

HARDING TOWNSHIP COMMITTEE
MONDAY, JUNE 20, 2022
IN-PERSON
EXECUTIVE SESSION at 5:30 PM
REGULAR MEETING AGENDA at 7:00 PM
Kirby Hall, Blue Mill Road, New Vernon, New Jersey

CALL MEETING TO ORDER – Mayor

ADEQUATE NOTICE of this June 20, 2022 meeting of the Harding Township Committee was sent to the Observer Tribune on May 12, 2022 and published in the Observer Tribune on May 19, 2022.

ROLL CALL – Municipal Clerk

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

RESOLUTION TO RECESS INTO EXECUTIVE SESSION

Resolution TC 22-123 - 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. Hurstmont – B. Goldsmith
2. Glen Alpin – V. DeNave
3. Morris County Dispatch – Chief Heller

Personnel:

1. Police Personnel – Chief Heller

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

RECONVENE INTO PUBLIC SESSION – Mayor

ROLL CALL – Municipal Clerk

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

PLEDGE OF ALLEGIANCE – Mayor

ADEQUATE NOTICE of this meeting of the Harding Township Committee was given as follows: Notice was sent to the *DAILY RECORD* and the *OBSERVER TRIBUNE* on January 3, 2022, and published in the *OBSERVER TRIBUNE* on January 6, 2022; Notice was posted on the Bulletin Board in the Township Municipal Building on Blue Mill Road in Harding, NJ on January 3, 2022, and Notice was filed with the Municipal Clerk on January 3, 2022.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS/CORRESPONDENCE – Mayor Jones

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

RESOLUTION TC 22-124 -- RESOLUTION TO ACCEPT TOWNSHIP COMMITTEE MEETING MINUTES

Mayor Jones asks Township Committee Member _____ to proceed with Resolution TC 22-124.

BE IT RESOLVED, by the Township Committee of the Township of Harding that the minute(s) from the following meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **May 9, 2022; May 24, 2022 Special Meeting; and**

BE IT FURTHER RESOLVED, by the Township Committee of the Township of Harding that the minutes from the following Executive Session meeting(s) are approved as prepared and shall be filed as a permanent record in the Municipal Clerk's office: **May 9, 2022.**

Township Committee Member _____: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Jones asks Committee Member Yates to proceed with Resolution TC 22-125 listed on the Non-Consent agenda.

RESOLUTION TC 22-125 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, RECOGNIZING OFFICER LOUIS PIRELLO'S RETIREMENT AND OUTSTANDING CONTRIBUTIONS TO THE TOWNSHIP OF HARDING

WHEREAS, Harding Township Police Officer Louis Pirrello, Jr. has retired effective, July 1, 2022; and

WHEREAS, Louis Pirrello, Jr. was appointed in Harding Township on January 16, 2004, as a Patrol Officer; and

WHEREAS, Officer Pirrello served on the Morris Township Police Department from June 1997 until January 2004; and

WHEREAS, Officer Pirrello has served Harding Township as Patrol Officer, Project Lifesaver Coordinator, Hunting Liaison, RADAR Instructor, Car Seat Installation Technician, and Law Enforcement Against Drugs (L.E.A.D.) Instructor; and

WHEREAS, Officer Pirrello served with honor and dignity.

BE IT RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, New Jersey extend their appreciation and congratulations for the many years of dedicated service to the residents of Harding Township; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, New Jersey remind Officer Pirrello of the adage that "Life begins at Retirement" and wish him Good Luck!

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Mayor Jones asks Committee Member Yates to proceed with Resolution TC 22-126 listed on the Non-Consent agenda.

RESOLUTION TC 22-126 -- RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, RECOGNIZING ADMINISTRATIVE ASSISTANT SUSAN SHERLOCK'S RETIREMENT AND OUTSTANDING CONTRIBUTIONS TO THE TOWNSHIP OF HARDING

WHEREAS, Harding Township Police Administrative Assistant Susan Sherlock has retired effective, July 1, 2022; and

WHEREAS, Susan Sherlock was appointed in Harding Township on June 21, 2004; and

WHEREAS, Susan Sherlock served the Harding Township Police Department and this community for over 18 years; and

WHEREAS, Mrs. Sherlock served as Confidential Secretary to the Chief of Police, Notary Public, Department Secretary, and Records Clerk.

BE IT RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, New Jersey extend their appreciation and congratulations for the many years of dedicated service to the police department and residents of Harding Township; and

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Harding in the County of Morris, New Jersey remind Mrs. Sherlock of the adage that "Life begins at Retirement" and wish her Good Luck!

