

HARDING TOWNSHIP COMMITTEE
MONDAY, SEPTEMBER 12, 2022
IN-PERSON
EXECUTIVE SESSION at 6:00 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 September 12, 2022 meeting to order at 6:00 pm.

ADEQUATE NOTICE of this September 12, 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 September 12, 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:

Present:

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

Absent:

None

Also Present:

Mr. Falzarano, Township Administrator; Mrs. Sharp, Municipal Clerk; Mr. DeNave, Assistant Administrator; and Mr. Drill, Special Counsel

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 6:00 pm.

Resolution TC 22-168 - 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. Affordable Housing – J. Drill, Esq.

Litigation:

1. Verizon – R. Falzarano

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 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"/>

RECONVENE INTO PUBLIC SESSION – Mayor

Mayor Jones asked for a motion to reconvene into public session. Upon a motion made by Township Committee Member Yates, seconded by Township Committee Member Platt, and with a vote of all ayes, the meeting reconvened into public session at 7:04 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 (via phone); 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 September 12, 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 congratulated Township Committee Member Chipperson and Mr. Tom DePoortere on a wonderful event on September 1, 2022 which celebrated the 100 year anniversary of Harding Township. It was a great turnout. The feedback from the event was how involved the children and the adults were in the event. It was great to see this dynamic. It truly was a beautiful event.

Township Committee Member Chipperson reported that the donations for the Centennial are coming in and we thank everyone for donating. The October 1, 2022 event will have the New Vernon Volunteer Fire Department cooking and serving the hot dogs and hamburgers and the proceeds will go to the Fire Department. The Kemmerer Library will be serving the non-alcoholic drinks and the proceeds will go to the library. There will be a Beer Truck sponsored by the Washington House and \$1.00 of the proceeds will go to the Harding Township/Green Village Bridle Path Association. There will be two ice cream trucks and more. Shop Rite has donated the hot dogs, hamburgers, buns, water, etc., for this event. We look forward to seeing everyone on October 1, 2022.

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

RESOLUTION TC 22-169 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member Lacz to proceed with Resolution TC 22-169.

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: **August 8, 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: **August 8, 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 Yates.

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	<input type="checkbox"/>	<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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION): NONE

DISCUSSION ITEMS:

1. Micro-Breweries – Mayor Jones

Mayor Jones reported the Township Committee received correspondence asking if the Township would do a resolution in opposition of the New Jersey Division of Alcoholic Beverage Control's Special Conditions on Limited Brewery Licenses. As the Township does not do resolution for this, Mayor Jones asked if the Township Committee would be in favor of sending a letter. The consensus of the Township Committee was to send a letter.

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 who would like to be heard and asked that they state their name, address, and make their comment.

Mr. Louis Lanzerotti, Brook Drive South – commented that he sent correspondence to the Township Committee regarding Ordinance 06-2022. A copy of Mr. Lanzerotti's correspondence is appended to these minutes. Mr. Lanzerotti commented that this ordinance is more than trees and believes this ordinance will destroy private property. Mr. Lanzerotti explained that Harding Township believes in property rights and hopes the Township Committee will table this ordinance.

Mr. Dennis Wilson, 2 Bailey's Mill Road – commended the Township Committee for doing this proposed ordinance. Mr. Wilson made the following comments:

- Address trees within tree conservation area, which is adequately defined. It is unclear regarding trees within that tree conservation area that intersect a property line. Who would take out the permit?
- Consider the requirement of notification of adjacent property owners if a permit is applied for if a tree falls within the conservation area.
- Clear view of permit for general public of any permit issue. What does this mean? Does it mean on a house or in a place where it can be clearly viewed. Mr. DeNave commented that the person doing the

work, the permit would be placed on or in the machinery. Have it in the window or close by. Clear view is by the tree being removed.

- *The issuance of a permit. The ordinance says the Zoning Officer or Designee of? Mr. DeNave explained that the designee is not a volunteer, it is a person that is a Township employee and who has the expertise needed.*

A discussion ensued regarding Mr. Wilson's comments.

