

HARDING TOWNSHIP COMMITTEE
MONDAY, DECEMBER 13, 2021
MEETING MINUTES
at 7:00 pm / IN-PERSON ONLY
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor Jones

Mayor Jones called the December 13, 2021 meeting to order at 7:09 pm.

ADEQUATE NOTICE of this December 13, 2021 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.

Mayor Jones announced adequate notice of the December 13, 2021 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.

ROLL CALL – Municipal Clerk

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

Mayor Jones asked for a roll call from the Municipal Clerk. Mrs. Sharp called the roll. All members of the Township Committee were present. Let the record show that Mr. Vincent DeNave, Assistant Administrator was filling in for Mr. Falzarano, Township Administrator.

There were 20 people in attendance.

PLEDGE OF ALLEGIANCE – Mayor Jones

Mayor Jones led the Township Committee and members of the public in the Pledge of Allegiance.

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

Resolution TC 21-189 – Resolution Recognizing Township Committee Member Nanette DiTosto for her Exemplary Service to the Township of Harding

Mayor Jones proceeded with Resolution TC 21-189 listed on the Non-Consent agenda and read the resolution in its entirety.

WHEREAS, on November 6, 2012 Nanette DiTosto was elected by the voters of the Township of Harding to serve a 3-year term on the Harding Township Committee; she was re-elected to a second 3-year term by the voters on November 3, 2015, and re-elected to a third 3-year term on November 6, 2018; and

WHEREAS, Nanette served as Deputy Mayor in 2017 and 2018; and

WHEREAS, during her nine years in elected office, Township Committee Member Nanette DiTosto continually sought to improve the quality of life for Harding Township residents and expertly demonstrated foresight, leadership, and fiscal responsibility in policy decisions and operations of Township government; and

WHEREAS, Nanette helped to improve the municipal operations through insisting the development and implementation of policy and procedures is essential for good government; and

WHEREAS, as an elected official over the past nine years, Township Committee Member DiTosto further served as Finance and Insurance Standing Committee Chair, Personnel Standing Committee Vice Chair, Healthcare and Insurance Standing Committee Chair, Planning and Zoning Standing Committee Chair, Technology Standing Committee Vice Chair, Recreational Standing Committee Chair, Public Health Standing Committee Vice Chair, Cell Tower Standing Committee Chair, Affordable Housing Standing Committee Vice Chair, and served as a Member of the Board of Health; and

WHEREAS, Nanette carried out her duties as an elected official and as a citizen of Harding Township with enthusiasm and in a conscientious, thoughtful and caring manner, and always dedicated herself to advancing the spirit of volunteerism that has helped make Harding Township the town we love; and

WHEREAS, Nanette will always be remembered for her kindness, camaraderie, and fairness when dealing with residents, businesses, and the Township's workforce.

BE IT RESOLVED, by the Township Committee of the Township of Harding that they hereby recognize and commend Nanette for her leadership, dedication, and enthusiasm for our community as demonstrated throughout her tenure on the Township Committee; and

BE IT FURTHER RESOLVED, by the Township of Harding, on behalf of the entire Harding Township community, that they hereby extend their grateful appreciation to Nanette DiTosto for her nine remarkable years of service on the Harding Township Committee and commend her for all she has achieved during her tenure on the Township. We wish Nanette and her family happiness and good health in the years to come. Nanette, you will be missed!

Mayor Jones moved 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"/>
Ms. DiTosto	<input type="checkbox"/>	<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	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mrs. DiTosto received a round of applause by all members of the public and Township Committee.

Township Committee Member Yates – *commented when someone leaves the Township Committee, the highest praise you can offer them is to say that the Township is a better place because of their service. This is undoubtedly true this evening.*

Township Committee Member DiTosto – *thanked Chris and Tim for their words. Mrs. DiTosto stated that it certainly has been a pleasure working with the current composite of the Township Committee and the past*

Township Committees as well. Alf Newlin is in the audience. Alf and Mrs. DiTosto ran the third time together upholding Harding's core values together. Thank you Alf. Mrs. DiTosto stated she thoroughly enjoyed working with Bob Falzarano, enjoyed working with Gail McKane, and everyone in the Administration. Mrs. DiTosto thanked Chief Heller, Mark Roselli, and Tracy Toribio. Mr. Toribio has been absolutely wonderful and is huge for the Township Department of Public Works. Mrs. DiTosto has had a long standing commitment to uphold Harding's core values based on the traditions and volunteerism, low taxes, municipal independence, public safety affecting Harding's rural heritage and natural resources. Harding is compared to many other towns as in very good condition. Harding has low taxes, a robust Open Space program, conservative budgets that do not compromise the excellent services that the Town delivers to its residents including our top notch Police Department, a vibrant and active volunteer community which is the life blood of Harding including our all-volunteer Fire and EMT who delivers top quality public safety at a huge savings to tax payers. Mrs. DiTosto stated she wanted to express her heartfelt thanks to Harding residents, it truly has been an honor and privilege to serve a very very special community. For the last nine years Mrs. DiTosto stated she did not do think alone and thanked her husband Dean and four children for their tremendous support and support of her commitment to serve Harding. Dean has been extremely supportive and compassionate, and thanked him. Again, thank you to all the residents of Harding for your continued support, encouragement, and coming out to vote time and time again. Serving the Township and the residents is truly an honor that Mrs. DiTosto will cherish forever, thank you very much.

Mayor Jones thanked Mrs. DiTosto and presented her with a signed copy of Resolution TC 21-189.

Township Committee Member Platt – *commented in those nine years if you were to go through part of this whereas you will find that you served as Chair and Vice Chair of so many committees and if you do the math, the thousands of hours that a person who runs for election puts into their community and nine years is more than anyone could ask from anybody. It is an outstanding public service and great sacrifice to family.*

RESOLUTION TC 21-190 – RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asked Township Committee Member Yates to proceed with Resolution TC 21-190 listed on the Non-Consent agenda.

Township Committee Member Yates made a motion for the November 8, 2021 minutes be tabled till the next meeting as there are a few corrections that are required. Township Committee Member Platt seconded the motion.

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: **November 8, 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: **November 8, 2021**

Mayor Jones asked the Municipal Clerk for a Roll Call:

Mrs. Sharp called the roll as follows to table Resolution TC 21-190.

Vote to Table 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"/>
Ms. DiTosto	<input type="checkbox"/>	<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	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE

Mayor Jones has three items he would like to present this evening. A copy of Mayor Jones' prepared comments is appended to these minutes.

Mayor Jones -- welcomed Mr. Vince DeNave to the Township Committee meeting this evening. Mr. DeNave is the new Assistant Administrator. Mr. DeNave comes to Harding Township with a unique blend of private and public sector work experiences. The Township Committee believes Harding residents will find Mr. DeNave to be a solution oriented addition to our community and operations for years to come. This evening Mr. DeNave is sitting in for Mr. Falzarano who had a death in the family. Last week when Mr. Falzarano called to apologize for not being able to attend tonight's meeting and repeatedly apologized, and I am sure Mrs. DiTosto had the same call from Mr. Falzarano, it reminded me why the Township is so fortunate to have an Administrator who recognizes the importance of our presence at these public meetings. Mr. Platt mentioned a few minutes ago that it is thousands of hours our staff puts in a lot to ensure that these meetings allow for public participation that everyone enjoys and knows they have. That public participation is what makes our community the gem that it is.

Mayor Jones thanked all the volunteer members of the Townships Boards and Commissions. We all moved to Harding for different reasons but we all would like the same results, a welcoming, respectful community of neighbors. When people step up to volunteer their time and talent to the Townships Boards and Commissions, they do so in the best interest of the Community and hopefully not for personal or political gain. Mayor Jones stated we should all thank our friends and neighbors who give up their time and recognize that not everything in life is political.

Mayor Jones lastly commented on some sad news. Mr. Henry Clifford who served on the Harding Township Committee (serving as Mayor) in the 1970's passed away on December 2, 2021. Mayor Jones explained he did not know Mr. Clifford but a little research opened up a life well lived. Mr. Clifford was a veteran of the Korean War, having served after attending UPenn. Mr. Clifford was an Olympian, having started on the Men's Field Hockey Team in the 1956 Olympics in Melbourne, Australia, a group of underdogs, they did not medal but were given much press by Sports Illustrated. Mr. Clifford went on to have a two decade career with White, Weld & Company in investment banking and subsequently as an Executive Recruiter. For further comments, please read Mayor Jones prepared comments attached. We mourn the loss of Mr. Clifford who was 92 and living in Connecticut.

Centennial Announcements:

Township Committee Member Chipperson – *announced that the Centennial Kick Off will be at the Historical Society's annual meeting at Church of Christ the King on January 13, 2022. There will be two speakers. One speaker will be Warren Harding III, who is the grandnephew of President Harding. The second speaker will be Rodney Frelinghuysen. The Centennial calendars have been mailed and will include a list of events (which can be subject to change). Please check the Harding Township website throughout the year. The Centennial decorations will be going up shortly. We are looking forward to getting the events kicked off and rolling.*

MEETING OPEN TO THE PUBLIC

NOTICE OF PUBLIC COMMENT TIME LIMIT

Mayor Jones opened the meeting for public comment at 7:26 pm.

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.

Larry Wepler, Lee's Hill Road – *thanked Township Committee Member DiTosto for her years of service and stated we all appreciate your service.*

Linda Kearns, resident – *commented she is thrilled and honored to be friends with Township Committee Member DiTosto and stated she is sad to see her go. Knowing Mrs. DiTosto as Ms. Kearns does, as Mr. Platt stated, she and her family gave up a lot. Ms. Kearns thanked Mrs. DiTosto for everything she has done for the Township of Harding.*

With no further comments, Mayor Jones closed the public comment at 7:29 pm.

DISCUSSION ITEMS:

Mayor Jones introduced Mr. Andrew Burnett at 7:30 pm

1. Trapping in North America & NJ – Andrew Burnett – NJ Division of Fish/Wildlife

Mr. Andrew Burnett, Principal Wildlife Biologist for the NJ Division of Fish & Wildlife for the last 20 years and before this position, Mr. Burnett was a Regional Deer Biologist for 10 years. Mr. Burnett thanked the Township Committee for allowing him to speak this evening and present information and data that may be useful in the Committee's upcoming decisions. Mr. Burnett is here this evening regarding the upcoming TC Ordinance 13-21. A copy of Mr. Burnett's power point presentation is appended to these minutes.

