WHEREAS, pursuant to N.J.A.C. 5:30 -5.5(b), the Township Chief Financial Officer has provided a certification of funds for Account #04-2022-202205-4007-4-04062 in the amount of \$39,893.29, including factory and contract options; and

WHEREAS, public bids are not required when the purchase is made under a state contract or co-op in accordance with N.J.S.A. 40A11-12; and

WHEREAS, Beyer Fleet, 31 Williams Parkway, East Hanover, NJ is an approved vendor under ESC CO-OP #65MCESCCPS-ESCNUJ 20/21-09.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris, State of New Jersey that the Municipal Clerk and the Township Administrator are hereby authorized and directed to approve and forward the required purchase order for the following vehicle:

Vendor	ESC CO-OP#	Department	Quantity	Color	Item	Price
Beyer Ford	65MCESCCPS-ESCNUJ 20/21-09	Police	1	White	SUV	39,893.29
TOTAL:						\$39,893.29

Resolution TC 22-162 – Resolution to Amend Cash Management Plan

WHEREAS, Resolution TC-22-0417 was adopted by the Township Committee at their January 3, 2022 meeting; and

WHEREAS, there is a need to amend the list of approved bank which are authorized depositories for the deposit of funds; and

WHEREAS, the list of approved banks which are authorized depositories for the deposit of funds shall include:

Kearny Bank

BE IT RESOLVED, that the Township of Harding Finance Department is hereby authorized to deposit funds into authorized depositories; and

BE IT FURTHER RESOLVED, a copy of this resolution be distributed to the Chief Financial Officer.

MISCELLANEOUS:

Resolution TC 22-163 – Resolution to Accept the Resignation of N. P.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey, hereby accepts the resignation of N. P. as submitted on July 25, 2022.

Resolution TC 22-164 – Resolution to Appoint Tom dePoortere to the Harding Township Centennial Committee

BE IT RESOLVED, by the Township Committee of the Township of Harding that Tom dePoortere is hereby appointed to the Harding Township Centennial Committee.

Resolution TC 22-165 -- Resolution to Appoint Ryan Metz from SavATree as a Substitute Tree Officer

WHEREAS, the Township of Harding has a need to award a contract for the services of a substitute Tree Conservation Officer for the year 2022; and

WHEREAS, funds are available for this purpose.

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:

Tree Conservation Officer Ryan Metz, SavATree
Township of Harding Ordinance 225-3G

9/1/22 to 12/31/22
\$90.00 per hour
Not to exceed \$2,000.00
01-2022-1165-0165-2-
00038

Resolution TC 22-166 – Resolution to Prohibit Smoking and/or Vaping of any Kind at the Township Centennial Celebration at Margetts Field

WHEREAS, the Township of Harding will be hosting a Centennial Celebration on October 1, 2022, at Margetts Field, a Township-owned property; and

WHEREAS, the Township Committee anticipates that this event will be attended by a considerable number of residents and visitors, including children and Seniors; and

WHEREAS, the Township Committee believes maintaining a smoke-free environment at the Centennial Celebration is in the best interest of the attendees, and serves to protect the public health and safety of those be attending and participating in the event; and

WHEREAS, the Township Committee therefore desires to prohibit smoking or vaping of any kind, nature or material, including without limitation, cigarettes, cigars, marijuana, cannabis, e-cigarette or any vape device, at the Centennial Celebration at Margett’s Field on October 1, 2022.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that any smoking and/or vaping of any kind, nature or material, including without limitation, cigarettes, cigars, marijuana, cannabis, e-cigarette or any vape device, shall be prohibited at Margett’s Field before, during and after the Township of Harding’s Centennial Celebration presently scheduled for October 1, 2022.

BE IT FURTHER RESOLVED, that the Township Administrator shall ensure that appropriate signage is posted at Margett’s Field for purposes of providing notice of same to all those attending the event.

Resolution TC 22-167 – Resolution to Award Contract for Solid Waste and/or Recyclable Collection Services for the Township of Harding, Including the Annual Bulk Clean-up Week

WHEREAS, the Township of Harding solicited public bids pursuant to its public advertisement for purposes of solid waste services for the Township of Harding Department of Public Works and solid waste and collection services for the Township’s annual bulk clean up week, for a three year term commencing January 1, 2023 and terminating December 31, 2025, in accordance with the prescribed “Bid Specifications for Collection and Disposal of Solid Waste Type 13 and Collection and Disposal of Solid Waste and Recyclable Materials Type 10”; and

WHEREAS, the following bid was received in response to public advertisement and opened on August 4, 2022:

<u>CONTRACTOR</u>	<u>2023 Total Bid</u>	<u>2024 Total Bid</u>	<u>2025 Total Bid</u>
-------------------	-----------------------	-----------------------	-----------------------

Interstate Waste Services of NJ, Inc.	\$64,937.00	\$68,184.00	\$71,593.00
---------------------------------------	-------------	-------------	-------------

TOTAL THREE (3) YEAR CONTRACT: \$204,714.00

WHEREAS, the Township Attorney having reviewed the bid proposal submitted and has determined that the lowest responsive and responsible bidder is Interstate Waste Services of New Jersey, Inc.; and

WHEREAS, the Chief Financial Officer has filed a certification of availability of funds in the office of the Municipal Clerk, as required by the Local Budget Law.