Mr. Alf Newlin, Blue Mill Road – *commented that he sent correspondence to the Township Committee regarding Ordinance 06-2022. A copy of Mr. Newlin's correspondence is appended to these minutes. Mr. Newlin made the following comments:*

- *The ordinance language text appears to have contradictions, missing sentences, and is not easy to understand*
- *It is an irritation to file paperwork. Currently, you do not have to, now you will.*
- *Remove all invasive species, Section J.*
- *Prohibit planting of invasive species.*
- *Provide data.*

Mr. DeNave explained that trees are being taken down in the conservation area on a weekly basis and the applicant states they had no idea the tree was in the conservation area. The township is losing trees in the conservation area and the Township is trying to preserve the trees in the conservation area or at least have the opportunity to go out and require the one for one replacement. If the ordinance is not understandable, it can be worked on.

A lengthy discussion ensued regarding Mr. Newlin's comments.

Mr. Rich Clew, Blue Mill Road – *commented that most of the ordinance is very good but recommends not introducing the ordinance. Mr. Clew made the following comments:*

- *One for One replacement is good. Consider size of trees.*
- *Zoning Officer is good.*
- *Constraints disappear in this ordinance.*
- *What conditions would a tree be denied if not in the conversation area.*
- *The ordinance is not that clear. There are incomplete sentences and spelling errors, clarify the ordinance.*

A discussion ensued regarding Mr. Clew's comments.

With no further comments the, Mayor Jones closed the public comments section of the meeting at 8:15 pm.

ORDINANCES FOR SECOND READING:

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

Township Committee Member Yates read 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**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on August 8, 2022.

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

The Municipal Clerk States: *Mrs. Sharp explained that a legal notice was sent for publication on August 8, 2022 to the Observer Tribune for publication on August 11, 2022 indicating that Ordinance #11-2022 was introduced and passed on first reading at the August 8, 2022, meeting and indicated that the second reading and public hearing were to be held on September 12, 2022 at 7:00 pm on or at any time thereafter for consideration of final adoption. Pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-15B) copies were sent to the surrounding towns and to the Morris County Planning Board. Copies of this Ordinance were made available to the general public, posted on the Harding Township website, and posted in accordance with the law.*

Mayor Jones opened the meeting at 8:20 pm for public hearing on the Ordinance and any member of the public may be heard. Mayor Jones commented that the Township Committee received a memorandum from the Planning Board that stated Ordinance 11-2022 is in line with the Masterplan.

Mr. Alf Newlin, Blue Mill Road -- thanked the Township Committee.

With no further comments, Mayor Jones closed the public hearing at 8:21 pm.

Township Committee Member Yates offered Ordinance #11-2022 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 Adoption:

	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"/>

ADD-ON RESOLUTIONS: NONE

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE - 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 TC 22-170 THROUGH RESOLUTION TC 22-176 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asked **Township Committee Member Platt** to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 22-170 through TC 22-176.

Township Committee Member Platt 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.

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	<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	<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 22-170 – Resolution to Appoint Michael Edwards as Special Counsel for Affordable Housing

WHEREAS, the Township of Harding has a need to award a contract for the services of a Special Counsel for Affordable Housing matters, commencing September 13, 2022, and ending December 31, 2022; 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, Surenian, Edwards & Nolan LLC (Michael J. Edwards, Esq.) has submitted a proposal dated May 19, 2022; and

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

WHEREAS, Surenian, Edwards & Nolan LLC (Michael J. Edwards, 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 Surenian, Edwards & Nolan LLC (Michael J. Edwards, 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:

Resolution TC 22-171 – Resolution to Authorize the Award of a Cleaning Contract to Blue Line Quality Services LLC, in the Amount Not to Exceed \$15,000