Executive Summary of NJDFW Presentation:

- Trapping is a highly regulated, legal activity in New Jersey managed through scientifically-based regulations that are strictly enforced. The NJ Division of Fish & Wildlife continually reviews and develops rules, regulations, education programs and capture methods that consider animal welfare. Regulated trapping does not cause wildlife populations to become endangered, and provides many societal benefits.

- The season for trapping wild canines begins November 15 and concludes the following March 15 annually. Season dates and bag limits have remained constant for the last 40 years. Property owners (including farmers) and occupants of dwellings suffering damage from a variety of wildlife species may control these animals by lawful procedures at any time, subject to State law and local ordinances. Landowners may also employ an agent to control certain wildlife species.
- Since 1997, the Association of Fish & Wildlife Agencies (AFWA) has spent about \$40 million testing over 600 traps for animal welfare, efficiency, practicality, safety and selectivity. The cable restraint is the only Best Management Practices (BMP) device for capturing wild canids that is legal for use in New Jersey. State law prohibits the use of steel-jaw type traps. Cage traps are not efficient devices for capturing wild canids, and are not considered a BMP device for canids.
- According to the CDC, Lyme Disease is most prevalent in Northeastern and Great Lakes states. New Jersey usually ranks 3rd nationally (averaging 3,716 cases annually from 2004-2020). Morris County usually ranks 1st in New Jersey (averaging 460 cases annually from 2004-2020). Reported NJ and Morris County cases in 2020 are down >50% from their peak in 2017.
- Morris County ranks 2nd in the number of coyote sighting & mortality reports received since 01 July 1991, but generally less than 30 are harvested by hunters and trappers each year. Just under 4,400 coyotes have been harvested statewide since 01 July 2000. Harvest reports for fox are not required, but statewide estimates range from 810-9,249 annually for trapping and 488-7,369 for hunting biannually since 01 July 2000.
- Both coyote and fox consume small mammals such as mice, but are not dependent on the abundance of mice for survival. Wild canids are opportunistic omnivores and consume a wide variety of animals and plants as are seasonally available. Behavioral difference between predators and prey may not translate into prey availability to a predator.

Mr. Burnett asked if anyone from the Township Committee had any comments. Township Committee Member Platt commented on the data information and at the last meeting you mentioned there were 74 cases in the ten years between 2007 and 2016. Mr. Burnett commented he mis-spoke at the last meeting the number is about 650. A discussion ensued on the Vermont Study. Township Committee Member Platt mentioned the study talks about a number of mice the fox consume. Mr. Burnett stated they can eat about 5,000 mice, if that is all they eat. A discussion ensued regarding predators, white footed mice, Lyme disease, etc.

Township Committee Member DiTosto – stated if the goal is to reduce the contraction and the spread of Lyme, what would you suggest be done? Mr. Burnett commented that in the Vermont report, they noted there is a relationship between the availability of mast (acorns), so if there is an abundance of masts, then the following year there will be more mice and two years after there will be a high incident of Lyme. A further discussion ensued on the possibility of the correlation of the mast. Township Committee Member DiTosto commented that she does not hear Mr. Burnett saying that the fox and/or coyote has anything to do with Lyme. Mr. Burnett commented they do not have much of an impact at this as some would think. Township Committee Member DiTosto commented that if you have Lyme, your Doctor has to report that to the State. Mr. Burnett responded yes. Township Committee Member DiTosto thanked Mr. Burnett for answering her questions.

Township Committee Member Yates – commented one of the take a ways from the Vermont Study that he looked at, is the bigger bang for your dollar, is eliminating much of the invasive plants that create these havens for mice and Mr. Yates has been an advocate for actively stewarding Harding's public lands and one of the elements of the stewardship is the removal of invasives. The Environmental Commission has discussed encouraging residents to remove invasives. This is an area that may have a more direct effect and be more productive.

Mayor Jones asked for clarification, Mr. Burnett mentioned that the harvest in the most recent year (two years ago) was 7,000. Mr. Burnett stated that ten percent of the 7,000 number is Morris County. Mayor Jones commented that there are 66 trappers that reside in Morris County but do not necessarily trap in Morris County. Mr. Burnett commented the trappers usually trap in the County of residency. Mr. Burnett commented that we ask where they primarily do most of their trapping. Mayor Jones commented with the training course that the trappers go through, is their re-education. Mr. Burnett responded no, unless they break the law.

Township Committee Member Platt, commented on the Vermont Study which was provided to the Environmental Commission to do a review on this study and Dr. Davito has spent a great deal of time looking at the study and should comment on this. Township Committee Member Yates asked where Mr. Burnett's colleague was for this evening. Mr. Burnett commented Ms. Kuenstner could not make it this evening. Township Committee Member DiTosto asked if Ms. Kuenstner works in the same department as Mr. Burnett. Mr. Burnett responded Ms. Kuenstner works in the Office of Information and Education for the Division of Fish and Wildlife. Ms. Kuenstner has 40 years' experience. Township Committee Member Platt commented that the Vermont Study has references to the Netherlands Study which is data driven. The conclusion of the Netherlands study was that predators can indeed lower the number of ticks feeding on the reservoir competent host, which implies it changes in predator abundance may have a cascading effects on tick borne disease risks. Township Committee Member Yates commented if the Township's ordinance was not renewed, what would you anticipate the number of trapped foxes and coyotes in Harding be annually going forward. Mr. Burnett commented maybe 20. A person cannot wander onto private property to trap.

Mr. Newlin, Blue Mill Road – asked if there is any limits on trapping. Mr. Burnett explained there is no limit on the number of traps a person can set. However, the person would have to check each trap once every 24 hours. There is no limit on the number of trappers. Mr. Burnett mentioned there are about 1,200 trappers in the State of New Jersey.

Dr. Joseph Cervone, White Deer Lane – commented for clarification, a Doctor does not directly report Lyme disease, the lab that makes the diagnosis makes the report. A discussion ensued regarding Lyme disease and public health.

Dr. Amiel Davito South Plainfield, NJ – commented that the Vermont Study is a report of opinion. A discussion ensued regarding the Vermont report and real data. Mr. Davito stated loudly that you are ignoring the published science and you are going by speculation. The Netherlands Study proves with statistics that if you allow predators to build up their population that there is a low incidence of infected white footed mice with the Lyme bacteria. With that statement Dr. Davito abruptly left the meeting.

Mr. Burnett – commented he does not have all the answers and provided the Township Committee with information to make an informed decision. The Township Committee thanked Mr. Burnett for attending the Township Committee meeting and presenting his information.

ORDINANCES FOR SECOND 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 asked Township Committee Member Platt to read Ordinance TC #13-2021.

Township Committee Member Platt read Ordinance TC #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"**

Which said Ordinance was introduced and passed on first reading at a regular Township Committee Meeting held on November 8, 2021.

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

The Municipal Clerk stated that a legal notice was sent for publication on November 9, 2021 to the Observer Tribune indicating that Ordinance #13-2021 was introduced and passed on first reading at the November 8, 2021 meeting and indicated that the second reading and public hearing would be held on December 13, 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.

Mayor Jones opened the meeting at 8:42 pm for public hearing on the Ordinance and any member of the public may be heard:

Maren Bjorkedal and Nic Bjorkedal, 7 Cherry Lane -- *Mr. Bjorkedal commented that he has spoken to Township Committee Member Platt regarding this topic at length. Mr. Bjorkedal commented he would like to make a recommendation that he made to the environmental commission. Mr. Bjorkedal believes in Mr. Platt's cause, he is doing a good service. Mr. Bjorkedal believes the Township Committee, instead of passing an ordinance, should appropriate money to the Environmental Commission to educate residents on how to take care of their property, themselves when they go out into the woods, and what they should use when they go out into the environment. This would do a better service than an ordinance. If the ordinance is passed, then enforce the ordinance. Harding is a farming and hunting Township. It's Harding's identity and we are losing it. Do not put ordinances in place that takes away farming and hunting, find a different way to do it. Township Committee Member Platt commented that ordinances are put in place to give a community recourse if there are violations.*

Hugh Symonds, Chairman of Environmental Commission (EC) -- *The EC reviewed three documents; Netherlands Study, Vermont Report, and a third document from the U.S. The Netherlands Study is identified as the most scientific. Documents #2 and #3 were both summaries of other research. The conclusion of the Netherlands study was that predators can indeed lower the number of ticks feeding on the reservoir competent host, which implies it changes in predator abundance may have a cascading effects on tick borne disease risks calls for the appreciation and protection of predator species such as red fox. Want to protect the fox not the mice that is the science. The EC will continue its efforts to continue its education of wildlife and plant management.*

Township Committee Member Platt – *commented that the Division of Fish and Wildlife has a mission to promote hunting, fishing, and trapping. There is an interest in making sure this practice stays unrestricted except outside of what the State's requirements are. Mr. Burnett provided the Township Committee with a study to look at, it was reviewed. Dr. Davito, who is a wildlife biologist, while his delivery was a bit strong, he offered data this evening and Mr. Burnett did not provide us*

with any data that would give the Township Committee any satisfaction that we can trap unlimited number of foxes because you do not know how many foxes there are.

Township Committee Member Yates – *commented he did ask for data, but the data he wanted was; has this ordinance had any impact on incidents of Lyme disease in Harding. There has been zero data provided on this question. Township Committee Member Yates stated he is disturbed that three years ago and for every meeting in the past months, Township Committee Member Platt has done nothing but showed complete disrespect for the Department of Fish and Wildlife, for their personnel, and for the people who have attended these meetings. These people are professionals and have worked for decades in that function. Their mission statement is: The mission of the NJ Division of Fish & Wildlife is to protect and manage the State's Fish & Wildlife and maximize their long term biological, recreational, and economic values for all residents of New Jersey, etc.....*

Township Committee Member Yates *wished Ms. Kuenster was here this evening to hear this apology because she in particular received the brunt of what was really an uncalled for attack on her integrity and Mr. Burnett's integrity. Mr. Yates apologies for those statements that were made and Mr. Yates does respect the work that Mr. Burnett does and appreciates the challenges you have in a highly urbanized State helping maintain at least some ability for people to live in New Jersey and interact with wildlife and to coexist with them. Mr. Yates thanked Mr. Burnett. Mr. Burnett said thank you and mentioned there is a sign outside his door that says "The point of an argument is not venturing, it is progress".*

Mayor Jones: With no further comments, Mayor Jones closed the public hearing at 9:04 pm

Township Committee Member Platt offered Ordinance #13-2021 and moved its adoption.

