

HARDING TOWNSHIP PLANNING BOARD
REORGANIZATION AND REGULAR MEETING MINUTES
JANUARY 25, 2021

CALL TO ORDER AND STATEMENT OF COMPLIANCE--Mr. Hall

ADEQUATE NOTICE of this meeting of the Harding Township Planning Board was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE*, posted on the Township Bulletin Board, and filed with the Clerk's Office, located in the Township Hall located at 21 Blue Mill Road, New Vernon, NJ. Notice indicated that formal action may be taken.

REORGANIZATION—Mr. Hall

The following appointments were made to the Planning Board:

Mr. Platt	Mayor's Designee (Voting I)	1 year term ending 12/31/21
Mr. Yates	TC Member (Voting III)	1 year term ending 12/31/21
Mr. Edgar	Class IV	4 year term ending 12/31/24
Mr. Newlin	Class IV	4 year term ending 12/31/24
Mr. Bjorkedal	Class IV	4 year term ending 12/31/24
Ms. Walters	Alternate #1	2 year term ending 12/31/22

Gary Hall swore in the appointees.

ROLL CALL—Ms. Taglairino

The roll was called. The following were present:

Mr. Chipperson, Mr. Clew, Mr. Bjorkedal, Mr. Newlin, Ms. Claytor, Ms. Walters, Mr. Yates and Mr. Saulnier. Mr. Platt joined at 8:45.

Mr. Hall, the Board Attorney, Ms. Mertz, the Board Planner and Lori Taglairino, the Board Secretary were also present. Ms. Gable, was present for the Open Space Element presentation.

ELECTION OF A CHAIRMAN—Mr. Hall

Mr. Saulnier made a motion to nominate Mr. Clew as Chairman. It was seconded by Mr. Newlin. On a voice vote all were in favor of electing Mr. Clew as Chairman.

ELECTION OF A VICE-CHAIR

Mr. Clew made a motion to nominate Mr. Chipperson as Vice Chair. It was seconded by Mr. Saulnier. On a voice vote all were in favor of electing Mr. Chipperson as Vice Chair.

The meeting was turned over to Mr. Clew

REORGANIZATION RESOLUTIONS

Resolution PB # 01-2021 to Provide Professional Services

Resolution PB #01-2021 proposed the service of the following professionals for the Planning Board:

Gary Hall, Esq., of the firm of McCarter and English, Attorney as Counsel, Paul Fox, of the firm of Apgar Associates, as Engineering Consultant and McKinley Mertz of the firm of Heyer Gruel and Associates.

Mr. Newlin made a motion to approve Resolution PB #01-2021. It was seconded by Mr. Saulnier. On a voice vote all were in favor of appointing the professionals to the Board.

Ms. Mertz and Mr. Fox were sworn in.

Resolution PB #02-2021 Meeting Dates

Mr. Clew made a motion to approve the meeting dates for 2021 with a correction for the July date to reflect a July 26th date. It was seconded by Mr. Saulnier. On a voice vote all were in favor of the scheduled 2021 meeting dates.

Resolution PB # 03-2021 for “Do Not to Exceed Limits” for the Professionals

A motion was made by Mr. Clew to approve Resolution PB#03-2021 for the Do Not Exceed Limits for the professionals. It was seconded by Mr. Saulnier. On a voice vote all were in favor of approving the Do Not Exceed Limits for the professionals.

REGULAR MEETING

Tribute to David Dietz

Former Chairman, Mr. Saulnier paid tribute to Mr. Dietz. Mr. Saulnier noted that Mr. Dietz was a huge presence, not only on the Planning Board but in the Township and in the Presbyterian Church through his service. Mr. Dietz was also involved in HOST and the Environmental Commission and Harding Land Trust. Mr. Saulnier noted that Mr. Dietz exemplified the essence of a servant leader. He noted how he always appreciated and relied on Mr. Dietz to show up for a Planning Board meeting prepared and that he always presented very detailed, on target comments. He will be remembered for his thoughtfulness, kindness and dedicated service to the community. Mr. Saulnier said that he will miss Mr. Dietz both personally and professionally.

Mr. Hall, the Board Attorney remembered how he had met Mr. Dietz prior to his membership on the Planning Board. He had met Mr. Dietz when he was a Chairman on a committee that was studying conditional use criteria. He noted what a fine leader he was.

Mr. Fox, the Board Engineer, noted how he enjoyed Mr. Dietz’s technical input. Mr. Fox did note that Mr. Dietz was always accurate and he appreciated him.

