

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

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**CALL MEETING TO ORDER – Mayor Jones**

*Mayor Jones called the meeting of the Harding Township Committee to order at 6:02 pm.*

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**ADEQUATE NOTICE** of this November 8, 2021 meeting of the Harding Township Committee was sent to the Observer Tribune on September 14, 2021 and published in the Observer Tribune on September 16, 2021.

*Mayor Jones announced adequate notice of the November 8, 2021 meeting of the Harding Township Committee was published in accordance with the Open Public Meetings Act.*

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**ROLL CALL – Municipal Clerk**

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

*L. Taglairino called the roll in Mrs. Sharp's absence. Let the record show that Mr. Platt was absent for the Executive Session.*

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**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 Yates, seconded by Township Committee Member Chipperson, and with a vote of all ayes, none opposed, the meeting recessed into Executive Session at 6:02 pm.*

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

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

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

**Contracts:**

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

**Personnel:**

1. DPW Replacement Hire – T. Toribio

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	2 <sup>nd</sup>	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Yates	1 <sup>st</sup>	<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"/>

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**RECONVENE INTO PUBLIC SESSION – Mayor Jones**

*Mayor Jones asked for a motion to reconvene into public session at 7:02 pm. Upon a motion made by Township Committee Member Yates, seconded by Township Committee Member DiTosto, and with a vote of all ayes, none opposed, the meeting reconvened at 7:02 pm. Let the record show that Mr. Platt is present via telephone.*

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**ROLL CALL – Municipal Clerk**

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

*L. Taglairino called the roll. All members were present except for Mr. Platt who was via telephone.*

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**PLEDGE OF ALLEGIANCE – Mayor Jones**

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

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

*Mayor Jones announced adequate notice of the November 8, 2021 Township Committee meeting was published in accordance with the Open Public Meetings Act.*

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

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

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

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

*Mayor Jones asked for a motion to accept the Township Committee meeting minutes. Upon a motion made by Township Committee Member Chipperson, seconded by Township Committee Member Yates.*

**Mayor Jones** asked the Municipal Clerk for a Roll Call: *L. Taglairino called the roll as follows:*

**Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	1 <sup>st</sup>	<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 <sup>nd</sup>	<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"/>

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**ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE**

*Mayor Jones commented that we were going to discuss Glen Alpin this evening, but have moved this to a future Township Committee meeting.*

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**MEETING OPEN TO THE PUBLIC**

**NOTICE OF PUBLIC COMMENT TIME LIMIT**

Hearing of citizens during the Public Comment section of the Agenda is an opportunity for any member of the public to be heard about issues which are/are not topics scheduled for Public Hearing tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to a reasonable length of time.

*Mayor Jones opened the meeting for public comment at 7:06 pm and asked if any one wishes to make a comment to state their name, address and make their comment.*

**Mr. Balog** commented that the agenda lists under executive session, the Glen Alpin sale. **Mr. Roselli** commented nothing was discussed. **Mayor Jones** reported that the Township is putting the process for the sale in place.

*With no further comments, Mayor Jones closed the public comment section of the meeting at 7:07 pm.*

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**DISCUSSION ITEMS: NONE**

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**ORDINANCES FOR SECOND READING:**



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

**Mayor Jones** asked Township Committee Member Yates to read Ordinance TC #12-2021. *Let the record show that Township Committee Member DiTosto recused herself from this ordinance.*

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

**HARDING TOWNSHIP  
ORDINANCE #12-2021**

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

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

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

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

**Mayor Jones:** The meeting is now open for public hearing on the Ordinance and any member of the public may be heard.

*With no public comments, Mayor Jones closed the public hearing.*

*Township Committee Member Yates offered Ordinance #12-2021 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.

*Township Committee Member Chipperson seconded the motion.*

**Mayor Jones** asked the Municipal Clerk for a Roll Call: *L. Taglairino call the roll as follows:*

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 <sup>st</sup>	<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"/>

*Let the record show that Township Committee Member DiTosto rejoined the meeting.*

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**NON-CONSENT RESOLUTIONS: NONE**

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**ADD-ON RESOLUTIONS: NONE**

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

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## **CONSENT AGENDA**

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

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

## **CONSENT AGENDA VOTE:**

**Mayor Jones** asked Township Committee Member Chipperson to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 21-183 through TC 21-188. *Let the record show that Mayor Jones recused himself from TC 21-183 Bill List. Mr. Falzarano commented regarding the transfer of funds, \$12,000 is being transferred to Mayor and Council – other expenses so that expenses relating to the Centennial Celebration can be covered which will then be reimbursed from the donations the Township is receiving from the trust.*

*Township Committee Member Chipperson 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: *L. Taglairino called the roll as follows:*