BE IT RESOLVED, that this Ordinance was read by title on second reading, after the public hearing at this meeting, be adopted and finally passed.

With no member of the Township Committee providing a second, Mr. Mark Roselli, Township Attorney stated that the Ordinance fails.

Ordinance was Defeated:

	MOTION DEFEATED	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"/>

NON-CONSENT RESOLUTIONS: NONE

ADD-ON RESOLUTIONS: NONE

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION AND VOTE

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 21-191 THROUGH RESOLUTION TC 21-204 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asked Committee Member Yates to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 21-191 through TC 21-204.

Township Committee Member Yates 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 DiTosto.

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"/>
Ms. DiTosto	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"/>

APPOINTMENTS:

Resolution TC 21-191 – Resolution to Appoint Francis Edward Masterson as a Full-Time Public Works Laborer/Driver/Equipment Operator with the Department of Public Works

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that effective December 15, 2021, Francis Edward Masterson, is hereby appointed as a full time Public Works Laborer/Driver/Equipment Operator for the Department of Public Works at a salary of \$42,000 to be prorated for the remainder of 2021.

CONTRACTS:

Resolution TC 21-192 – Resolution to Authorize an Increase to the Professional Services Contract for Plosia Cohen, LLC

WHEREAS, at the October 18, 2021, Township Committee meeting, the Township Committee authorized Resolution TC 21-177 in the amount of \$10,000.00 for the services of Plosia Cohen, LLC under their professional services contract; and

WHEREAS, at the September 13, 2021, Township Committee meeting, the Township Committee authorized Resolution TC 21-159 in the amount of \$5,000.00 for the services of Plosia Cohen, LLC under their professional services contract; and

WHEREAS, it is necessary to increase the authorization for the services of Plosia Cohen LLC, under their professional services contract in the field of labor matters; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$5,000.00 from account number #01-2021-1155-0155-2-00000; and

WHEREAS, the total amount shall not exceed \$20,000.00.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby awarded for the remainder of 2021:

Special Labor Counsel	Plosia Cohen, LLC	9/13/2021 to 12/31/2021
	Chester Woods Complex	Not to Exceed \$20,000.00
	385 Route 24, Suite 3G	01-2021-1155-0155-2-00000
	Chester, NJ 07930	

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 21-193 – Resolution to Authorize an Increase for the Professional Services For Cleary Giacobbe Alfieri Jacobs, LLC

WHEREAS, at the January 3, 2021 Township Committee meeting, the Township Committee authorized \$15,000.00 for the services of Cleary Giacobbe Alfieri Jacobs, LLC, under their professional services contract; and

WHEREAS, it is necessary to increase the authorization for the services of Greener By Design LLP, under their professional services contract to perform labor council tasks; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$12,000.00 from account number # 01-2021-1155-0155-2-00000; and

WHEREAS, the total amount shall not exceed \$27,000.00.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the following contract is hereby awarded for the remainder of 2021:

Labor Council	1/1/21 to 12/31/21
---------------	--------------------

Not to exceed \$27,000.00
01-2021-1155-0155-2-00000

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.

FINANCE:

Resolution TC 21-194 – 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 21-195 – Resolution to Authorize the Cancellation of Outstanding Checks

WHEREAS, there are certain checks that have been outstanding in excess of one (1) year, lost, or otherwise need to be cancelled; and

WHEREAS, it is necessary to formally cancel the outstanding or lost checks listed below:

OUTSTANDING CHECKS

Date	Vendor	Fund	Amount
3/10/2020	Wigder Chevrolet	Current	\$ 130.95
10/20/2020	Erik Heller	Current	\$ 50.71
11/10/2020	Treasurer, State of NJ	Current	\$ 54.00
5/11/2021	Erik Heller	Current	\$ 35.73
6/15/2021	Erik Heller	Current	\$ 112.39
6/15/2021	Katbysun LLC	Current	\$ 200.00
7/14/2020	Northeast Products of NJ LLC	Grant	\$ 340.00
3/9/2021	General Metal Manufacturing Company	Capital	\$ 1,267.00

BE IT RESOLVED that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby authorizes the cancellation of the above listed outstanding checks totaling \$340.00 from the Grant Fund, \$1,267.00 from the Capital Fund, and \$583.78 from the Current Fund.

Resolution TC 21-196 – 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:		TO:	
Group Insurance – Other Expenses	\$27,000	Reserve for Tax Appeal – Other Expenses	\$15,000
		Legal Services – Other Expenses	\$12,000

Resolution TC 21-197 – Local Budget & Fiscal Affairs Law – Special Items of Revenue and Appropriation

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

BE IT RESOLVED, that the Township of Harding of the County of Morris hereby requests the Director of Local Government Services to approve the insertion of an additional unanticipated item of revenue in the budget of the year 2021 in the sum of \$48,912.00, which item, Body Worn Camera Grant has been awarded from the New Jersey Department of Law and Public Safety; and

BE IT FURTHER RESOLVED, that the like sum of \$48,912.00 is hereby appropriated under the caption of “Body Worn Camera Grant”.

Resolution TC 21-198 – Local Budget & Fiscal Affairs Law – Special Items of Revenue and Appropriation

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

BE IT RESOLVED, that the Township of Harding of the County of Morris hereby requests the Director of Local Government Services to approve the insertion of an additional unanticipated item of revenue in the budget of the year 2021 in the sum of \$196,776.88, which item, American Rescue Plan Grant has been awarded from the 2021 Coronavirus State and Local Fiscal Recovery Funds Grant; and

BE IT FURTHER RESOLVED, that the like sum of \$196,776.88 is hereby appropriated under the caption of "American Rescue Plan Grant".

Resolution TC 21-199 – Resolution to Waive ACH Fees For Online Payments Through December 31, 2022

WHEREAS, Coronavirus disease 2019 ("COVID-19) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional "Persons Under Investigation" spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey declared and a proclaimed that a public health emergency and state emergency does exist in the State of New Jersey; and

WHEREAS, in order to promote the safety and welfare of the residents of the Township of Harding by reducing the need to make municipal payments in person, the

WHEREAS, the Township Committee recognizes that the need exists for to promote online payments for tax and sewer utility billing; and ACH (Automatic Clearing House) transaction convenience fees collected should be waived during this emergency period; and

WHEREAS, the Township Committee passed TC 20-089 on April 13, 2020 waiving the fees for 60 days; and

WHEREAS, the Township Committee passed TC 20-107 on June 8, 2020 waiving the fees through December 31, 2020; and

WHEREAS, the Township Committee passed TC 20-181 on December 14, 2020 waiving fees through June 30, 2021; and

WHEREAS, the Township Committee passed TC 21-113 on May 10, 2021 waiving fees through December 31, 2021; and

BE IT RESOLVED, the convenience fees for ACH online payments is hereby waived through December 31, 2022.

Resolution TC 21-200 - Resolution Authorizing Ann Naylor, Municipal Court Administrator of Shared Municipal Court, to Open Harding Township Shared Court Bank Accounts and Act as Signatory for Same

WHEREAS, the Township of Harding and Township of Long Hill have entered into a shared services agreement for a shared municipal court; and

WHEREAS, in accordance with the terms of that agreement, Long Hill has agreed to furnish its municipal court facilities and personnel, including the Municipal Court Administrator, for use by Harding Township as the Harding Township Municipal Court; and

WHEREAS, in accordance with the shared services agreement, the Municipal Court Administrator is required to maintain separate records for each municipality, including bank accounts and therefore it is necessary for the Township of Harding to authorize Ann Naylor, Municipal Court Administrator, to open the necessary bank accounts for operation of the Harding Township Municipal Court and to be an authorized signatory on said accounts.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that in accordance with the terms and conditions of the Shared Services Agreement for Shared Municipal Court Between Long Hill Township and Harding Township, that it does hereby authorize Ann Naylor, Municipal Court Administrator for the shared municipal court to open two bank accounts (Bail and Magistrate) on behalf of the Township of Harding and as part of the shared municipal court; and

BE IT FURTHER RESOLVED, that the Township Committee of Harding Township further authorizes Ann Naylor, Municipal Court Administrator, to be the signatory on the two bank accounts for the Township of Harding in connection with the shared municipal court.

Resolution TC 21-201 – RESOLUTION CONSENTING TO APPLICATION OF L&T AFFORDABLE HOUSING URBAN RENEWAL CORPORATON TO MORRIS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS the Township of Harding previously owned certain real property located at the intersection of Woodland Avenue and Kitchell Road in the Township, comprised of approximately 8.3 acres, and designated on the Harding Township Tax Maps as Lot 16 in Block 2 and having an address of 700 Woodland Avenue (the “Subject Property”); and

WHEREAS, the Township previously developed a housing plan to provide for its fair share of affordable housing for the period 1987-1999 consistent with then COAH rules and as part of that process, the Township obtained substantive certification of the housing plan from COAH; and

WHEREAS, the Township’s approved Housing Plan for the period of 1987-1999 designated the Subject Property for the construction of a 24-unit multifamily affordable housing development to be rented to low and moderate income households at affordable rates in compliance with COAH rules and regulations; and

WHEREAS, the Township arranged for and constructed a 24-unit multifamily affordable housing development which is now commonly referred to as “The Farm at Harding”; and

WHEREAS, pursuant to the Fair Housing Act and the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.), and N.J.S.A. 40A:20-1 et seq., the Township authorized a private sale of The Farm at Harding to L & T Affordable Housing Urban Renewal Corporation, a New Jersey not-for-profit and urban renewal corporation (hereinafter “L&T”) by Ordinance No. 15-2019 duly adopted at a public meeting held on December 9, 2019, in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, L&T is a duly incorporated nonprofit and urban renewal corporation that provides for the development, construction, operation, management, sale, rehabilitation, renovation, and disposition of low- and moderate-income residential housing units and other affordable housing communities; and

WHEREAS, L&T advised the Township that it is filing an application to the Morris County Community Development Block Grant (CBDG) Program for a \$150,000.00 grant to replace the HVAC system in apartments and to paint the apartments at The Farm at Harding and as part of that application, it is necessary to secure the Township’s consent for the application; and

WHEREAS, the Township of Harding desires to enhance its affordable housing program by providing consenting to the filing of application that will allow for the improvement to the units that will benefit the tenants and improve the overall aesthetics at The Farm at Harding.

