

**HARDING TOWNSHIP COMMITTEE**  
**MONDAY, NOVEMBER 8, 2021**  
**IN-PERSON ONLY**  
**EXECUTIVE SESSION at 6:00 PM**  
**REGULAR MEETING AGENDA at 7:00 PM**  
**Kirby Hall, Blue Mill Road, New Vernon, New Jersey**

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**CALL MEETING TO ORDER – Mayor Jones**

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

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**ROLL CALL – Municipal Clerk**

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

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**RESOLUTION TO RECESS INTO EXECUTIVE SESSION**

**Resolution TC 21-181– Resolution to Recess into Executive Session**

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

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

**Contracts:**

1. Glen Alpin Sale – Bob Goldsmith / Tim Jones
2. PBA – R. Falzarano

**Vote on Resolution:**

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

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**RECONVENE INTO PUBLIC SESSION – Mayor Jones**

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**ROLL CALL – Municipal Clerk**

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

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**PLEDGE OF ALLEGIANCE – Mayor Jones**

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**ADEQUATE NOTICE** of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on September 14, 2021, and published in the *OBSERVER TRIBUNE* on September 16, 2021; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on September 14, 2021, and Notice was filed with the Municipal Clerk on September 14, 2021.

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**RESOLUTION TC 21-182 – RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES**

**Mayor Jones** asks Township Committee Member \_\_\_\_\_ to proceed with Resolution TC 21-182 listed on the Non-Consent agenda.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **October 18, 2021**

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **October 18, 2021**

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

**Seconded by Township Committee Member** \_\_\_\_\_.

**Mayor Jones** asks the Municipal Clerk for a Roll Call:

**Vote on Resolution:**

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

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**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE**

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**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.

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**DISCUSSION ITEMS:**

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**ORDINANCES FOR SECOND READING:**

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

Mayor Jones asks Township Committee Member Yates to read Ordinance TC #12-2021.

Township Committee Member Yates reads Ordinance TC #12-2021 by title as follows

**HARDING TOWNSHIP  
ORDINANCE #12-2021**

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

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on October 18, 2021.

Mayor Jones asks the Municipal Clerk to give a summary of the legal notice.

**The Municipal Clerk States:** A legal notice was sent for publication on October 19, 2021 to the Observer Tribune indicating that Ordinance #12-2021 was introduced and passed on first reading at the October 18, 2021 meeting and indicated that the second reading and public hearing would be held on November 8, 2021 at 7:00 pm on or at any time thereafter for consideration of final adoption. Copies of this Ordinance were made available to the general public, posted on the Township website, and posted in accordance with the law.

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

Township Committee Member \_\_\_\_\_ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

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

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**NON-CONSENT RESOLUTIONS: NONE**

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**ADD-ON RESOLUTIONS: NONE**

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**RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE**

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**CONSENT AGENDA**

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

**RESOLUTIONS TC 21-183 THROUGH RESOLUTION TC 21-188 HAVE BEEN PLACED ON THE CONSENT AGENDA**

**CONSENT AGENDA VOTE:**

**Mayor Jones** asks Committee Member \_\_\_\_\_ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 21-183 through TC 21-188.

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

Seconded by Township Committee Member \_\_\_\_\_.

**Mayor Jones** asks the Municipal Clerk for a Roll Call:

**Vote on Resolution:**

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

**APPOINTMENTS: NONE**

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**CONTRACTS: NONE**

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**FINANCE:**

**Resolution TC 21-183 – 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.

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**Resolution TC 21-184 – Transfer of Funds**

**WHEREAS**, there appears to be insufficient funds in certain accounts listed below to meet the demands thereon for the balance of the Current Year; and

**WHEREAS**, there appears to be a surplus in certain accounts listed below over and above the demand deemed to be necessary for the balance of the Current Year.

**BE IT RESOLVED**, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A 40A:4-58, part of the surplus in the accounts listed below be and the same are hereby transferred to the accounts listed below to meet the current demands; and

**BE IT FURTHER RESOLVED**, that the Treasurer be is hereby authorized and directed to make the following transfers:

**Current Fund Budget**

**FROM:**

Streets & Roads – Other Expenses	\$13,000
OEM – Salary & Wages	\$4,000
Environmental Commission – OE	\$5,500
Accumulated Leave – Salary & Wages	\$7,500
Group Insurance – Other Expenses	\$15,000

**TO:**

General Administration – Other Expenses	\$5,000
Mayor and Council – Other Expenses	\$12,000
Telephone – Other Expenses	\$5,000
Legal Services – Other Expenses	\$20,000
MIS – Other Expenses	\$3,000

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**Resolution TC 21-185 – Resolution to Authorize an Award Contract to Northeast Arborist Supply with National Cooperative Contract for a Brush Bandit Chipper**

