

HARDING TOWNSHIP COMMITTEE TUESDAY, OCTOBER 10, 2023 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 called the October 10, 2023 Township Committee meeting to order at 5:35 pm.

ADEQUATE NOTICE of this October 10, 2023, meeting of the Harding Township Committee was sent to the Observer Tribune on September 12, 2023, and published in the Observer Tribune on September 21, 2023.

Mayor Jones announced that adequate notice of this October 10, 2023, meeting of the Township Committee was called 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:

Present:

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

Absent: No

Also Present:

Mr. Falzarano, Township Administrator; Mr.

William Olson, For Township Attorney, Mr. DeNave,

Assistant Township Administrator

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Mayor Jones asked for a motion to recess into Executive Session. A motion was made by Township Committee Member Platt and seconded by Township Committee Member Lacz.

Resolution TC 23-164- 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.

Public Safety:

1. Public Safety - Chief Gromek

Contracts:

1. Redevelopment – Mayor Jones

Attorney Client Privilege:

- 1. 88 Glen Alpin W. Olson
- 2. Verizon W. Olson
- 3. Property Extensions W. Olson
- 4. Property Acquisitions W. Oslon

Vote on Resolution:

| | MOTION | FOR | AGAINST | ABSTAIN | ABSENT |
|----------------|----------|------------------------|----------|---------|--------|
| | | APPROVAL | APPROVAL | | |
| Ms. Chipperson | | \boxtimes | | | |
| Dr. Lacz | 2^{nd} | \boxtimes | | | |
| Mr. Platt | 1st | \boxtimes | | | |
| Mr. Yates | | $\overline{\boxtimes}$ | | | |
| Mr. Jones | | \boxtimes | | | |

A discussion ensured regarding redevelopment matters and an update was provided on 88 Glen Alpin, Verizon, public safety, and potential property acquisitions.

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 Chipperson, and with a vote of all ayes, none opposed, the meeting reconvened at 7:20 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.

William Olson, For Township Attorney, Mr. DeNave,

Assistant Township Administrator

Members of the Public:

None

PLEDGE OF ALLEGIANCE - Mayor

Mayor Jones led members of the Township Committee 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 September 12, 2023, and published in the OBSERVER TRIBUNE on September 21, 2023; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on September 21, 2023, and Notice was filed with the Municipal Clerk on September 21, 2023.

Mayor Jones announced that adequate notice of this October 10, 2023, meeting of the Township Committee was called in accordance with the Open Public Meetings Act.

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

Resolution TC 23-165 - Resolution to Accept the Meeting Minutes of the Township Committee

Mayor Jones asked Township Committee Member Chipperson to proceed with Resolution TC 23-165

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: September 11, 2023; 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: **September 11, 2023.**

Township Committee Member Chipperson asked for a motion to accept the Township Committee meeting minutes. Upon a motion made by Township Committee Member Lacz and seconded by Township Committee Member Platt.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Mrs. Sharp called the roll as follows:

Vote on Resolution:

| Ms. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones | MOTION 1st 2nd | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT | |
|---|-----------------|--------------|------------------|----------------|--------|--|
| ANNOUNCEME | NTS/PRESEN | TATIONS/REPO | RTS/CORRESPON | NDENCE – Mayor | Jones | |
| Township Committee Member Chipperson announced the cancellation of the Centennial event for Saturday, October 14, 2023, due to the forecast of rain. Currently, the Centennial Committee is looking at a revised date of September 7, 2024. | | | | | | |
| DISCUSSION ITEMS: NONE | | | | | | |
| 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. | | | | | | |
| Mayor Jones opened the meeting to members of the public at 7:25 pm. With no members of the public present, Mayor Jones closed the public comment portion of the meeting at 7:25 pm. | | | | | | |
| ORDINANCES FOR SECOND READING: NONE | | | | | | |

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 REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE: NONE

RESOLUTIONS TC 23-166 THROUGH RESOLUTION TC 23-171 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asked that Resolution TC 23-170 be removed from the Agenda as it pertains to the Centennial event.