BE IT RESOLVED, that the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby gives consent to the filing of the application by L& T Affordable Housing Urban Renewal Corporation to the Morris County Community Development Block Grant Program.

MISCELLANEOUS:

Resolution TC 21-202 – Resolution to Accept the Resignation of Alex Moise, Tax Collector

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey hereby accepts the resignation of Alex Moise, Tax Collector effective December 31, 2021.

Resolution TC 21-203 – Resolution to Amend the Personnel Policies & Procedures Manual of the Township of Harding

WHEREAS, a review of policies to be included in the Harding Township Personnel Policies and Procedures Manual to meet the requirements of the Township's Joint Insurance Fund and Municipal Excess Liability Insurance was recently conducted; and

WHEREAS, this review revealed the need to update language in said manual to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

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

1. That the revisions to the Harding Township Personnel Policies and Procedures Manual are hereby authorized and that the Harding Township Personnel Policies and Procedures Manual is hereby adopted as amended and available in the Municipal Clerk's Office.
2. These personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.
4. To the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as "employment at will."
5. The Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Special Labor Counsel and the Township Attorney shall assist the Township Administrator in the implementation of the policies and procedures in this manual.

6. The Township Administrator is to hereby furnish a copy of the revised and updated Township of Harding Personnel Policies and Procedures Manual to each employee, who shall each acknowledge receipt of same by way of written confirmation.

Resolution TC 21-204 – Resolution to Approve Acceptance of State Funds and Approve Participation in State Body Worn Camera Grant Program Administered by the State of New Jersey, Department of Law & Public Safety

WHEREAS, the New Jersey State Attorney General issued Directive 2021-5, which mandates that all Police Officers in the State of New Jersey must wear Body Cameras; and

WHEREAS, the State of New Jersey has made funds available to provide eligible law enforcement agencies with State funding to aid in the purchase of body worn cameras, ancillary equipment, storage, and licensing; and

WHEREAS, the name of the program is “SFY2021 Body-Worn Camera Grant Program” (BWC Grant Program); and

WHEREAS, the Township of Harding Police Department has been awarded an amount through the BWC Grant Program from the State of New Jersey Department of Law & Public Safety Office of the Attorney General, State Account Number BFY21-100-066-1020-495, with the award period of January 1, 2021 through December 31, 2025 with a Grant award number of 21-BWC-184; and

WHEREAS, the Grant award totals \$48,912.00 where no matching funds are required; and

WHEREAS, the Grant award incorporates all conditions and representations contained or made in the application and notice of award.

BE IT RESOLVED, the Township Committee of the Township of Harding, approves acceptance of State funds under the BWC Grant Program and approves participation in the State BWC Grant Program for the purposes described in the BWC Grant Program application.

ORDINANCES FOR FIRST READING -- NONE

ADJOURNMENT – Mr. Jones

With no further comments, Mayor Jones asked for a motion to adjourn. Upon a motion made by Township Committee Member DiTosto, seconded by Township Committee Member Yates, and with a vote of ayes, the meeting adjourned at 9:07 pm.

Respectfully submitted,



Lisa A. Sharp
Municipal Clerk

MAYOR JONES
COMMENTS
DECEMBER 13, 2021

December 13, 2021

Good Evening,

I want to take a few minutes before we begin to discuss some items that are not on your agenda.

Firstly, we would like to welcome Vince DeNave to our meeting this evening, he is our new assistant Township Administrator. Vince comes to Harding with a unique blend of private and public sector work experiences. We believe that our residents will find him to be a solutions oriented addition to our community operations in the years to come. Tonight, Vince is sitting in for Mr. Falzarano who had a family obligation to tend to this evening, and could not be here. Last week when Bob called me to apologize for not being able to attend tonight's meeting, he reminded me of why we are so fortunate to have an administrator who recognizes the importance of our presence at these public meetings. We gather here in person monthly to allow for the public participation in making our community the gem that it is, we welcome everyone equally to participate.

The next item that I wanted to cover is a Thank you and word to all of our volunteer members of the boards and commissions in Harding. We all moved to Harding for different reasons but I believe that we all want the same a result, a welcoming, respectful community of neighbors. When people step up to volunteer their time and talent to our boards and commissions they do so in the best interest of the community and hopefully not for personal or political gain. We should all thank our friends and neighbors who give up their time and recognize that not everything in life is political.

Additionally, I have some sad news to report. Henry Clifford who served on the Harding Township Committee (serving as Mayor) in the 1970's passed away on December 2, 2021. I did not know Mr Clifford but a little research opened up a life well lived. Mr. Clifford was a veteran of the Korean War, having served **after** attending UPenn. He was an Olympian, having started on the Men's Field Hockey Team in the 1956 Olympics in Melbourne Australia, a group of underdogs, they did not medal but were given much press by Sports Illustrated. He went on to have a two decade career with White, Weld & Co in investment banking and subsequently as an executive recruiter. Perhaps the most interesting thing that I found on Mr. Clifford was a NY Times article from the July 6, 1973 edition titled "Town with 3-Acre Zoning Minimum Ordered to Allow Garden Apartments". A May 27th decision by Judge Gascoyne overturned a ruling by the Harding Township BoA. The judge sided with a developer after calling Harding "the Garden of Eden of Morris County", his oral decision allowed for the planned 312 unit project to move forward (for the time being). The more things change, the more they stay the same, and in typical NY Times fashion, the editing was poor even back in 1973, the proposed project was slated for a 27.8 acre parcel on "Sandy Spring Road" !!!

A handwritten signature in blue ink, appearing to be "Franklin", is located at the bottom right of the page.

The New York Times

<https://www.nytimes.com/1973/07/06/archives/town-with-3acre-zoning-minimumordered-to-allow-garden-apartments.html>

Town With 3-Acre Zoning Minimum Ordered to Allow Garden Apartments

By Walter H. Waggoner; Special to The New York Times

July 6, 1973



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HARDING TOWNSHIP, July 5—Well kept roads wind through litter-free woodland and orchards, past estates and luxurious suburban dwellings with long intimidating driveways marked “private road” or “no trespassing,” and past rural mailboxes bearing such names as “Deer Ridge.”

Harding Township, just south of Morristown, has been called “the Garden of Eden of Morris County” by County Judge Jacques H. Gascoyne, and it is one of the most restrictive and elegant of New Jersey's residential suburban areas. Even the cost of littering is expensive — a fine of \$200 instead of the usual \$50.

But Judge Gascoyne recently introduced a touch of contemporary reality into the Eden with a ruling that, in one small corner of the 16 square miles of Harding Township, a 27.8-acre tract may be used for construction of a 312-unit gardenapartment project.

The township has been zoned for minimum plots of three acres since 1930 for all new residents, although most of it is comprised of much larger estates, such as that of Representative Peter Frelinghuysen; well tended and prosperous farms, or preserves like the Morristown National Historical Park and the Great Swamp National Wildlife Refuge.

Some weeks ago, on May 27, Judge Gascoyne overturned a ruling by the township Board of Adjustment that would have barred Edward Harvitt of Mountainside from building garden apartments on a triangular piece of Harding Township, on Sandy Spring Road hemmed in by State Route 202 and the new Interstate 287.

In an oral decision, Judge Gascoyne strongly sided with the arguments of the proposed developer and county housing groups that Harding Township could not ignore the need for moderate or middle-income housing in the county.

Quoting John Donne, but mistakenly referring to Thomas Merton, Judge Gascoyne remarked, “The quote ‘No man is an island unto himself’ might be applied ‘No municipality is an island unto itself.’”

Asserting that “the problems of Harding Township are the problems of Morris County,” the judge said, “I don't have one iota of hesitancy in saying that the three-acre zone is unconstitutional for this piece of land.”

The legality of the township's general three-acre zoning restriction is not under fire in the current suit, although similar restrictive zoning ordinances have been challenged in other parts of the state.

The argument of the developers in this instance, and others who support the apartment project, is that the particular tract of land in question—a narrow plot wedged between two major highways—is not suitable for residential development on plots of three or four acres, or larger, that is characteristic of the rest of the township.

The need for housing in the county played a large part in the argument for permitting the apartments to be built on the tract and in the decision Judge Gascoyne eventually delivered in overruling the Board of Adjustment.

Mrs. Barbara Wilson, of the Morris County Fair Housing Council, said that the council, since the beginning of the hearings on the issue that began in 1971, stressed that “housing needs had to be considered on a regional basis.”

She said that the vacancy rate in Morris County was less than 1 per cent, and that a study indicated that no houses were available for less than \$35,000 and that used houses started at \$35,000.

Citing a regional planning association report showing that four out of five families in Morris County earned less than \$12,000 a year in 1969, Mrs. Wilson said “the severe lack of low and moderate housing excludes these families from an appropriate place to live.”

The estimates of rents for the proposed apartment development range from \$200 a month for a one-bedroom unit to \$250 for a two-bedroom unit. While acknowledging that this could not be regarded as “low or moderate” income housing, the availability of the new units would help open up the housing market and provide “an option” for couples able to pay rents of that level, Mrs. Wilson said.

Environmentalists, on the other hand, foresee a threat to the area as a result of the sewage that would flow from the addition of as many as 1,000 people to the township's present population of about 3,200.

As envisaged by the developers, the sewage would be pumped to the Woodland Avenue sewage treatment station some distance away. The effluent from that station is poured into the Loantaka Brook, which runs south and drains eventually into the Great Swamp National Wildlife Refuge.

Moreover, it is pointed out, the Woodland Avenue treatment station was one of those cited by the State Department of Environmental Protection in May as being overloaded. It was thus barred from accepting any further sewage input until substantial expansion in the treatment process had been made.

In his oral decision of May 27, Judge Gascoyne gave the township a 90-day "breathing period" in which to come up with a plan and regulations that would accommodate the apartments proposed by the Harwitt Company.

Mayor Henry C. Clifford and Rodney N. Houghton of the Newark law firm of McCarter and English, representing the Board of Adjustment, insist, however, that nothing can be planned until they have at least a transcript of Judge Gascoyne's oral ruling, or a written opinion formalizing it.