Mr. Allyn, a resident of the Township noted that Mr. Dietz was a friend and colleague. Mr. Allyn said he was in awe of Mr. Dietz’s reference of the Master Plan, his understanding of it and its relationship to land use and its importance to the community.

Mr. Clew spoke to Mr. Dietz’s insightfulness and his knowledge of the history of properties and prior land use approvals and details when approaching applications. Mr. Clew appreciated his commitment to preserving and protection the community and the environment. Mr. Clew also spoke about his appreciation for Ms. Kendall’s photographic preservation of the Township.

Mr. Newlin added that Mr. Dietz’s environmental knowledge was invaluable and he will leave a gap. Mr. Newlin voiced his appreciation for the education that Mr. Dietz imparted on the Board members over the years. Lastly, Mr. Newlin noted how much he enjoyed conversing with Mr. Dietz.

Mr. Bjorkedal appreciated his hands on approach to projects and the impacts projects have on the environment.

Mr. Chipperson noted how he appreciated he learned so much from Mr. Dietz sitting next to him on the Planning Board. Mr. Chipperson valued Mr. Dietz's encyclopedic knowledge and memory. Mr. Chipperson stated that Mr. Dietz was a real treasure for Harding Township.

Mr. Clew proposed to dedicate the revision of the Open Space Plan Element to Mr. Dietz.

Thank you to Mr. Saulnier

Mr. Clew thanked Mr. Saulnier for his contributions to the Planning Board. He noted how much he will miss him.

Mr. Saulnier reflected upon his service and how gratifying it was to participate on the Planning Board.

RESOLUTION

Resolution PB #04-2021 for "Do Not Exceed Limit for Gary Hall for 2020"

A motion was made by Mr. Yates to approve Resolution PB#04-2021. It was seconded by Mr. Chipperson. On a voice vote all were in favor of approving the Do Not Exceed Limits for the Gary Hall for 2020.

MINUTES

A motion was made by Mr. Newlin to approve the November 23, 2020 minutes. It was seconded by Mr. Chipperson. On a voice vote all eligible members were in favor of approving the November 23, 2020 minutes with amendments.

A motion was made by Mr. Chipperson to approve the December 21, 2020 minutes. It was seconded by Mr. Saulnier. On a voice vote all eligible members were in favor of approving the December 21, 2020 minutes with amendments.

ADMINISTRATIVE REPORTS

- Mr. Clew asked for the Board members to submit goals and objectives for the February meeting.
- Mr. Clew noted the ordinance for generator size was going to be further studied given technical innovations that allow higher capacity within the same footprint.

ORDINANCE REVIEW

Replacement Dwelling

There was an additional discussion regarding a proposed Replacement Dwelling Ordinance. After some revisions by the Engineer and Attorney the Board was satisfied to send the ordinance to the Township Committee.

Mr. Clew made a motion to send the ordinance to the Township Committee. It was seconded by Mr. Bjorkedal and Mr. Chipperson. On a voice vote all were in favor of sending the proposed ordinance to the Township Committee.

Stormwater Ordinance Update

Mr. Clew opened a discussion for the Stormwater Management Ordinance. He noted that there were new state requirements that need to be updated into the Township's present ordinance. He also noted that the Township Committee introduced the ordinance at the January 18, 2021 meeting and the Planning Board is reviewing the ordinance for consistency with the Master Plan.

Mr. Fox commented on the background of the ordinance and the details of the ordinance. He noted for the most part the Township Ordinance would remain the same. The State adopted stronger measures for the recharge.

Mr. Allyn, a resident, stated that the existing ordinance is an iconic ordinance in town and he noted that "no net" language is beautifully phrased and requested that it be kept in the ordinance.

Mr. Hall noted that the Planning Board was reviewing for consistency and that the contents of the ordinance comes from the Township Committee.

Mr. Clew made a motion to find this ordinance consistent with the Master Plan. The motion was seconded by Mr. Platt. A roll call vote went as follows:

For: Mr. Clew, Mr. Bjorkedal, Mr. Platt, Mr. Yates, Mr. Chipperson, Ms. Claytor, Mr. Newlin, Ms. Walters and Mr. Saulnier

Against: None

Mr. Clew recommended that the original preamble be saved in the ordinance. A memo will be sent to the Township Committee regarding the Planning Board vote and recommendations.

OPEN SPACE PLAN ELEMENT HEARING

Mr. Clew opened the second public hearing on the Open Space and Recreation Plan.

Ms. Gable gave a presentation of the Open Space Element to the Board with the final version of the Open Space tables, maps and information.