Township Committee Member Yates: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

RESOLUTION TC 22-127 – RESOLUTION TO APPOINT MATTHEW DOYLE AS A HARDING TOWNSHIP POLICE OFFICER

Mayor Jones asks **Township Committee Member Chipperson** to proceed with Resolution TC 22-127 listed on the Non-Consent agenda.

WHEREAS, there exists a vacancy in the position of Police Officer in the Harding Township Police Department; and

WHEREAS, Chief Erik Heller has conducted a detailed evaluation process and background check; and

WHEREAS, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the need for appointing a Police Officer; and

WHEREAS, Matthew Doyle was an alternate route recruit and graduated from Atlantic County Police Academy on June 8, 2022; and

WHEREAS, Chief Erik Heller recommends that Mathew Doyle be appointed as a full-time Police Officer, commencing with a one-year probationary period with the Harding Township Police Department that is effective on June 16, 2022.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Matthew Doyle as a full-time Police Officer of the Harding Township Police Department at the annual salary of \$47,276 to be prorated for the remainder of 2022.

Township Committee Member Chipperson: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

RESOLUTIONS – (NON-CONSENT – REQUIRING SEPARATE ACTION)

Resolution TC 22-128 – RESOLUTION TO APPOINT JOSEPH CINNANTE AS HARDING TOWNSHIP POLICE OFFICER

Mayor Jones asks **Township Committee Member Lacz** to proceed with Resolution TC 22-128 listed on the Non-Consent agenda.

WHEREAS, there exists a vacancy in the position of Police Officer in the Harding Township Police Department; and

WHEREAS, Chief Erik Heller has conducted a detailed evaluation process and background check; and

WHEREAS, the Township Committee, Township Administrator, Robert Falzarano, and Chief Erik Heller, have determined the need for appointing a Police Officer; and

WHEREAS, Joseph Cinnante has been employed as a NJ State Parole Officer and received his Police Training Certification for Basic Course for Investigators on December 16, 2020

WHEREAS, Joseph Cinnante will be required to successfully complete a waiver program of training at the Morris County Police Academy; and

WHEREAS, Chief Erik Heller recommends that Joseph Cinnante be appointed as a full-time Police Officer, commencing with a one-year probationary period with the Harding Township Police Department that is effective on July 1, 2022.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that the recommendation of Chief Erik Heller and the Township Administrator, Robert Falzarano be approved and hereby appoint Joseph Cinnante as a full-time Police Officer of the Harding Township Police Department at the annual prorated salary of \$47,276; and once the police academy is successfully completed, at the annual salary of \$54,815 starting January 1, 2023.

Township Committee Member Lacz: I would like to make a motion to approve the resolution placed on this evening's Non-Consent Agenda by consent of the Township Committee.

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

DISCUSSION ITEMS: NONE

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.

ORDINANCES FOR SECOND READING: 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 22-129 THROUGH RESOLUTION TC 22-137 HAVE BEEN PLACED ON THE CONSENT AGENDA

CONSENT AGENDA VOTE:

Mayor Jones asks Township Committee Member _____ to proceed with the Resolutions listed on the Consent agenda. Resolutions TC 22-129 through TC 22-137.

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

Seconded by Township Committee Member _____.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Resolution:

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

APPOINTMENTS:

Resolution TC 22-129 – Resolution Designating Deputy Custodians of Public Records

WHEREAS, the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., commonly known as “OPRA” was promulgated to increase public access to government records; and

WHEREAS, pursuant to OPRA, anyone wishing to review or obtain copies of government records must file a written request with the Custodian of Records, who at the municipal level of government is the Municipal Clerk; and

WHEREAS, OPRA does not preclude a municipality from developing reasonable and practical measures for handling and responding to OPRA requests, including designating Deputy Custodians of Records to ensure that the public is efficiently served and requests for government records are granted or denied in a prompt and expeditious manner; and

WHEREAS, every municipal department within the Township of Harding generates and maintains government records pertaining to its respective business matters and by designating Deputy Custodians of Records the Township is able to provide the public with direct access to government records from each municipal department with greater efficiency and timeliness.