Mr. Burnet
NJ Division of
Fish/Wildlife
Presentation
December 13, 2021

Harding Township, 13 Dec 2021 Meeting – Executive Summary of NJDFW Presentation

- Trapping is a highly regulated, legal activity in New Jersey managed through scientifically-based regulations that are strictly enforced. The NJ Division of Fish & Wildlife continually reviews and develops rules, regulations, education programs and capture methods that consider animal welfare. Regulated trapping does not cause wildlife populations to become endangered, and provides many societal benefits.
- The season for trapping wild canines begins November 15 and concludes the following March 15 annually. Season dates and bag limits have remained constant for the last 40 years. Property owners (including farmers) and occupants of dwellings suffering damage from a variety of wildlife species may control these animals by lawful procedures at any time, subject to State law and local ordinances. Landowners may also employ an agent to control certain wildlife species.
- Since 1997, the Association of Fish & Wildlife Agencies (AFWA) has spent about \$40 million testing over 600 traps for animal welfare, efficiency, practicality, safety and selectivity. The cable restraint is the only Best Management Practices (BMP) device for capturing wild canids that is legal for use in New Jersey. State law prohibits the use of steel-jaw type traps. Cage traps are not efficient devices for capturing wild canids, and are not considered a BMP device for canids.
- According to the CDC, Lyme Disease is most prevalent in Northeastern and Great Lakes states. New Jersey usually ranks 3rd nationally (averaging 3,716 cases annually from 2004-2020). Morris County usually ranks 1st in New Jersey (averaging 460 cases annually from 2004-2020). Reported NJ and Morris County cases in 2020 are down >50% from their peak in 2017.
- Morris County ranks 2nd in the number of coyote sighting & mortality reports received since 01 July 1991, but generally less than 30 are harvested by hunters and trappers each year. Just under 4,400 coyotes have been harvested statewide since 01 July 2000. Harvest reports for fox are not required, but statewide estimates range from 810-9,249 annually for trapping and 488-7,369 for hunting biannually since 01 July 2000.
- Both coyote and fox consume small mammals such as mice, but are not dependent on the abundance of mice for survival. Wild canids are opportunistic omnivores and consume a wide variety of animals and plants as are seasonally available. Behavioral difference between predators and prey may not translate into prey availability to a predator.

Lyme Disease Statistics

																									% Cases	% MOR		
CY	Census	State	% Pop	ATL	BER	BUR	CAM	CAP	CUM	ESS	GLO	HUD	HUN	MER	MID	MON	MOR	OCE	PAS	SAL	SOM	SUS	UNI	WAR	in MOR	PopIn	Census	
2004	8,414,350	2,698	0.03%	156	86	132	43	46	62	86	111	10	326	112	66	242	339	220	78	22	146	219	61	135	12.6%	0.07%	470,212	
2005	8,414,350	3,363	0.04%	137	163	158	54	39	90	111	200	12	366	225	81	273	524	182	66	33	162	246	24	217	15.6%	0.11%	470,212	
2006	8,414,350	2,432	0.03%	98	118	109	5	20	71	59	103	4	273	150	53	285	292	149	46	9	134	270	25	159	12.0%	0.06%	470,212	
2007	8,414,350	3,134	0.04%	160	157	175	3	38	164	91	7	16	256	206	73	280	330	205	91	56	149	354	56	267	10.5%	0.07%	470,212	
2008	8,414,350	3,485	0.04%	123	174	278	2	36	98	123	102	19	380	236	54	260	411	153	157	45	154	354	69	257	11.8%	0.09%	470,212	
2009	8,414,350	4,973	0.06%	137	282	407	6	40	195	209	150	59	444	253	183	409	641	189	253	45	256	434	88	292	12.9%	0.14%	470,212	
2010	8,791,894	3,712	0.04%	124	166	246	9	27	97	146	112	40	323	158	134	337	479	249	177	30	204	399	67	188	12.9%	0.10%	492,276	
2011	8,791,894	4,262	0.05%	123	221	233	89	43	84	148	134	28	440	217	221	357	478	222	173	65	171	442	89	284	11.2%	0.10%	492,276	
2012	8,791,894	3,576	0.04%	97	183	260	88	41	88	121	139	26	207	142	159	337	401	204	172	53	251	335	76	196	11.2%	0.08%	492,276	
2013	8,791,894	3,766	0.04%	67	241	211	129	26	60	131	101	49	225	141	160	372	558	210	180	52	215	347	78	213	14.8%	0.11%	492,276	
2014	8,791,894	3,286	0.04%	101	212	196	113	12	60	114	124	44	89	143	220	439	409	232	190	19	144	258	59	108	12.4%	0.08%	492,276	
2015	8,791,894	4,855	0.06%	114	275	258	138	27	86	165	128	54	457	249	288	530	572	290	244	37	258	309	107	269	11.8%	0.12%	492,276	
2016	8,791,894	4,350	0.05%	93	279	280	123	19	98	158	119	50	211	262	303	492	539	274	204	32	216	260	95	243	12.4%	0.11%	492,276	
2017	8,791,894	5,092	0.06%	66	303	227	159	22	99	207	124	72	444	222	321	550	650	302	165	45	280	331	110	393	12.8%	0.13%	492,276	
2018	8,791,894	4,000	0.05%	75	232	186	157	31	81	167	109	26	335	165	154	506	472	290	149	58	225	246	92	244	11.8%	0.10%	492,276	
2019	8,791,894	3,619	0.04%	94	196	234	81	26	63	113	139	25	339	186	171	369	426	225	131	46	199	251	62	241	11.8%	0.09%	492,276	
min		2,432	0.03%	66	86	109	2	12	60	59	7	4	89	112	53	242	292	149	46	9	134	219	24	108	10.5%	0.06%		
max		5,092	0.06%	160	303	407	159	46	195	209	200	72	457	262	321	550	650	302	253	65	280	442	110	393	15.6%	0.14%		
avg		3,788	0.04%	110	206	224	75	31	94	134	119	33	320	192	165	377	470	225	155	40	198	316	72	232	12.4%	0.10%		
SE		192	0.002%	7	15	18	15	2	9	10	10	5	26	12	22	25	27	12	15	4	12	17	6	17	0.3%	0.01%		
SD		770	0	29	62	70	58	10	37	41	39	20	104	48	88	101	106	47	60	15	48	70	25	68	1.3%	0.02%		
count		16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	
sum		60,603		1,765	3,288	3,590	1,199	493	1,496	2,149	1,902	534	5,115	3,067	2,641	6,038	7,521	3,596	2,476	647	3,164	5,055	1,158	3,706				
2019 v. avg		-4%	-6%	-15%	-5%	4%	8%	-16%	-33%	-16%	17%	-25%	6%	-3%	4%	-2%	-9%	0%	-15%	14%	1%	-21%	-14%	4%		-11%		

State Data



NEW JERSEY DIVISION OF
Fish and Wildlife



Trapping in North America & New Jersey

ANDREW BURNETT

PRINCIPAL WILDLIFE BIOLOGIST, NJDFW

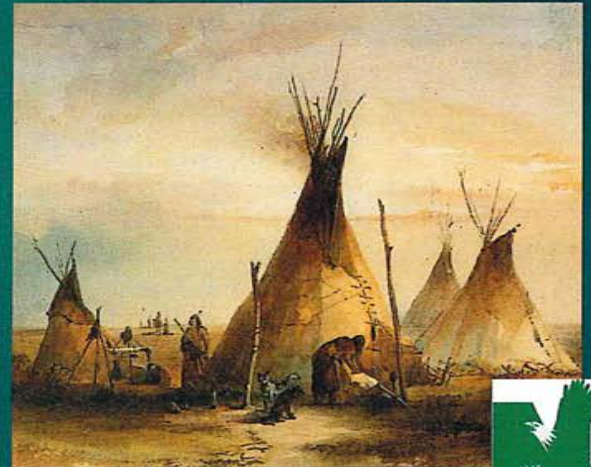
BUREAU OF WILDLIFE MANAGEMENT

UPLAND GAME & FURBEARER PROJECT

Trapping Overview

Furbearing animals have provided humans with the necessities of life for millennia

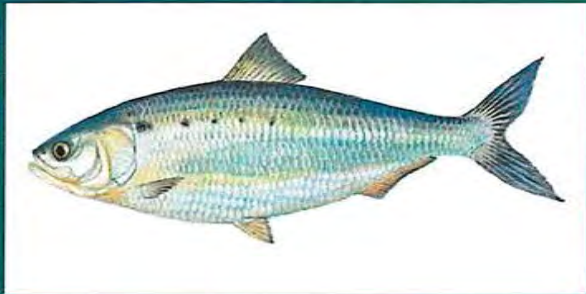
- ▶ Food
- ▶ Clothing
- ▶ Shelter



Trapping Overview

Trapping in North America

- ▶ New World (North America) wealth = 3 F's



Furbearer Trapping

Trapping in North America

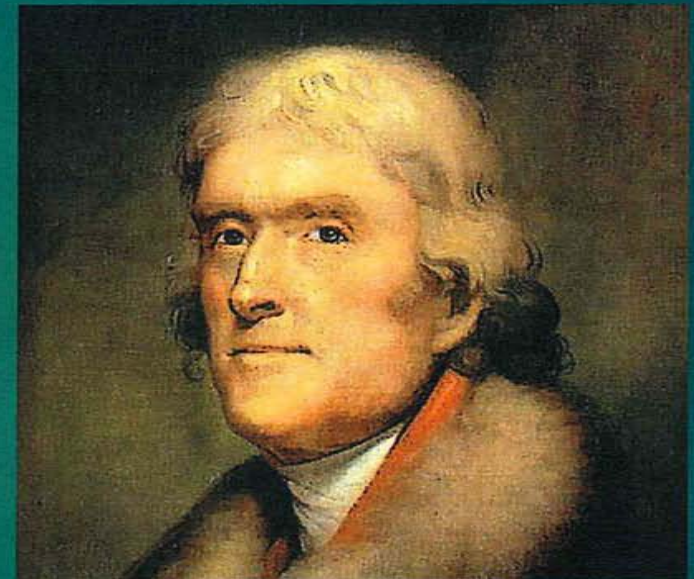
- ▶ “The Bible and the beaver were the two mainstays of the young colony. The former saved its morale, and the latter paid its bills, and the rodent’s share was a large one.” – J.T. Adams in *The Founding of New England*.
- ▶ Fur trading posts established on navigable waters include New Amsterdam (NYC), Albany, Montreal, Quebec, Pittsburgh, St. Louis
- ▶ Great Britain eventually eliminates competing countries of Netherlands (1664) and France (1763), but loses US (1783) to the east bank of the Mississippi River.