WHEREAS, the Director of Public Works solicited competitive quotes from two (2) qualified contractors for janitorial services for the Kirby Municipal Building and the Police Department for the calendar year 2020 with the option to award two additional one year extensions; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides that the contracting agent shall award the contract after soliciting at least two competitive quotations, if practicable, for those contracts that in the aggregate are less than the bid threshold of \$40,000.00, but exceed 15 percent of the bid threshold (\$6,000.00); and

WHEREAS, the following two (2) quotations were received:

<u>VENDOR</u>	<u>ANNUAL CONTRACT AMOUNT</u>
1. SR Professional Cleaning	\$18,000.00

2. Blue Line Quality Services, LLC, Hardwick, NJ \$15,000.00

And,

WHEREAS, the value of this contract is less than the bid threshold of \$44,000.00 and therefore may be awarded by soliciting competitive quotes without advertising for bids; and

WHEREAS, the Director of Public Works recommends that the contract be awarded to Blue Line Quality Services, LLC, 183 Millbrook Road, Hardwick, NJ 07825 in the amount of \$15,000.00; and

WHEREAS, the Director of Public Works recommends awarding the second of the two year extensions for 2022; and

WHEREAS, the Chief Financial Officer, has certified that sufficient funds are available in Current Fund Account #01-2022-1310-0310-2-00038 for the award of this contract, and that this certification is contingent upon, and will be subject to, appropriations in the 2022 Municipal Budget.

BE IT RESOLVED, by the Township Committee of the Township of Harding that it concurs with the recommendation of the Director of Public Works and hereby authorizes the Mayor to execute a janitorial cleaning contract with Blue Line Quality Services, LLC in accordance with the specifications upon which quotations were received and accepted, in the amount of \$15,000.00; and

BE IT FURTHER RESOLVED, that all Township officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

FINANCE:

Resolution TC 22-172 – 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 22-173 – Resolution to Authorize the Purchase of Police Body Worn Cameras

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

WHEREAS, the body worn cameras, software and storage is available for purchase under NJ Start Contract (#17-FLEET-00793); 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 #04-2022-202205-4027-4-04083 and account #02-2021-2782-0782-2-00000 in the amount of \$95,739.00; 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

I 09-08-2022

WHEREAS, Motorola Solutions, LLC PO Box 305, Bordentown, NJ is an approved vendor under State Contract T-0109 for a radio communication and equipment.

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
Motorola Solutions, LLC	T-0109	Police	21	Body Worn Cameras	95,739.00
TOTAL:					\$95,739.00

MISCELLANEOUS:

Resolution TC 22-174 – Resolution Authorizing the Township of Harding to Enter into a Cooperative Pricing Agreement with Cranford Police Cooperative Pricing System Pursuant to N.J.S.A. 40A:11-11(5)

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, Omnia Partners Public Sector Cooperative Purchasing Program (R-TC-17006), hereinafter referred to as the "Omnia" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, the Prince William County Public Schools is the lead agency for contract number R-TC-17006 awarded to Amazon Services, LLC for a contract for an online marketplace for the purchase of product and services; and

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 #22-174 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 Omnia; 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.

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

PERSONNEL:

Resolution TC 22-175 – Resolution to Authorize the Re-Appointment of Fernando Omar Atoche as a Class II Special Law Enforcement Officer

WHEREAS, the Township of Harding appointed Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer for one year term commencing on August 12, 2021, in accordance with N.J.S.A. 40A:146.14 (a); and

WHEREAS, Acting Police Chief, Michael Gromek has recommended Mr. Atoche be reappointed as a Class II Special Law Enforcement Police Officer for an additional one year term with the Harding Township Police Department commencing August 12, 2022; and

WHEREAS, Fernando Omar Atoche continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

WHEREAS, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Atoche for an additional one-year term.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Acting Police Chief Michael Gromek be and hereby is accepted and that it does hereby re-appoint Fernando Omar Atoche as a Class II Special Law Enforcement Police Officer in the Township of Harding for an additional one-year term commencing on August 12, 2022 at the rate of \$32.47 per hour.