WHEREAS, in accordance with the requirements of Local Public Contract Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2 the regulations promulgated there under in Local Finance Notice 201210, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities; and

WHEREAS, the Township of Harding has the need to procure a chipper in accord with the Local Public Contract Law N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Township of Harding has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being Sourcewell Cooperative; and

WHEREAS, the regulations set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

WHEREAS, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and received no protests in accord with law and regulation; and

WHEREAS, the equipment and corresponding Sourcewell Cooperative Contacts numbers are:

- Intimidator 18XP (18” Drum Style) Brush Bandit Chipper approved contract #062117-BAN through Northeast Arborist Supply

WHEREAS, the total purchase price is as follows:

Northeast Arborist Supply - Intimidator 18XP (18” Drum Style) Brush Bandit Chipper	\$62,000.40
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WHEREAS, the Chief Financial Officer has certified that adequate funds for such purchases are available through account 04-2021-202107-4003-4-04076.

**BE IT RESOLVED**, the Qualified Purchasing Agent is hereby directed to effectuate the purchase of herein approved equipment for the approved cost.

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**Resolution TC 21-186 – Resolution to Authorize an Award Contract with National Cooperative Contract for a Compact Excavator**

WHEREAS, in accordance with the requirements of Local Public Contract Law P.L. 2011, C.139 and N.J.S.A. 52:34-6.2 the regulations promulgated there under in Local Finance Notice 201210, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities; and

WHEREAS, the Township of Harding has the need to procure a chipper in accord with the Local Public Contract Law N.J.S.A. 40A:11-1 et. Seq.; and

WHEREAS, the Township of Harding has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being Sourcewell Cooperative; and

**WHEREAS**, the regulations set forth within Local Finance Notice LFN 2012-10 have been fully complied with; and

**WHEREAS**, the Qualified Purchasing Agent has complied with the public notification provisions of public advertisement and received no protests in accord with law and regulation; and

**WHEREAS**, the equipment and corresponding Sourcewell Cooperative Contacts numbers are:

- KX0404R3TP Kubota Compact Excavator approved contract #040319-KBA through Cherry Valley Tractor Sales, Inc.

**WHEREAS**, the total purchase price is as follows:

Cherry Valley Tractor Sales, Inc. - KX0404R3TP Kubota Compact Excavator	\$60,891.48
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**WHEREAS**, the Chief Financial Officer has certified that adequate funds for such purchases are available through account 04-2021-202107-4003-4-04075:

**BE IT RESOLVED**, the Qualified Purchasing Agent is hereby directed to effectuate the purchase of herein approved equipment for the approved cost.

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#### Resolution TC 21- 187

**WHEREAS**, Historic Homes By McCann, LLC requests the release of the performance guarantee escrow with the Township of Harding previously posted for Block 16, Lot 13 at 61 Village Road; and

**WHEREAS**, pursuant to the memorandum from the Township Engineer dated October 7, 2021, Historic Homes By McCann, LLC has completed the subdivision improvement work and recommended that the performance bond be returned; and

**WHEREAS**, Mr. Fox conducted an inspection of the subject property and confirmed that all site improvements have been satisfactorily completed; and

**WHEREAS**, in accordance with the Township Code, the developer is required to post a 2-year maintenance guarantee in the amount equal to 15% of the construction cost for completed work; and

**WHEREAS**, the developer, as a condition of the release being granted hereby and pursuant to the Engineer's October 7, 2021 Memorandum, is required to post a maintenance guarantee bond in the amount of \$49,122.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey on this 8<sup>th</sup> day of November, 2021 as follows:

1. That the remaining performance bond posted by Historic Homes By McCann, LLC shall be released upon receipt by the Township from the developer of a two year maintenance guarantee in the amount of \$49,122.
2. This resolution shall take effect as provided by law.

**MISCELLANEOUS:**

**Resolution TC 21-188 – Resolution Creating the Glen Alpin Redevelopment Steering Committee; Appoint Members to Redevelopment Steering Committee**

**WHEREAS**, on November 19, 2018, the Township Committee of the Township of Harding (“**Committee**”) directed the Planning Board of the Township of Harding (“**Planning Board**”), by way of TC Resolution 18-196, to conduct an investigation to determine whether certain properties within the Township of Harding (“**Township**”) are in need of redevelopment according to the statutory criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”); and

**WHEREAS**, the properties identified for investigation were Lot 2 in Block 27 (Hurstmont) and Lot 1 in Block 34 (Glen Alpin) as shown on the official tax maps of the Township (the “**Study Area**”), located on Mount Kemble Avenue (Route 202) and totaling 29.44 acres; and