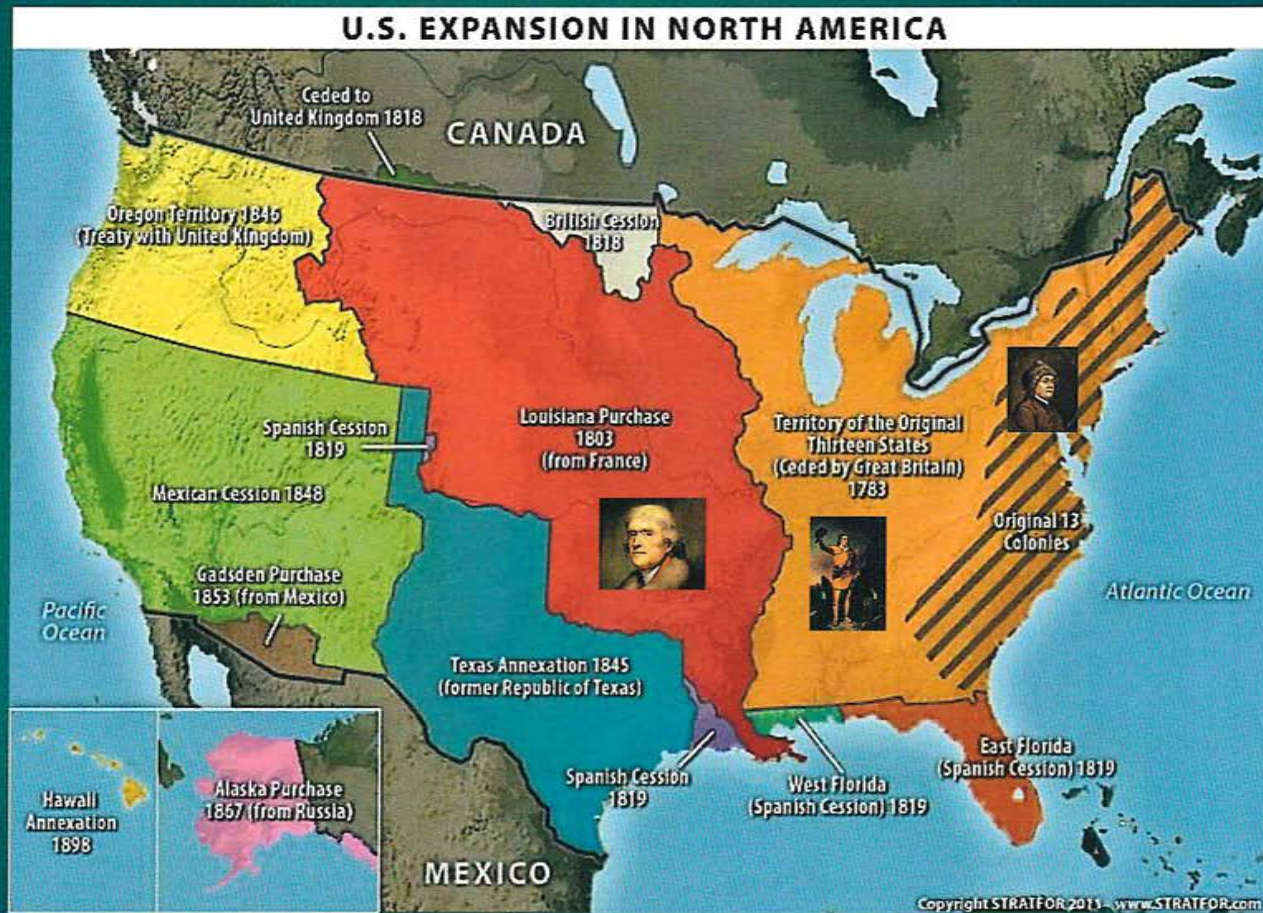
Trapping Overview

Manifest Destiny

- ▶ "The object of your mission is to explore the Missouri river, and such principal streams of it, as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river, may offer the most direct and practicable water-communication across the continent, **for the purposes of commerce.**"
- ▶ Determine "whether the **furs** of those parts may not be collected as advantageously at the head of the Missouri...as at Nootka Sound, or any other point of that coast; and [whether] that trade [could] be consequently conducted through the Missouri and United States more beneficially than by the circumnavigation now practiced."
- ▶ Mountain Men in search of fur establish routes to western states later followed by settlers.



Trapping Overview



Regulated Trapping in New Jersey

- ▶ Minimum age = 12 years
- ▶ Trapper Education Certification required
- ▶ All traps must have an ID tag clearly visible
- ▶ Some types may only be used underwater
- ▶ Check times (daily or once every 24 hrs.)
- ▶ 1,210 Licensed trappers in 2019
- ▶ 14 Species considered furbearers (no open season for fisher)



Regulated Trapping in New Jersey

- ▶ Trapping is managed through scientifically-based regulations that are strictly enforced
- ▶ The Division continually reviews and develops rules, regulations, education programs and capture methods that consider animal welfare
- ▶ Regulated trapping does not cause wildlife populations to become endangered
 - ▶ Species considered common / abundant
- ▶ Regulated trapping provides many benefits



Benefits of Trapping

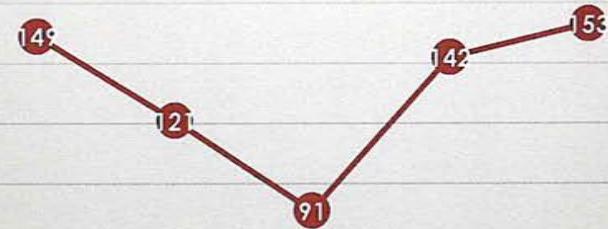
- ▶ Protecting of Property
- ▶ Protecting Public Safety
- ▶ Protecting of Wetlands
- ▶ Maintain National Wildlife Refuge System
- ▶ Research
- ▶ Restoring Species
- ▶ Protecting Rare Species
- ▶ Managing Populations



Benefits of Trapping Protecting Property



NJ Beaver Complaints

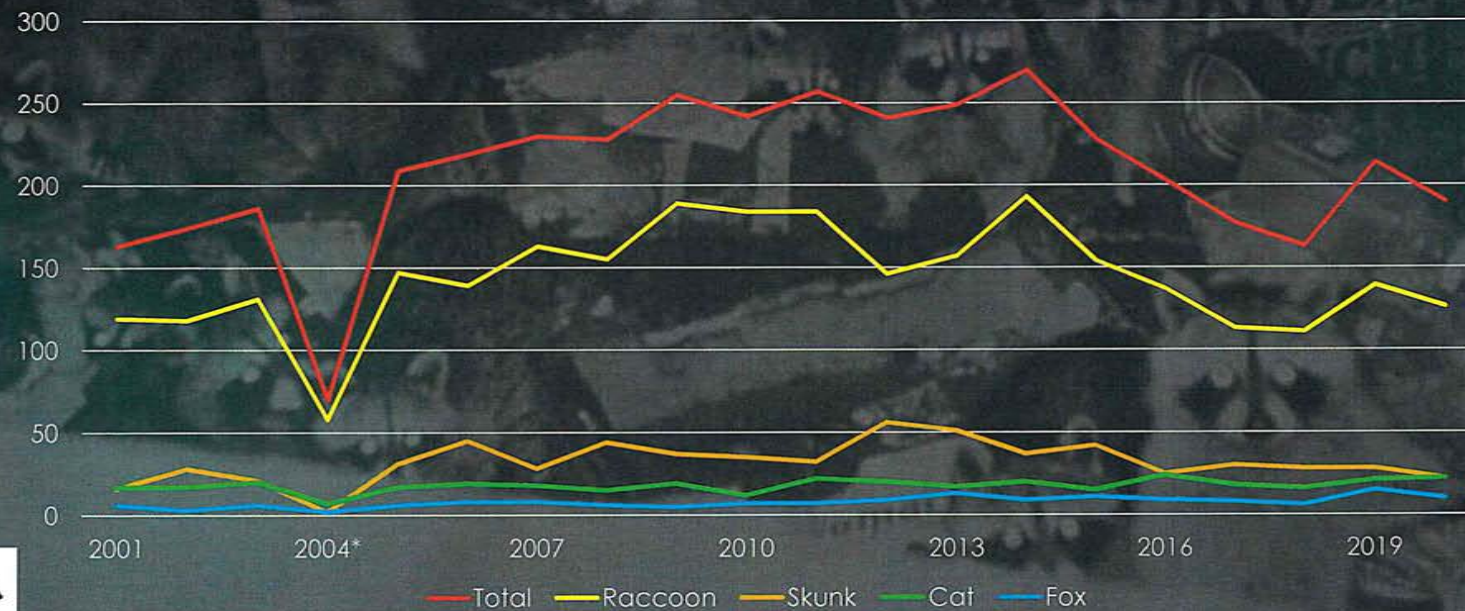


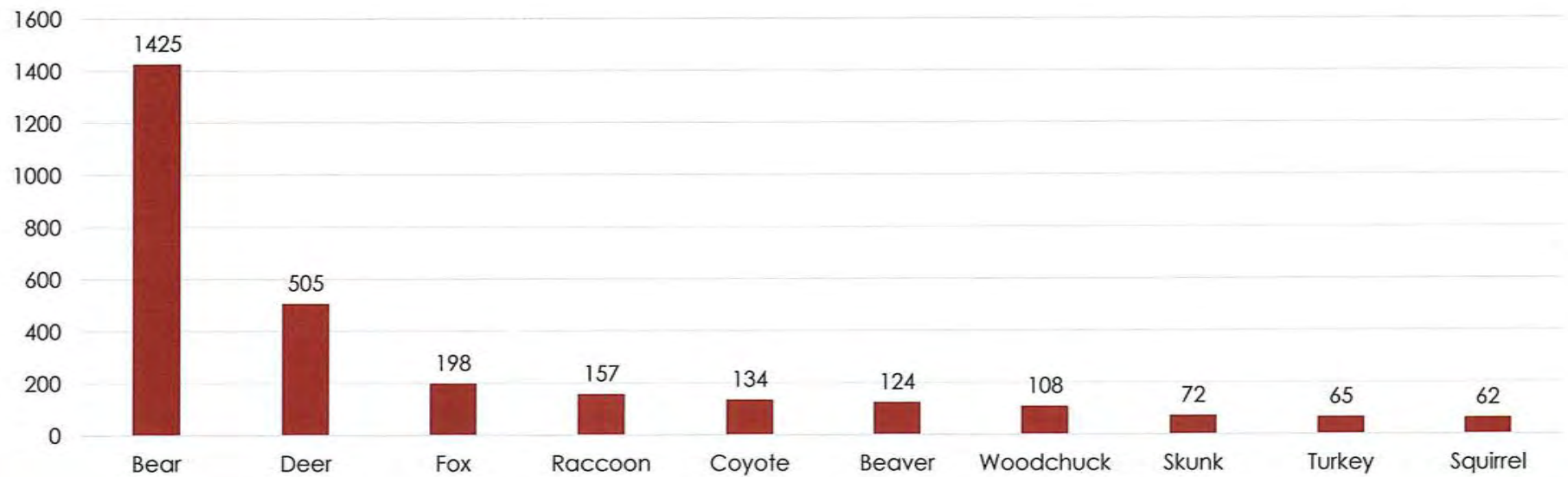
FY97-01 FY02-06 FY07-11 FY12-16 FY17-21



Benefits of Trapping Protecting Public Safety

Terrestrial Rabies Cases in NJ, 2001-20





Average Annual Wildlife Complaints, NJ (Jul 1993-Oct 2021)