Resolution TC 22-176 – Resolution to Authorize the Re-Appointment of Patrick Meade as a Class II Special Law Enforcement Officer

WHEREAS, the Township of Harding appointed Patrick Meade as a Class II Special Law Enforcement Police Officer for a one year term on September 16, 2021, in accordance with N.J.S.A. 40A:146.14 (a); and

WHEREAS, Acting Police Chief, Michael Gromek has recommended Mr. Meade be reappointed as a Class II Special Law Enforcement Police Officer for an additional one year term with the Harding Township Police Department commencing September 16, 2022; and

WHEREAS, Patrick Meade continues to meet the requirements for a Class II Special Law Enforcement Police Officer in accordance with N.J.S.A. 40A:14-146.10; and

WHEREAS, the Township Committee believes that it is in the best interests of the Township to re-appoint Officer Meade for an additional one-year term.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Acting Police Chief, Michael Gromek be and hereby is accepted and that it does hereby re-appoint Patrick Meade as a Class II Special Law Enforcement Police Officer

in the Township of Harding for an additional one-year term commencing on September 16, 2022 at the rate of \$33.96 per hour.

ORDINANCES FOR FIRST READING:

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

Township Committee Member Yates introduced 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 Platt read:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on September 12, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on October 18, 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 Platt offered Ordinance #11-2022 and moved its introduction.

Township Committee Member Jones 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

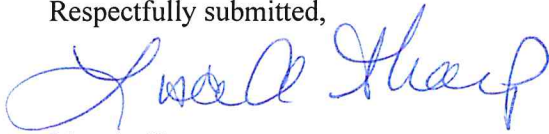
Mr. Mark Roselli, Township Attorney *explained that the motion fails and the ordinance is defeated. Mayor Jones commented that the Township Committee is ready to revisit the ordinance.*

Mr. Clew *commented clarify the process.*

ADJOURNMENT – Mr. Jones

With no further comments, Mayor Jones asked for a motion to adjourn. 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 adjourned at 8:36 pm.

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk

September 12, 2022

Harding Township Committee
New Vernon, NJ 07976

Dear Committee Members,

Re: Draft Ordinance #06-2022, concerning 225-111 of the Harding Township Code

I am writing to respectfully request that Ordinance 06-2022 not be introduced pending the consideration if not resolution of the issues listed below. Many of these were identified at the June Township Committee meeting. However, the new draft of Ordinance 06-2022 is substantially the same as the June draft. There are many positive aspects of the proposed ordinance but there remain defects.

1. **Significant new burden on property owners.** Section (G)(1), If enacted, would now require property owners to apply, pay for (in time, taxes, or outright fees) and be subject to Township approval to remove any tree with 6" or greater diameter anywhere on the property owner's property.
 - a. This is a huge taking of a property owner's right to manage their own property without unnecessarily burdensome rules, governmental meddling, and new expenses.
 - b. Unlike Trenton and many neighboring suburban towns, Harding has a longstanding unique and valuable land use tradition trusting personal responsibility rather than overbearing governmental control. This trust is warranted: the vast majority of Harding property owners are thoughtful and effective stewards of their properties. The overall stewardship excellence of Harding's private property owners is a key contributing factor in maintaining Harding's prized rural heritage and open space-oriented zoning.
 - c. This is not equally true of Township properties. Bayne Park is overgrown with invasives and has not had investment in its tree/shrub stock for decades. Bayne Park is and has been for years an incubation nursery for the invasive "Tree of Heaven" trees that are the preferred host plants for the destructive Spotted Lantern Flies.
 - d. Unless a property owner has a NJDEP approved woodland management plan, Property owners with undeveloped land will be required to file and pay for the removal permit for any tree on the property. How many property owners in Harding have a NJDEP approved woodland management plan? Cost?