**WHEREAS**, the Planning Board retained the planning firm of Heyer, Gruel & Associates (“**Heyer**”) to perform the investigation of the Study Area; and

**WHEREAS**, following its investigation, Heyer prepared a report entitled “Area in Need of Redevelopment Investigation Report, 685 Mt Kemble Avenue (“Glen Alpin”), 679 Mt. Kemble Avenue (“Hurstmont”)”, dated February 1, 2019, wherein Heyer concludes that the Study Area meets the statutory criteria of the Redevelopment Law as an area in need of redevelopment (the “**Report**”); and

**WHEREAS**, on June 3, 2019, following a public hearing, the Planning Board voted to recommend to the Committee the designation of the Study Area as an area in need of redevelopment; and

**WHEREAS**, the Township, by Ordinance 13-2019, enacted June 24, 2019 and Ordinance 18-2019, enacted September 30, 2019, adopted the Glen Alpin/Hurstmont Redevelopment Plan, which sets for the plan for the redevelopment area; and

**WHEREAS**, on May 25, 2021, the New Jersey State House Commission approved the Glen Alpin Diversion; and

**WHEREAS**, on October 6, 2021, the Morris County Board of Commissioners adopted Resolution 2021-817 accepting the recommendation of the Morris County Open Space Committee to grant Harding’s request to dispose and divert 3.52 acres in fee and 0.63 acres on easement on the Glen Alpin property; and

**WHEREAS**, on October 6, 2021, the Morris County Board of Commissioners adopted Resolution 2021-821, accepting the recommendation of the Morris County Historic Preservation Board to terminate the Historic Preservation easements on the Glen Alpin property ;and

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township to establish a Glen Alpin redevelopment Steering Committee, to be comprised of elected officials, Township Administration Staff, and citizens, to provide guidance to the Township Committee and facilitate the preparation of a Redevelopment Plan for the Glen Alpin property.



**BE IT RESOLVED**, that there is hereby created a Glen Alpin Steering Advisory Committee of the Township known as the "Redevelopment Steering Committee". The Glen Alpin Redevelopment Steering Committee shall consist of one chairperson, and six (6) additional members. The Glen Alpin Redevelopment Steering Committee members shall be appointed by the Township Committee; and

**BE IT FURTHER RESOLVED**, that the Township Committee hereby appoints the following individuals to the Glen Alpin Redevelopment Steering Committee: Tim Jones, Chairperson; Rita Chipperson; Robert Falzarano; Vince DeNave; Dev Modi; Robert Goldsmith; and John Hague.

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## **ORDINANCES FOR FIRST READING**

### **ORDINANCE #13-2021 – AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 90, ARTICLE V OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED "TRAPPING OF FOXES AND COYOTES"**

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #13-2021.

Township Committee Member Yates introduces Ordinance #13-2021 by title as follows:

**HARDING TOWNSHIP  
ORDINANCE #13-2021  
"AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 90,  
ARTICLE V OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED "TRAPPING  
OF FOXES AND COYOTES"**

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

Township Committee Member Yates reads:

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

**BE IT RESOLVED**, that at the Township Committee meeting to be held on December 13, 2021 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #13-2021 and move its introduction.

Township Committee Member \_\_\_\_\_ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

**Vote on Introduction:**

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

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**ADJOURNMENT – Mr. Jones**

## **ORDINANCES – PUBLIC HEARING - ADOPTION**

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

**HARDING TOWNSHIP**

**ORDINANCE #12-2021**

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

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

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

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

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

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

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

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

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

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

**ATTEST:**

**TOWNSHIP OF HARDING**

\_\_\_\_\_  
Lisa A. Sharp  
Township Clerk

\_\_\_\_\_  
Timothy D. Jones  
Mayor

**INTRODUCED:** October 18, 2021      **ADVERTISED:** October 20, 2021

**PUBLIC HEARING:** November 8, 2021

**ADOPTED:** November 8, 2021      **ADVERTISED:** November 11, 2021

**Vote on Adoption:**

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

## **ORDINANCES – INTRODUCTION**

- 1. ORDINANCE 13-2021 – An Ordinance of the Township of Harding, County of Morris, State of New Jersey, Amending Chapter 90, Article V of the Code of the Township of Harding Entitled “Trapping of Foxes and Coyotes”**

**HARDING TOWNSHIP  
ORDINANCE # 13-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 90, ARTICLE  
V OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED “TRAPPING OF FOXES  
AND COYOTES”**

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**WHEREAS**, consistent with the objectives of its Master Plan, Harding Township is committed to promoting the health of its natural ecology as well as ensuring the safety of its residents; and

**WHEREAS**, certain studies have shown that so-called “keystone predators,” such as foxes and coyotes, play an essential, top-down role in maintaining a healthy balance in an ecology both by consuming herbivore or rodent prey and by altering prey behavior resulting in the beneficial control and distribution of large numbers of prey species; and