Benefits of Trapping Protecting Wetlands



Nutria

Native to South America



Impact

Chesapeake Bay



Restoration

Post-trapping



Benefits of Trapping Maintaining NWR System

Mission – “To preserve a national network of lands and waters for the conservation and management of fish, wildlife, and plant resources of the United States for the benefit of present and future generations.” {E.O. 12996, March 1996}

5-Year Study (1992-1996) identified 487 mammal trapping programs on 281 National Wildlife Refuges

Demonstrating the importance of trapping as a professional wildlife management tool

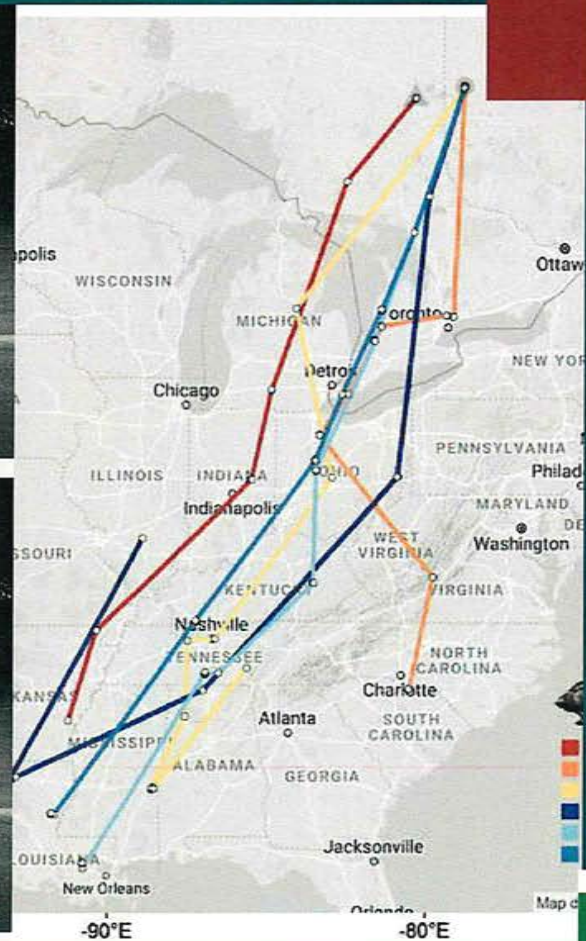
Reasons for trapping on Refuges

1. Recreation / Commercial / Subsistence
2. Facilities protection
3. Migratory bird predation
4. Research
5. Surveys / Monitoring
6. Habitat protection
7. Endangered Species Protection
8. Public Safety
9. Feral Animal Control
10. Population Management
11. Disease Control



Benefits of Trapping Research

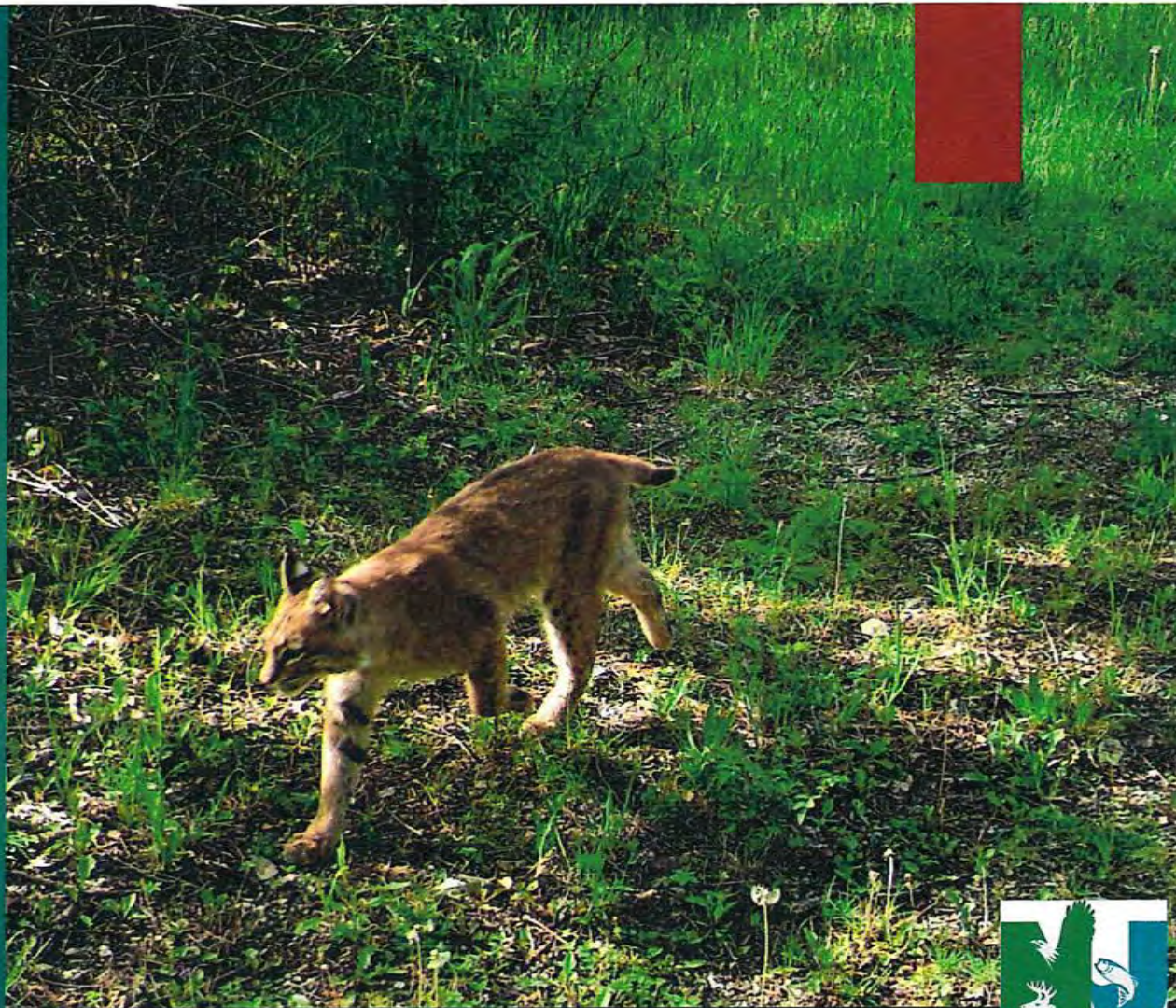
- ▶ Occurrence
- ▶ Range
- ▶ Movement
- ▶ Population Density
- ▶ Provide specimens
 - ▶ Toxins
 - ▶ Reproductive Rates
 - ▶ Diseases



Benefits of Trapping Restoring Species

A number of species in NJ,
including

- ▶ Bald Eagle
- ▶ Beaver
- ▶ Bobcat
- ▶ Bobwhite quail
- ▶ Fisher (thanks to NYDEC)
- ▶ Snowshoe hare
- ▶ White-tailed Deer
- ▶ Wild Turkey

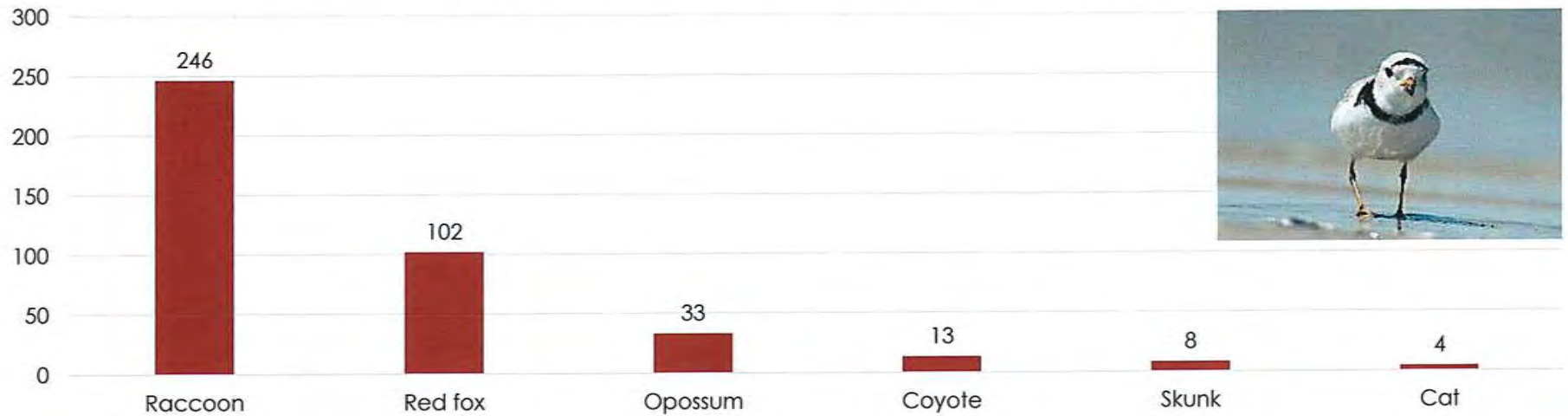


57°F

JRGSR-M880B



USFWS NJ Shorebird Predator Management Project, 2015-20 (n = 406)



Benefits of Trapping Protecting Rare Species



Benefits of Trapping Managing Populations

Regulated, Strictly Enforced, Pro-active

- ▶ Maintain at desired levels
- ▶ Moderate population eruptions
- ▶ Reduce diseases, starvation
- ▶ Mitigate habitat damage
- ▶ Reduce human-wildlife conflicts



Commercial uses of fur include clothing, food, art/religious items, toys and beauty supplies.