- e. The \$1,000 violation fee, which the ordinance implies can be a daily fee, is far too excessive. Penalties should be reserved for individuals who wrongly take down trees on property they do not own (public or neighboring).
- 2. **Draft quality**. Aside from policy concerns, the ordinance language text appears to have contradictions, missing sentences and is not easy to understand.
- 3. **Background Information**
 - a. The origination of the ordinance text is not clear. Was this taken from other Town ordinances?
 - b. Ordinance changes imposing new costs or significant new restrictions on residents should be backed up with supporting data. A request for background information was requested at the June Township Committee meeting.
 - i. What are incidents and incident details that have occurred necessitating the ordinance changes?
- 4. **Process**
 - a. Traditionally the Township Committee has worked in conjunction with its land use boards for land use related ordinances.
 - i. It would seem effective to refer this draft to the Planning Board for review and suggestions concerning identified issues.
 - ii. The Planning Board can review as a whole or via subcommittee.
 - iii. Interested members of the public can participate in a subcommittee and in public session.
- 5. **Removing invasive species**
 - a. The removal of invasive species should be explicitly listed in Section J ("Standards for permit issuance"). Combating invasive species is a Master Plan objective. Residents should not be required to perform a 1-for-1 replacement when removing an invasive tree.
 - b. The use of native species when replacing trees should be encouraged but not required.

Thank you for your consideration.

Alf Newlin
61 Blue Mill Road
New Vernon, NJ 0960

Harding Trees 09/12/2022

I request that Ordinance #06-2022 be withdrawn and re-written utilizing recommendations in Number 3, below.

1. Overall Comments Related to Trees on Privately Owned Property

- A. The purpose and intent of the Ordinance #06-2022 as described in Item A is good.
- B. The objectives outlined in Item A(3) are good. Unfortunately, details in the body of the Ordinance do not respect private property rights (see further, below).
- C. In not respecting private property rights, the Ordinance is inconsistent with long-standing Harding policy tradition: minimize government control of residents.
- D. The Ordinance does not acknowledge that residents are responsible persons and have vested self-interest in maintaining their properties, including trees.
- E. Crucially, the Ordinance does not define what problem(s) it is intended to address. Harding taxpayers have not been informed what critical issues have arisen that requires the abrogation of everyone's private property rights.

2. Specific Comments Related to Trees on Privately Owned Property

- A. Item I(1): The Ordinance now does not require a fee payment for a permit for trees on "developed land".
- B. There are forested properties in Harding that are undeveloped. They are retained undeveloped by owners for numerous reasons (including for conservation and environment and aesthetic reasons). Such parcels should not be treated differently from "developed land" parcels.
- C. Item G(1): The requirement for a permit for removal of any tree on private properties is an infringement of private property rights and inconsistent with the Harding policy philosophy of limited government and limited government regulation.
- D. Item G(4): excellent
- E. Item H(7): private owners often keep dead or diseased trees standing for some time (even a few years) for use by woodpeckers and other species, including squirrels. Such trees do not require "emergency removal". Owners of such trees should not be obliged to pay a "New Jersey Tree Expert" to tell them if and when such a tree requires removal. Such owners can fell such a tree without a tree permit and without paying a "New Jersey Tree Expert" to advise them.
- F. Item I: much (all?) is superfluous if Harding maintains its overall philosophy of retaining private property rights.
- G. Item P: line 9 (yellow enhanced): this line is confusing in the context of all that precedes this Item. This line, and many aspects of this proposed Ordinance, appear to be cut and pasted from other municipalities, and not cognizant of Harding policies and history. The line basically implies that all the foregoing regarding permitting on private property can be ignored if the trees are not in a Conservation Easement area.

3. Concluding Recommendations for Trees on Privately Owned Properties

- A. Start with a clean sheet of paper.
- B. State that the principal objectives of the Ordinance with respect to private properties, consistent with Item A, are to maintain the tree conservation areas and to prevent wanton clear cutting of Harding forests. "Clear cutting" will require definition.
- C. State that an objective is to recognize that Harding taxpayers are responsible stewards of their properties and are best able to determine the fate of their trees and shrubs.
- D. State that an objective is to retain and enhance the environmental heritage of Harding while retaining private property rights.