## **Vote on Resolution:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	1 <sup>st</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto	2 <sup>nd</sup>	<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	<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 checked="" type="checkbox"/> from TC 21-183	<input type="checkbox"/>

**APPOINTMENTS: NONE**

**CONTRACTS: NONE**

**FINANCE:** *Let the record show that Mayor Jones recused himself from the vote on the Bill List.*

**Resolution TC 21-183 – Bill List**

**WHEREAS**, vouchers for payment have been submitted to the Township Committee by various municipal departments.

**BE IT RESOLVED**, by the Township Committee of the Township of Harding that all vouchers approved by the Finance Chairman be paid subject to the certification of the availability of funds by the Chief Financial Officer.

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

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

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

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

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

**Current Fund Budget**

**FROM:**

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

**TO:**

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



Group Insurance – Other Expenses	\$15,000	MIS – Other Expenses	\$3,000
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**Resolution TC 21-185 – Resolution to Authorize an Award Contract to Northeast Arborist Supply with National Cooperative Contract for a Brush Bandit Chipper**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Resolution TC 21- 187 – Resolution to Release the Performance Bond for McCann-Franklin**

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

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

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

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

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

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

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



2. This resolution shall take effect as provided by law.

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**MISCELLANEOUS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **ORDINANCES FOR FIRST READING**

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

*Mayor Jones commented that three years ago the Township Committee heard some very passionate words from Township Committee Member Platt. Mr. Platt in the past six weeks has worked with Township Committee Member Yates and Mayor Jones believes they have come up with some good work.*

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

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

#### **HARDING TOWNSHIP ORDINANCE #13-2021**

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

*Township Committee Member Yates commented that this Ordinance is designed to prohibit all forms of traps except for live cage traps for foxes and coyotes. Township Committee Member Yates read the following:*

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

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

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

*Township Committee Member Yates offered Ordinance #13-2021 and moved its introduction. Township Committee Member Chipperson seconded the motion.*

**Township Committee Member Yates** explained that this Ordinance allows the trapping of nuisance animals that are threatening wildlife or for any other purpose. The State of NJ has banned leg traps, leaving open for



*use of snare traps, this ordinance will ban snare traps. The only trap that would be allowed to be used would be a live cage trap. Mayor Jones asked if there were any public comments.*

**Nicole Lacz, 120 Village Road** – *commented last time it was discussed regarding no commercial sale. Is this any part of the ordinance or is it just traps. Township Committee Member Yates commented the ordinance is just trapping. A discussion ensued.*

**Hal Scaff, 145 Lee's Hill Road** – *Three years ago, the white footed mouse was discussed and Mr. Scaff thought the ordinance discussed a sunset clause and that an agreement or a study was going to be made on the population of the white footed mouse in the area and the effect on the no trapping of the foxes. Township Committee Member Yates commented at the October Township Committee meeting there was an extensive discussion of all these issues. A specific study was not conducted and apparently there is a lack of data behind this. This ordinance is a compromise, where the previous ordinance stated you cannot trap any foxes and coyotes, and this ordinance will allow you to deal with problem animals and animals that are coming onto your property but at the same time prohibit the use of a snare trap, which is a trap that is used for commercial trapping. Mr. Scaff commented is the Township not honoring the NJ Fish & Wildlife as they are in charge of wildlife in the State. Township Committee Member Yates explained that last month there was an extensive discussion on the question of controlling predator population and there was no answer on this. A further discussion ensued.*

**Township Committee Member Platt** – *commented what was discussed at the last meeting with Emile DeVita, is the fact that the white footed mouse population has exploded and we know that the white footed mouse is the cause of the Lyme titer that the tick bites in Morris County where there is a high instance of it. What we are trying to avoid is removing the primary predator for the white footed mouse that can produce Lyme disease. You get rid of the mouse, you reduce Lyme disease. As far as a study, there has been countless studies about the impact of coyotes and foxes on the white footed mouse population. The mere presence keeps the white footed mouse and the infected in their holes. As Mr. Platt stated three years ago, the very fox that are being killed can be the very fox that is taking the white footed mouse out of population and keeping your family safe. It is really a tradeoff. A life time possibly debilitating disease versus allowing someone the opportunity to bate critters onto their property and kill them. We have to work for the entire community not just one person. Township Committee Member Yates discussed the revised ordinance and commented that the Township is not making any statements. Mr. Scaff commented he would like to see the data that the white foot mouse population is exploding. The white footed mouse is food for all types of predators, not just foxes and coyotes. A further discussion pertaining to keystone predators ensued.*