Mr. Clew opened the discussion to the Planning Board. There was a brief discussion about Open Space as presented on the map.

Ms. Riley, a resident and HOST member gave her support for this document and commented on all the hard work that went into composing it.

Mr. Clew made a motion approve the Open Space Plan Element and to include a dedication to Mr. Dietz in the adopted plan. It was seconded by Mr. Bjorkedal. The vote went as follows:

For: Mr. Clew, Mr. Bjorkedal, Mr. Platt, Mr. Yates, Mr. Chipperson, Ms. Claytor, Mr. Newlin, Ms. Walters and Mr. Saulnier

Against: None

Mr. Clew thanked everyone for their work on crafting the document.

SUBCOMMITTEE UPDATES

Advisory Review

- No report.

Water and Environmental

- No report.

Development Review

- No report.

LIAISON REPORTS

Board of Adjustment

- Mr. Newlin reported that the BOA held their reorganization meeting.
- Mr. Newlin reported that the Verizon application is ongoing. He noted that the testimony focused on coverage data and maps. There was a discussion about units
- Mr. Newlin also reported on an application for a use variance at 524 Tempe Wick for an accessory residence dwelling on an undersized lot. The BOA scheduled a site inspection for January 30, 2021.

Environmental Commission

- Mr. Clew reported that the EC reorganized.
- Mr. Clew noted that the EC is working on educating landowners to maintain privately preserved areas through workshops, speakers and events.
- Mr. Clew reported that the roadside cleanup and tree give away will be held on April 22, 2021.

HOST

- Mr. Bjorkedal reported that HOST had their reorganization
- Mr. Bjorkedal reported on the acquisition of 163 Lees Hill Road. He noted that this property will give town access to the swamp.
- Mr. Bjorkedal noted that one of the objectives for the year is to create a process to monitor and enforce easements of HOST properties.

Historic Preservation Commission

- Ms. Claytor reported that the Historic Preservation Commission held their reorganization.
- Ms. Claytor announced that 210 Lees Hill Road was chosen as the Historic House of the Year and that the award will be presented at the February 8, 2021 Township Committee meeting.

CPAC

- None.

TOWNSHIP COMMITTEE

- Mr. Platt reported that Dicksons Mill Bridge will be widened to 22 ft. Thanked Mr. Fox, Ms. Somers and Mr. Cassa for their work with providing language for a low volume bridge to the State.

OTHER BUSINESS

ADJOURNMENT

The meeting was adjourned at 9:45

Respectfully Submitted b

Lori Taglairino

Lori Taglairino, Planning Board Secretary

APPOINTMENT OF PROFESSIONALS TO SERVE THE PLANNING BOARD DURING 2021

WHEREAS, the Planning Board of the Township of Harding has a need for professional legal, and engineering consultant services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S. A. 40A: II-1 et seq.) requires that the resolution authorizing the retention of certain professional services without competitive bidding must be publicly advertised:

NOW, THEREFORE BE IT RESOLVED BY the Planning Board of the Township of Harding in the County of Morris that

1. The following appointments be made for the year 2021:
 - a. Gary T. Hall, Esq., of the firm of McCarter and English, Attorney as Counsel;
 - b. Paul Fox, of the firm of Apgar Associates, as Engineering Consultant; and
 - c. McKinley Mertz, of the firm Heyer Gruel and Associates, as Planner; and
2. Said appointments are made without competitive bidding as professional service under provisions of the Local Public Contracts Law because lawyers and engineers are recognized professionals licensed and regulated by law.
3. A copy of this resolution shall be published in the Observer Tribune as required by law.

I hereby certify this true copy of a Resolution approved by the Planning Board of the Township of Harding at a meeting held on January 25, 2021.

Lori Taglairino, Planning Board Secretary

**RESOLUTION PB #02-2021
PLANNING BOARD TOWNSHIP OF HARDING
JANUARY 25, 2021**

REGULAR MEETING SCHEDULE FOR FEBRUARY 2021 THROUGH JANUARY 2022

WHEREAS, the "Open Public Meeting Act" R.S. 10:4-6 and following, requires that public bodies provide adequate notice of meetings; and