**WHEREAS**, ecologists from the Rutgers New Jersey Agricultural Experiment Station (“NJAES”) have determined that coyotes play an important ecological role in New Jersey by partially filling the niche created by the extirpation of gray wolves, formerly one of the keystone predators in New Jersey and that coyotes prey upon small mammals (i.e., rodents and rabbits), helping to suppress populations in both agricultural and residential settings;

**WHEREAS**, NJAES ecologists have determined that foxes also play an important ecological role in New Jersey by being a dispersal agent for many plants, and hunting small mammals that have been considered pests in agricultural and residential settings, and aiding in ecological recycling due to the consumption of carrion; and

**WHEREAS**, NJAES ecologists have also identified foxes as helpful in regulating populations of rodents aiding in the reduction of Lyme disease as certain rodents such as mice can be carriers of the bacteria that causes Lyme disease; and

**WHEREAS**, it is equally important for the Township to ensure its coyote and fox populations continue to successfully and safely coexist with Harding residents by actions such as the following: through its boards and commissions; promoting education for residents about coyote and fox ecological value, life cycle, behavior, and safe methods of interaction, subject to cost feasibility; collect available statistics about coyote/fox interaction with residents and Township professionals; monitor relevant ecological best practices; promote policies and education that ensure coyotes and fox continue to avoid contact with humans and maintain their healthy fear of human interaction; discourage property owners from unsafe practices such as the feeding of coyotes or foxes; provide a reasonable procedure for a property owner to remove individual coyote or fox that: (i) exhibit behavior that threatens the safety of persons on their property, or (ii) prey on pets or livestock on their property; and

**WHEREAS**, the Township Committee of the Township of Harding finds it necessary and in the public interest to amend Chapter 90, Article V of the Code of the Township of Harding entitled “Trapping of Foxes and Coyotes” to limit the trapping of foxes and coyotes within the Township of Harding.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 90, Article V of the Code of the Township of

Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

## SECTION 1. **Article V: Trapping of Foxes and Coyotes**

### **§ 90-19 Prohibited Conduct.**

**The use of any trap other than live cage traps is prohibited unless such trap is installed and maintained by the New Jersey Department of Fish and Wildlife, or a New Jersey Animal Control Officer as designated by the Township of Harding.**

- ~~A. Except as otherwise stated in paragraph B herein, the trapping of foxes is hereby strictly prohibited within the Township of Harding.~~
- ~~B. To the extent that it is determined that a situation arises such that a fox or coyote is a danger or nuisance or danger to any horse, cattle or other livestock owned, kept or sheltered within the Township of Harding or presents as a danger to persons or property within the Township including crops, poultry or domestic animals, belonging to any other person in the Township, the affected person shall notify the Township's Environmental Health Specialist, who shall in turn contact the Township's Animal Control Services, which shall be solely responsible for assessing and remedying the situation in accordance with the regulations/statutes governing the live trapping of foxes and coyotes as established by the State of New Jersey and/or Department of Environmental Protection Division of Fish, Game and Wildlife.~~
- ~~C. Any and all costs for the trapping and removal of any fox or coyote in accordance with Subsection B above shall be the responsibility of the person requesting the trapping and removal of such animal.~~

### **§ 90-20 Applicability of Title 23.**

New Jersey Statutes Annotated, Title 23, entitled "Fish and Game, Wild Birds and Animals," shall remain in full force and effect, and if any provision contained therein or regulations promulgated pursuant thereto are in conflict with this article, said statutes and regulations shall be given precedence. Further, any conditions contained in said Title 23 and any and all regulations promulgated pursuant thereto must be complied with whether set forth in this article or otherwise.

### **§ 90-21 Violations and penalties.**

Any person who violates or fails or refuses to comply with the provisions of this article shall be liable to a penalty as provided in § 1-3, General penalty, of the Code of the Township of Harding.

### ~~**§ 90-22 Study and review.**~~

~~This Article V shall be reviewed after a period of three years from the date of adoption of this article to permit the Township to review the effectiveness of this article and to determine whether it should continue to be in full force and effect. Unless the Township acts to extend this article within three years of the adoption of same, the article shall be null and void and of no further effect.~~

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.



SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**ATTEST**

**TOWNSHIP OF HARDING**

\_\_\_\_\_  
Lisa A. Sharp  
Municipal Clerk

\_\_\_\_\_  
Timothy D. Jones,  
Mayor

**INTRODUCED:** November 8, 2021

**ADVERTISED:** November 11, 2021

**PUBLIC HEARING:**

**ADOPTED:**

**ADVERTISED:**

**Vote on Introduction:**

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