Mayor Jones asked Township Committee Member Lacz to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 23-166 through TC 23-171.

Township Committee Member Lacz made a motion to approve Resolution TC 23-166 through TC 23-171, minus Resolution TC 23-170, placed on this evening's 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:

| Ms. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones | MOTION 1st 2nd | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN | ABSENT | |
|---|-----------------|--------------|------------------|---------|--------|--|
| APPOINTMENTS: NONE | | | | | | |

CONTRACTS:

Resolution TC 23-166 – Agreement to Renew Membership in the Suburban Municipal Joint Insurance Fund and Indemnity and Trust Agreement

WHEREAS, the Suburban Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, the Township of Harding is currently a member of said Fund, and;

WHEREAS, effective December 31, 2023, said membership will expire, and;

WHEREAS, the Township Committee of the Township of Harding has resolved to renew said membership.

H 10-06-2023

BE IT RESOLVED, it is agreed as follows:

- 1. Township of Harding hereby renews its membership in the Suburban Municipal Joint Insurance Fund for the period effective 1, 2024 and ending January 1, 2025*. (*12.01 am)
- 2. The Township of Harding hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws and other organizational and operational documents of the Suburban Municipal Joint Insurance Fund as from time to time amended and altered but the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
- 3. Township of Harding agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
- 4. In consideration of the continuing membership of the Township of Harding in the Suburban Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application.
- 5. Executed the 10th day of October, 2023 as the lawful and binding act and deed of the Township of Harding, which execution has been duly authorized by public vote of the governing body. **See Exhibit A**

FINANCE:

Resolution TC 23-167 - 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 23-168 – Resolution to Authorize the Township of Harding to Enter into a Cooperative Pricing Agreement with the County of Bergen

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen is conducting a voluntary Cooperative Pricing System known as the New Jersey Cooperative Purchasing Alliance with other contracting units; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency" has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services; and

H 10-06-2023

WHEREAS, on April 11, 2022, the Township Committee of the Township of Harding, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

BE IT RESOLVED, this Resolution TC #23-168 shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Harding; and

BE IT FURTHER RESOLVED, pursuant to the provisions of N. J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the County of Bergen; and

BE IT FURTHER RESOLVED, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately upon passage.

MISCELLANEOUS:

Resolution TC 23-169 - Resolution to Appoint Ian Peerson as Deputy Coordinator for the Office of Emergency Management

BE IT RESOLVED, by the Mayor and the Township Committee of the Township of Harding that Ian Peerson is hereby appointed as Deputy Coordinator for the Office of Emergency Management.

Please note this resolution, TC 23-170, was pulled from the agenda.

Resolution TC 23-170 - Resolution to Authorize the Closure of Blue Mill Road for the Centennial Event

WHEREAS, the Township Committee of the Township of Harding authorizes the closure of Blue Mill Road on October 14, 2023 for the Centennial Festivities.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby authorized the closure of Blue Mill Road on October 14, 2023, commencing at 1 pm - 8:30 pm for the Harding Township Centennial festivities; 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.

Resolution TC 23-171 – Resolution to Authorize the Execution of the Verizon Lease Agreement

WHEREAS, on June 14, 2018, Harding Township and New York SMSA Limited Partnership d/b/a Verizon Wireless (hereinafter "Verizon Wireless") entered into a certain Land Lease Agreement ("Lease Agreement")

pursuant to which the Township leased to Verizon Wireless certain Premises for the operation by Verizon Wireless of a wireless communications facility, including a stealth monopole communications tower not to exceed 140 feet in height (exclusive of proposed branching and lightning rod); and

WHEREAS, pursuant to Paragraph 8 of the Lease Agreement, Verizon Wireless's proposed use of the Premises was contingent upon Verizon Wireless obtaining all the certificates, permits, and approvals, including site plan approval and use variance approval from the Harding Township Zoning Board of Adjustment ("Board"); and

WHEREAS, as a result of the denial by the Board of Verizon Wireless' application for required Governmental Approvals, Verizon Wireless filed a Complaint challenging (amongst other forms of relief), the Board's denial of Verizon Wireless' application in the Federal District Court of New Jersey against the Township of Harding and Board bearing Docket Number 2:22-cv-04531-JMV-MAH; and