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

3. The bid submitted by Interstate Waste Services of New Jersey, Inc., having an address at 300 Frank W. Burr Boulevard, Suite 39, Teaneck, NJ 07666 in the total amount of \$204,714.00 to provide for solid waste and recyclable collection for Harding Township, including the Township's annual bulk pick up in accordance with the prescribed "Bid Specifications for Collection and Disposal of Solid Waste Type 13 and Collection and Disposal of Solid Waste and Recyclable Materials Type 10" for a three-year term and at the annual amounts set forth above be and is hereby accepted.
4. The Mayor and Municipal Clerk are authorized and directed to execute and deliver a 3-year contract in the total amount of \$204,714.00 between Interstate Waste Services of New Jersey, Inc. and the Township of Harding for solid waste collection and disposal as per the above specified bid specifications.

ORDINANCES FOR FIRST READING:

Mayor Jones asked Mr. Roselli, Township Attorney if he reviewed the email that Mrs. Sharp provided regarding Mr. Lanzerotti's comment on Ordinance TC 11-2022. Mr. Roselli reviewed the comment but did not see need to clarify. Mr. DeNave commented that the Planning Board reviewed and approved the ordinance. A discussion ensued. It was recommended that the word maintenance be added after the word "The" in Section P-7.

Mayor Jones asked Township Committee Member Yates to introduce Ordinance #11-2022.

Township Committee Member Yates introduced the amended Ordinance TC 11-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #11 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY
CHAPTER 225-116 ENTITLED "GENERAL REGULATIONS" IN ARTICLE XXII
GENERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS
TO AIR CONDITIONING CONDENSERS/HEAT PUMPS**

Township Committee Member Yates read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on August 8, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on September 12, 2022 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 Yates offered Ordinance #11-2022 as amended and moved its introduction.

Township Committee Member Lacz seconded the motion.

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

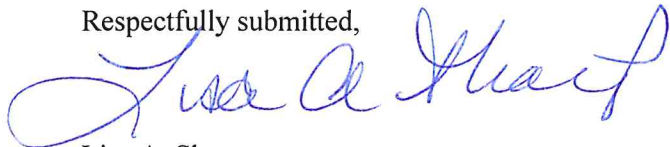
Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	2 nd	<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	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"/>

ADJOURNMENT – Mr. Jones

With no further comments, Mayor Jones asked for a motion to adjourn. Upon a motion made by Township Committee Member Yates, seconded by Township Committee Member Chipperson, and with a vote of all ayes, none opposed, the meeting adjourned at 8:32 pm.

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk

Nicolas Platt's comments regarding the possible future expansion of the Kirby Town Hall.

I think Resolution TC 22-153 is a bad idea and not good for the Harding taxpayer. The outcome of this study is inevitable. It will lead to us expanding the footprint of the building.

I will oppose any study that directs the architect to do and I quote from the resolution "for a Municipal Building needs analysis and feasibility study to determine the DESIRED programming for additions and renovations...". Any suggestion that this committee is allowing the architect to make his own determination on whether our needs could result in an expansion is negated by the very instruction they are being given. The resolution also includes no purpose for needing additional space or that the cost will be in the millions of dollars. So, I am going to proceed the information swirling around that this will be the new location for our Office of Emergency Management. Again, the resolution provides no reference what this space will be used for or why the current square footage is inadequate. I hope we are not looking for an outside architect to tell us where our performance is lacking due to space constraints.

All expansion projects start out the same way. Do a study and then show up with pretty drawings. Then the elected officials are put at risk for criticism that they do not support public safety.

So my question this evening is this. What is the catalyst that triggered the belief that we needed more space in this municipal building? A spike in population? Is there any evidence in the town and emergency responders' having a poor performance during the horrific climate events that occurred over the past decade (Hurricane Irene and Super Storm Sandy) or that we underperformed because of space constraints? I don't think so.

I am the only one sitting up here tonight that was on the TC through the 3 major events where the town lost power for up to 14 days. I know first hand what was needed to do our job well. We overperformed and we certainly did not lack for meeting space.

Here is what happened for Irene and Sandy. JCPL set up a tent in the parking lot for several days to help visiting power companies to mobilize and go over substation and outage maps. But that was short lived and Harding Officials were not part of those meetings. The Police, DPW and the New Vernon Fire Company were our OEM envoys and they all knew what to do. After Super storm Sandy, we had only one Town Hall meeting where then Mayor Bartlett and the TC was able to describe what we were doing to get our roads cleared and power restored. Lots of information was handled by the Chief via Nixle.

So, let's say there was an argument for having a dedicated or shared space to OEM operations. Wouldn't that space be

better suited where the services are being provided. There is a large room above the Fire House. DPW has a conference room too and you have the Judge's chamber next door and we once had the Old Library with a large conference table and 16 chairs. The Kemmerer Library would most likely be close and have space available that shares our generator and what about this underutilized room which sees action 6 evenings a month. What about the Judge's Chamber next door? What about mobilizing upstairs where everyone can work from their offices and the police from theirs.

So, if we really need to hire an outside architect to tell us what we already know, go ahead and drop the \$9,000 to rework the space we need than you have the 3 votes needed to do that. But if this continues to be written as a directive to draw up plans for a new wing to this building, I will be the skunk at the picnic and do my best to prove this is a waste of taxpayer money.

This resolution should be tabled with the hope that it never again see the light of day. If some iteration is re-presented at a later time, it should be based on a cost/benefits analysis because any decision to build an addition to this building is going to be a negative and lasting legacy that will add to our taxes.

Lastly, since being appointed one of the two Czars of shared services I have visited countless town halls throughout the state. Most of these municipal buildings biggest challenge is

finding relevancy as courts and many other municipal services go online.

I strongly suggest we table this before the pretty pictures arrive and a year from now we are announcing a ground breaking.

###