**Township Committee Member Yates** *commented that Mr. DeVita offered a lot of anecdotal evidence but did not have much in the way of data. Township Committee Member Platt reported that the Norway Study was very extensive, which has the same topography and the same climate and is quite relevant to what we are looking for. Township Committee Member Chipperson commented with regard to the snare trap, the Township Committee was trying to balance the right of someone to trap on their property and not take that away completely, yet not have someone remove such a quantity that it could potentially affect Lyme disease.*

**Cindy Kuenster, Wildlife Biologist, State of NJ Department of Environmental Protection** – *thanked the Township Committee for the opportunity to address Mayor and Council. Ms. Kuenster commented she worked with Harding Township briefly speaking with Committee members or a Committee member in 2018. In 2018, we did not support the ordinance as it was presented because data did not match up with your goals and the actions. Township Committee Member Yates asked who Ms. Kuenster was speaking with in 2018. Ms. Kuenster explained it was Committee Member Platt. Ms. Kuenster shared information with Committee Member Platt and the BOH Chair in 2018 about our position regarding the ordinance that was introduced in 2018. Ms. Kuenster commented she appreciates the Township Committee coming back to revisit the ordinance now. Ms. Kuenster commented that she read that the ordinance would sunset. As your ordinance is written, it does not sunset. It*



*allows the ordinance to continue in full force, unless the Township Committee takes additional action. Township Committee Member Yates responded that the previous ordinance sunsets at the end of 2021. The new ordinance being introduced this evening does not have a sunset. A copy of the current ordinance being introduced this evening was provided to Ms. Kuenster.*

**Ms. Kuenster** reported that currently Harding does not have an insufficient coyote or fox population. It is not like the Township has a low population that you need to protect and you want to raise it for the purpose of reducing the white footed mouse population. Ms. Kuenster commented that she can provide more data about the prey species of coyotes and fox. They do not quite match up with this narrow view that is reported in the news or maybe some Committee Members might believe. We would like to provide additional information about that. Therefore, an ordinance that would ban trapping does not reach your goal, it's not effective, and is unnecessarily restrictive. What was mentioned both by Committee Member Platt in 2018, this evening, and in the news that one particular farmer had a particular trapper who was highly successful, that trapper has moved out of State to Maryland. If that was an issue for this Community, that issue has evaporated.

**Township Committee Member Platt** asked how Ms. Kuenster heard about tonight's proceeding. Ms. Kuenster reported through a news outdoor writer who shares information with those who are interested. It came through our Director and Bureau Chief of Wildlife Management. Township Committee Member Platt asked how funding is made available. Ms. Kuenster explained it is various funding; including federal aid and sales of licenses. Ms. Kuenster explained the people who choose to trap in Harding are not suddenly going to take a trapper education course, buy a modest license will affect anything. Township Committee Member Yates commented that was an inappropriate question.

Ms. Kuenster commented that our agency along with Animal Control Officers receive numerous complaints regarding nuisance coyotes and fox encounters. Harding's residents are among those that might make this type of complaint. Ms. Kuenster explained we want to ensure that a decision the Committee makes is based on data and facts. Ms. Kuenster mentioned a literature research study conducted in Vermont by Vermont Fish & Wildlife which is a data rich study which specifically addresses the question that your Township Committee is dealing with now; this study stated that there was no compelling evidence that the current rate of harvest of red fox is influencing the presence, distribution, or prevalence of infected deer ticks, specifically nymphs. Mayor Jones asked what the rate is. Ms. Kuenster commented she does not have the information with her but can provide it. Ms. Kuenster commented Harding has a current rate of harvest and changing this is not going to make a difference. So you are spending time on an ordinance that restricts opportunities to maybe address individually nuisance coyote or fox and Harding may have some issues with people who raise chickens or guinea hens or other issues that might have conflicts with coyote or fox. Population of these predator and prey species are not adversely proportional. If fox go up, mice do not necessarily go down.

Ms. Kuenster commented that she is not sure if it is within the jurisdiction of a Municipality to regulate the taking of wildlife in the manner that the Township is approaching. If it were a public safety issue, that you could demonstrate, could document, and the action that the Township is taking could have an effect, then perhaps it would be an appropriate action. Township Committee Member Platt – commented that he disagrees and discussed this in 2018 and mentioned that a Municipality has the right to limit. Township Committee Member Platt commented it is a public safety issue because where Harding Township is located within the Great Swamp and National Wild Life. Harding is sandwiched between these National Parks, Harding Township has more white footed mice and have a high instance of lyme disease. This is purely a town that the Board of Health has serious concerns about the health and wealth fare of our citizens and this is why we are taking this step. Township Committee Member Platt commented as he mentioned in 2018 far be it for NJ Fish and Wild Life to tell Harding Township how to protect the health of its citizens. Ms. Kuenster responded she did not do that what she said was she was not sure it is within the jurisdiction of the municipality and this can be something that can be revisited.