WHEREAS, thereafter the Township of Harding, Verizon Wireless, and the Board agreed to settle the Litigation pursuant to the terms and conditions set forth in a Stipulation of Settlement and Consent Order executed by those parties on March 17, 2023 and so ordered by the Court on March 21, 2023 ("Consent Order"); and

WHEREAS, pursuant to the terms of the Consent Order, the Board conducted public hearings at three meetings of the Board; and thereafter, at a meeting held on June 5, 2023, the Board voted to approve the Consent Order and Verizon Wireless' amended application for preliminary and final site plan approval and variance relief, which approval was memorialized in a Memorializing Resolution of Approval adopted on July 20, 2023; and

WHEREAS, Paragraph 3.i of the Consent Order required that, prior to the issuance of any building permit for the wireless communications facility, the Township and Verizon shall amend the Lease Agreement to (i) provide that the maximum height of the communications tower be 80 feet in height (plus 6 feet of faux tree branching for a total of 86 feet), and (ii) prohibit amendments to the Lease Agreement to increase the height of the tower without approval from the Board pursuant to the terms set forth herein.

BE IT RESOLVED, by the Township Council of the Township of Harding (the "Council") that subject to the following conditions:

1. The Council hereby authorizes and directs the Mayor, or his/her designee and the Borough Clerk to execute the Amended Lease Agreement attached hereto as **Exhibit A**, subject to any de minims revisions from Counsel.

ORDINANCES FOR FIRST READING:

Mayor Jones asked Township Committee Member Yates to introduce Ordinance #12-2023.

Township Committee Member Yates introduced Ordinance TC #12-2023 by title as follows:

TOWNSHIP OF HARDING ORDINANCE 12-2023

"AN ORDINANCE FIXING THE 2024 SALARY RANGES OF CERTAIN EMPLOYEES OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY"

Township Committee Member Yates explained that this ordinance establishes the salary range for certain Township employees and explained this ordinance will be discussed at the November Township Committee meeting at the public hearing.

Township Committee Member Yates read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on October 10, 2023.

BE IT RESOLVED, that at the Township Committee meeting to be held on November 13, 2023, 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 #12-2023 and moved its introduction.

Township Committee Member Platt 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 | AGAINST | ABSTAIN | ABSENT |
|----------------|-----------------|-------------|----------|---------|--------|
| <u>/</u> | | APPROVAL | APPROVAL | | |
| Ms. Chipperson | | \boxtimes | | | |
| Dr. Lacz | | \boxtimes | | | |
| Mr. Platt | 2^{nd} | \boxtimes | | | |
| Mr. Yates | 1 st | \boxtimes | | | |
| Mr. Jones | | \boxtimes | | | |
| | | | | | |

ADD-ON RESOLUTIONS:

Township Committee Member Platt made a motion to add Resolution TC 23-172 to the agenda. Township Committee Platt commented that this resolution is beneficial to moving this project forward. Upon a motion made by Township Committee Member Platt, Mayor Jones asked if there was a second. Township Committee Member Lacz seconded the motion. Township Committee Member Platt read the title of the resolution into the record.

Resolution TC 23-172 – Resolution Approving an Amendment to the Redevelopment Agreement, Dated May 11, 2020, with Hurstmont Estate Acquisition, LLC for the Hurstmont Property Pursuant to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 Et Seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the

redevelopment and improvement of areas designated by the municipality as being in need of redevelopment; and

WHEREAS, the Township Committee of the Township of Harding (the "Township") in its capacity as the municipal governing body (the "Governing Body") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Redevelopment Law; and