~~Proposed Fur Ban in NY Pits Animal Rights Advocates Against Black Ministers – NY Times May 15, 2019~~

As Corey Johnson, the speaker of the New York City Council, urged his colleagues on Wednesday to ban the sale of fur in the city, he argued that it was the "moral thing to do."

Animal Welfare ≠ Animal Rights

Animal Rights Philosophy

Primary concern is moral obligation of humans towards animals (Mutualist)

- ▶ Individual animals should have same rights as humans
- ▶ Individual animals should be free from human-induced pain
- ▶ Animals should not be exploited for any human purpose
- ▶ Every individual animal has equal status regardless of commonality or rarity, or whether it is/is not native, exotic, invasive or feral
- ▶ Example: PETA, Animal Protection League of New Jersey



Animal Welfare Philosophy

Primary concern is well-being of animals rather than man's moral obligation (Pluralist)

- ▶ Focus on entire populations, not individuals
- ▶ Doesn't preclude management or use of animals for food or other uses, if
 - ▶ Justifiable
 - ▶ Sustainable
 - ▶ Humane
- ▶ Example: Wildlife agencies & biologists, responsible sportsmen



Improving Animal Welfare in Trapping

- ▶ Wildlife agencies, as well as the trapping public, have long been interested in developing / refining trap systems that improve welfare of animals captured for research, damage control, fur and food.
- ▶ Goal = hold animals unharmed (or with kill-type traps, dispatch them as quickly as possible).
- ▶ Over last 20+ years, more than \$40 million dollars spent testing ~450 traps against 5 criteria: animal welfare, efficiency, practicality, safety & selectivity.
- ▶ Result = BMP for Trapping in the United States (23 North American species)





International Organization for Standardization (ISO) 10990-5 (Live Capture)

2 ISO Trauma Scales

- ▶ A numeric scale (0-100), and
 - ▶ A descriptive scale (none-severe)
 - ▶ Use of either scale would satisfy EU-US Agreed Minute
- BMP has higher standard – must meet **both** ISO scales
- ▶ Minimum 20 animals captured/trap type
 - ▶ Cumulative injury score ≤ 55 points, and
 - ▶ 70% with no injuries or injuries described as mild to moderate

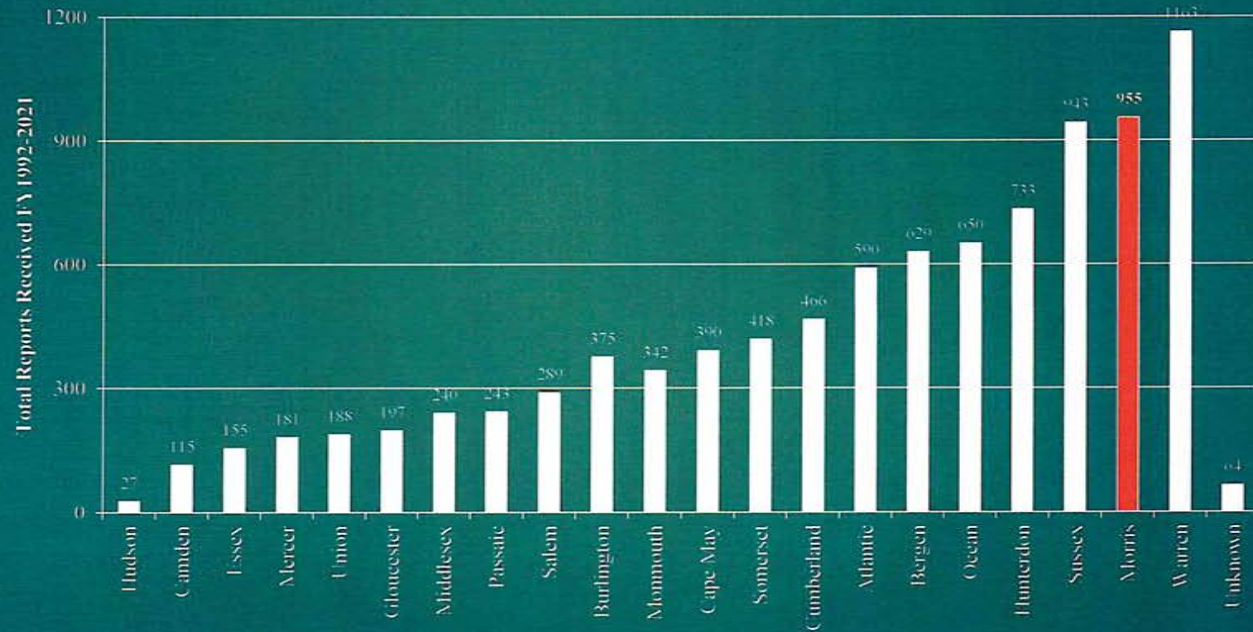


BMP Use in New Jersey?

Species	# Traps BMP Approved	# Legal for Use (NJ)	% NJ Legal
Beaver	30	16	53%
Bobcat	18	1	6%
Coyote	25	1	4%
Gray fox	11	1	9%
Mink	4	2	50%
Muskrat	21	17	81%
Opossum	8	2	25%
Raccoon	44	13	30%
Red fox	13	1	8%
River otter	16	11	69%
Skunk	4	4	100%
Weasel	2	1	50%
Total	141	55	39%



Coyote Sighting + Mortality Reports, by County (Jul 1991-Jun 2021)

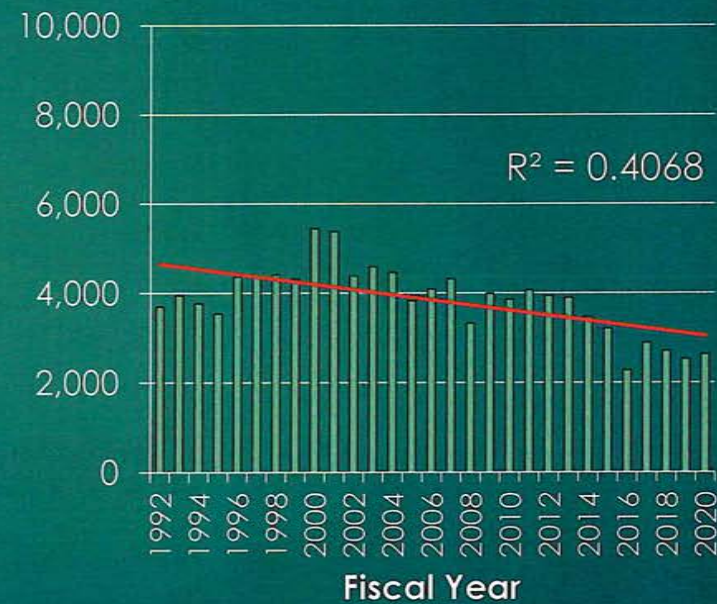


Coyote / Deer Data – Morris Co.

Coyote Reports



Deer Harvest

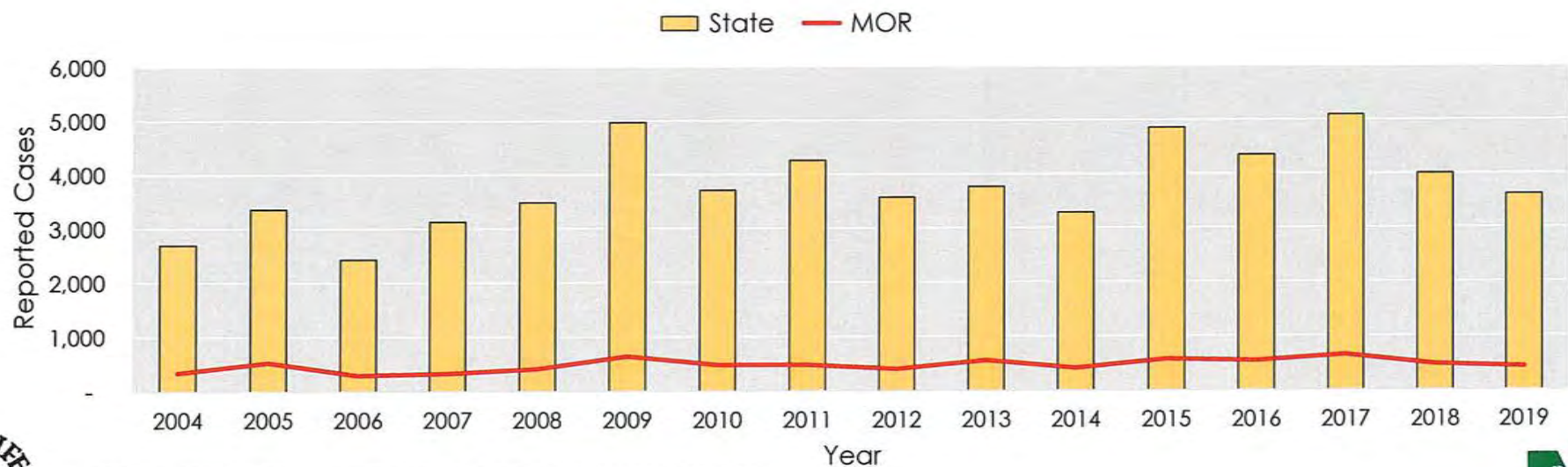


Coyote Harvest, Morris Co.

Harvester	Total Harvest, FY01-21	Annual Average
Firearm or Bow	90 (37%)	4.5
Trapper	154 (63%)	7.7
Total	244	12.2



Reported Lyme Disease, 2004-19



Source: NJ State Health Assessment Data - Reportable Disease Statistics



Trapping in North America & New Jersey

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PROJECT

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NEW JERSEY DIVISION OF
Fish and Wildlife