*Ms. Kuenster stated a few facts; Harding Township between 2007 and 2016 had less than 74 cases of Lyme disease reported. Morris County wide from 2004 to 2019 had 7,521 cases reported.*

**Andrew Burnett, Wildlife Biologist, Division of Fish/Wildlife** – *commented in 2018, before the original ordinance was introduced, went to the State Department of Health in Trenton, NJ and asked for specific data for Harding Township. The State Department of Health provided ten years, 2007 to 2016. There were 74 cases reported. If a case is not reported, we would not have that. Mayor Jones commented for the purpose of what Harding Township is looking for, while we appreciate your attending this evening, the public hearing is scheduled for December 13, 2021 at 7 pm. Now that you have seen the ordinance being introduced this evening, perhaps your thoughts better directed at our December meeting.*

*Mr. Burnett commented that the Association of Fish and Wildlife has spent over \$40 million since 1991 testing hundreds of traps for 23 different fur bearing species in North America. They have been developing the best management practices for trapping fur bearers in the United States. There are 25 bmp approved traps for coyotes and a dozen bmp approved traps for fox. In New Jersey only one can be used and it is not the cage trap. The cage trap is not an effective trap for canines. From the 2,500 coyotes that trappers have harvested since 1980, 3 were caught in a cage trap. Ms. Kuenster thanked the Township Committee for the opportunity to speak and put this on your radar now and you are welcome to reach out to us before the December meeting. Township Committee Member Yates asked if any other Municipality in the State has passed ordinances similar to this. Ms. Kuenster commented that she has been with the agency for 41 years in municipal outreach issues and in all these years there was one municipality (Franklin) that considered affecting an ordinance regarding trapping and it did not pass.*

**Township Committee Member DiTosto** – *asked Ms. Kuenster if she attended the Township Committee meeting in 2018. Ms. Kuenster commented that she only spoke directly to Committee Member Platt and corresponded to Committee Member Platt, Health Department, and Mayor in one correspondence. Ms. Kuenster mentioned she offered their services to meet with Harding but that offer was declined. Committee Member DiTosto commented that she is glad that you and Mr. Burnett came this evening. Mayor Jones asked for their contact information. Committee Member DiTosto asked if this is a BOH issue or a Township Committee issue. Mr. Roselli, Township Attorney commented his position is it is a Township Committee matter. The Governing Body always has the right to protect the public health and safety. Mr. Roselli commented you are trying to deal with a prohibition of a certain activity that is granted by State Statute. So it is an appropriate place with the Governing Body as opposed to the Board of Health. Township Committee Member Yates commented that we have established that it is not within the purview of the Harding Township Board of Health to declare a health emergency, is that correct. Mr. Roselli commented he would have to defer on that. Mr. Roselli is aware that the Health Officer has the ability to make certain declarations.*

**Mr. Roselli** *commented on the issue on the ability for a Municipality to adopt an ordinance, a concern Mr. Roselli has if there is a federal or state law that permits something, usually there is a provision that says a Municipality has the ability to be more restrictive. Under Title 23, this is a concern Mr. Roselli had before, there is no express authority that type of prohibition. Mr. Roselli would note that is why there is a provision in this ordinance that says Title 23 is paramount. A further discussion ensued on Title 23, public health crisis, and the ability for the Municipality to adopt an ordinance. Committee Member Platt commented that the Board of Health discussed this and voted unanimously to ask the Township Committee to renew this ordinance due to the data on Lyme disease and Harding is located next to an 8,000 wildlife refuge. This was a public health crisis. Mayor Jones commented the Governing Body needs to be careful in using the term public health crisis. Committee Member DiTosto commented that the Board of Health did discuss this at their October meeting, there was a vote but it was not unanimous and the Board of Health did not declare it a public health crisis.*

**Mayor Jones** called for the roll:

*T. Taglairino called the roll as follows:*

**Vote on Introduction:**

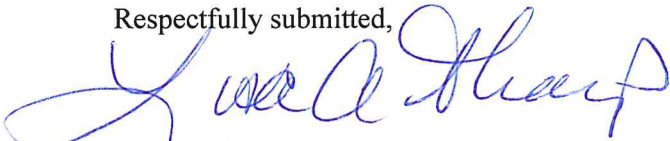
	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	2 <sup>nd</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	1 <sup>st</sup>	<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"/>

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**ADJOURNMENT – Mr. Jones**

With no further comments, Mayor Jones announced the meeting is adjourned at 8:05 pm.

Respectfully submitted,



Lisa A. Sharp  
Municipal Clerk