WHEREAS, on November 19, 2018, the Governing Body adopted Resolution TC 18-196 directing the Planning Board of the Township of Harding (hereinafter the "Planning Board") to undertake a preliminary investigation to determine, in part, whether the real property located at 679 Mt. Kemble Avenue and designated as Block 27, Lot 2 on the official tax maps of the Township, also known as the Hurstmont Estate (the "Property"), qualified as a "non-condemnation" area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on February 25, 2019, following the preliminary investigation conducted by the Planning Board, including the public hearing, the Governing Body adopted Resolution TC 73-2019 designating the Property as a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on June 24, 2019, the Governing Body adopted Ordinance #12-2019 approving a redevelopment plan for the Property entitled the "Glen Alpin/Hurstmont Redevelopment Plan," dated May 13, 2019 (the "Initial Redevelopment Plan"); and

WHEREAS, on September 30, 2019, the Governing Body adopted Ordinance #16-2019 to amend the Initial Redevelopment Plan ("Amended Redevelopment Plan"); and

WHEREAS, on September 30, 2019, the Governing Body determined that it was in the best interest of the Township to designate Redeveloper as the redeveloper of the Property and adopted Resolution TC 20-094 approving a redevelopment agreement and authorizing the Mayor to execute on behalf of the Township; and

WHEREAS, on May 11, 2020, the Township and the Redeveloper entered into a Redevelopment Agreement setting forth the rights and obligations of the Parties with respect to the development, financing, and construction of the Property (the "Redevelopment Agreement"); and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper agreed to redevelop the Property in two separate phases, consisting of the following: (i) the northerly portion of the Property would be redeveloped with no more than 125 Apartment Style Independent Living Units and no more than 85 units designated as Assisted Living Residences and/or units located within the Dementia Care Home, all as defined in the Redevelopment Plan, (the "AL/IL Project Phase") and (ii) the southernly portion of the Property would be redeveloped with no more than 40 Townhouses, all as defined in the Amended Initial Redevelopment Plan (the "Townhome Project Phase". The Townhome Project Phase with the AL/IL Project Phase is collectively referred to as the "Project"); and

WHEREAS, the AL/IL Project Phase will include 40 Affordable Housing Units to be located within the Independent Living Units, Assisted Living Units and Dementia Care Home; and

WHEREAS, on February 14, 2023, the Governing Body adopted Ordinance #01-2023, to amend the Amended Redevelopment Plan with a redevelopment plan, dated January 13, 2023, entitled "Glen Alpin/Hurstmont Redevelopment Plan," (as may be further amended and supplemented, the "Redevelopment Plan") to, among other things, plan for and promote the redevelopment of the Property as envisioned by the Parties; and

WHEREAS, on May 15, 2023, the Governing Body adopted Resolution TC 23-116 approving this Amended Redevelopment Agreement and authorizing the Mayor to execute on behalf of the Township; and

WHEREAS, the Redeveloper has requested additional modifications to the Amended Redevelopment Agreement not originally contemplated at the time the Governing Body adopted Resolution TC 23-116; and

WHEREAS, the Parties have renegotiated the Amended Redevelopment Agreement and desire to enter into the agreement to set forth the rights and obligations of the Parties with respect to the redevelopment of the Property.

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

- 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
- 2. The Amended Redevelopment Agreement is hereby approved, and the Mayor is hereby authorized to sign the Amended Redevelopment Agreement and take such other actions as are necessary to implement the Amended Redevelopment Agreement.

Mayor Jones asked the Municipal Clerk to call the roll: Mrs. Sharp called the roll as follows:

Vote on Resolution:

| | MOTION | FOR Approval | AGAINST APPROVAL | ABSTAIN | ABSENT |
|---|---------------------------------|-----------------|--|---------|--------|
| Ms. Chipperson Dr. Lacz Mr. Platt Mr. Yates Mr. Jones | 2 nd 1 st | ATTROVAL | ATROVAL Control Contr | | |

Resolution TC 23-172 passed with a vote of three (3) for and two (2) against.

ADJOURNMENT - Mr. Jones

Mayor Jones asked for a motion to adjourn the meeting. Upon a motion made by Township Committee Member Lacz, seconded by Township Committee Member Platt, and with a roll call vote of all ayes, none opposed. The meeting adjourned at 7:20 pm.

Respectfully submitted.

All Hay

Lisa A. Sharp Municipal Clerk

H 10-06-2023