WHEREAS, that due to the current state of emergency and public health emergency declared by Governor Phil Murphy pursuant to Executive Order No. 103 and in an effort to prevent further spread of COVID-19, Planning Board meetings will be held via Zoom in lieu of in-person meetings until further notice. The public will be advised by publication and posting of a new notice in accordance with the procedures below when in person meetings are going to be resumed at Kirby Hall, 21 Blue Mill Road in New Vernon NJ. Members of the public can register to access the electronic meetings via registration links found in the Planning Board agendas posted on the Township webpage at www.hardingnj.org. The remote meetings will be conducted consistent with the Harding Township Planning Board Resolution PB#08-2020 *Emergency Protocols, Procedures and Requirements for Public Participation in Remote Meetings*.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Harding, in the County of Morris, New Jersey, as follows:

1. From February 2021 through January 2022, meetings will be held by the Planning Board to discuss or act upon public business at 7:30 p.m., prevailing time, on the following dates:

FEBRUARY 22, 2021
MARCH 22, 2021
APRIL 26, 2021
May 24, 2021
JUNE 28, 2021
JULY 26, 2021
AUGUST 23, 2021
SEPTEMBER 27, 2021
OCTOBER 25, 2021
NOVEMBER 22, 2021
DECEMBER 20, 2021 (THIRD)
JANUARY 24, 2022

2. Certified copies of this Resolution shall be (a) mailed to the OBSERVER-TRIBUNE, (b) mailed to the DAILY RECORD, (c) filed with the Clerk of the Township of Harding, (d) posted on Township webpage and the bulletin board in the main hallway of

the Township Hall and, (e) mailed to any person requesting notices of meeting of the Planning Board pursuant to R.S. 10:4-19 who has paid \$15.00 for agendas and \$25.00 for agendas and minutes, which sum is hereby fixed to cover the costs of providing notice of all meetings of this body during 2021 and January 24, 2022. The foregoing shall be accomplished within seven (7) days of the adoption of this Resolution.

I hereby certify this is a true copy of a Resolution approved by the Planning Board of the Township of Harding at a meeting held on January 25, 2021.

Lori Taglairino, Harding Township, Planning Board Secretary

**RESOLUTION PB #03-2021
HARDING TOWNSHIP PLANNING BOARD
JANUARY 25, 2021**

RESOLUTION TO PROVIDE PROFESSIONAL SERVICES DURING 2021

WHEREAS, the Planning Board of the Township of Harding previously appointed professionals to provide legal services and engineering services via Resolution PB #01-2021; and

WHEREAS, the Planning Board has a need to award contract for the above-mentioned professionals; and

WHEREAS, Resolution PB #03-2021 of the Planning Board of the Township of Harding is providing for the award of contract to:

1. Gary Hall, Esq. of the firm McCarter and English, in an amount not to exceed \$13,000.00
2. Paul Fox, of the firm of Apgar Associates, as Engineering Consultant, in an amount not to exceed \$5,000.00 and
3. Mc Kinley Mertz of the firm Heyer Gruel and Associates, as Planner, in an amount not to exceed \$5,000.00 and

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Harding in County of Morris that the above contracts are hereby awarded for a one-year period.

Resolution adopted January 25, 2021 by the Harding Township Planning Board.

Lori Taglairino, Planning Board Secretary

**HARDING TOWNSHIP PLANNING BOARD
RESOLUTION PB#4-2021
AUTHORIZING INCREASE IN CONTRACT AMOUNT FOR PROFESSIONAL LEGAL SERVICES – PLANNING
BOARD ATTORNEY- GARY HALL OF MCCARTER ENGLISH
JANUARY 25, 2021**

WHEREAS, the Planning Board previously contracted Gary Hall, Planning Board Attorney, of the firm McCarter English for legal services on January 27, 2020 via resolution PB#1-2020 for an amount not to exceed \$12,000.00; and

WHEREAS, due to additional legal services now anticipated for 2020, there exists a need to increase the Purchase Order amount by an additional \$3,000.00; and

WHEREAS, the cost of this contract is not anticipated to exceed \$17,500; and

WHEREAS, the Planning Board recommends that the total contract amount be increased to \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified that additional funds are available and shall be encumbered through account # 01-2020-1180-0180-2-00035 in an amount not to exceed \$15,000.00.

BE IT RESOLVED, by the Planning Board of the Township of Harding in the County of Morris and State of New Jersey that an amendment to the existing contract with McCarter English to increase the contract amount by \$3,000.00 for a total not to exceed amount of \$15,000 be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Planning Board be and are hereby authorized to execute an appropriate Amendment to Contract on behalf of the Board to reflect the increased contract amount authorized by 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.

DATED: January 25, 2021

I, Lori Taglairino, Planning Board Secretary of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Planning Board at the meeting held January 25, 2021.

Lori Taglairino, Planning Board Secretary