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Harding that they deem it important to ensure that the public requests for government records are handled in a prompt and expeditious manner; and

BE IT FURTHER RESOLVED, that the following Township employees shall be designated Deputy Custodians of Records for the purpose of handling and fulfilling OPRA requests for those records that are maintained and kept in their respective departments:

Administrative Assistant to the Township Administrator
Assistant Administrator
Secretary to the Planning Board and Zoning Board of Adjustment
Chief Financial Officer
Finance Department
Chief of Police
Lieutenant, Police Department
Administrative Assistant / Secretary, Police Department
Superintendent of Public Works
Administrative Assistant to the Health Department
Construction Official
Technical Assistant to Construction Official
Zoning Code Enforcement Officer/Zoning Official/REHS

and;

BE IT FURTHER RESOLVED, all Deputy Custodian of Records shall comply with provisions set forth in the Open Public Records Act, as amended, and shall advise the Municipal Clerk any concerns that may arise in fulfilling a request for government records; and

BE IT FURTHER RESOLVED, that all requests for government records, together with the written responses and records, shall be maintained by the Municipal Clerk of the Township of Harding in accordance with the prescribed Records Retention Schedule promulgated by the State of New Jersey; and

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

CONTRACTS:

Resolution TC 22-130 – Approving External Alterations and Site Improvements to the Library Building and Library Site Owned and Operated by Harding Township Library, Inc., and Approving an Amendment to the Ground Lease Agreement By and Between the Township of Harding and Harding Township Library, Inc., Regarding the same

WHEREAS, the Township of Harding is the owner of certain real property located at the corner of Blue Mill Road and Spring Mill Road, as depicted on the Harding Township Tax Map as Block 19, Lot 12.07, consisting of approximately 14.49 acres, on which the Kirby Memorial Municipal Building, municipal tennis courts and Kemmerer Library, are currently located (the “Municipal Site”); and

WHEREAS, by Ordinance No. 7-08 adopted on June 4, 2008, the Township Committee authorized and approved a Ground Lease Agreement with Harding Township Library, Inc. (the “Library”), for purposes of leasing a portion of Block 19, Lot 12.07 for the construction and operation of a library building (the “Ground Lease Agreement”); and

WHEREAS, the Ground Lease Agreement, effective as of June 4, 2008, was executed by the Township and Library on July 23, 2008, and July 28, 2008, respectively; and

WHEREAS, paragraph 8 B of the Ground Lease Agreement provides:

- B. The Library shall not undertake any future alterations, structural changes to the exterior of the Library or any changes to the site improvements or utilities serving the Library Site or Library Building without prior approval of the Township. After the construction of the Library Building, the Library shall not apply for any building permit for any external alteration or site improvement without first having submitted construction drawings for review and approval by resolution of the Township and as well as obtaining any necessary site plan or other State, County or local approvals.

WHEREAS, the Library appeared before the Township Committee at the Committee's March 14, 2022 public meeting for purposes of obtaining Township approval for certain external alterations and site improvements, specifically the installation of a new patio area and new lawn/garden area located generally at the western end of the existing Library Building (the "Improvements"); and

WHEREAS, the Improvements would necessitate extending the existing lease area identified in the Ground Lease Agreement, to include the area depicted on the schematic drawing prepared by Rosen Kelly Conway Architecture & Design dated March 10, 2022 (the "Plan") , a copy of which is on file with the Township Clerk; and

WHEREAS, the Township Committee supports the installation of the Improvements and therefore wish to formally memorialize their approval of the Plan and Improvements and to approve an amendment to the Ground Lease Agreement to include the expanded "Lease Parcel Easement" as that term is defined in the Ground Lease Agreement, for the Plan, and as more particularly depicted in that certain Lease Parcel Easement Map prepared by Steven D. Parent, NJLLS of Ferriero Engineering, Inc., last revised April 29, 2022, and as described in that certain metes and bounds description entitled *Legal Description, Lease Parcel Easement, Lot 12.07, Block 19, Harding Township, New Jersey*, dated April 29, 2022 and prepared by Steven D. Parent, NJLLS of Ferriero Engineering, Inc., copies of which are attached hereto.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris, New Jersey that it does hereby approve of the proposed external alterations and site improvements requested by the Harding Township Library, Inc., as more particularly described during the Library's presentation to the Township Committee at its March 14, 2022 public meeting and as generally depicted on the schematic drawing prepared by Rosen Kelly Conway Architecture & Design dated March 10, 2022 (the "Plan") , a copy of which is on file with the Township Clerk; and

BE IT FURTHER RESOLVED, that the Township Committee does hereby approve of an amendment to the Ground Lease Agreement, generally in the form of agreement attached hereto, to include the Lease Parcel Easement Map prepared by Steven D. Parent, NJLLS of Ferriero Engineering, Inc., last revised April 29, 2022, and the metes and bounds description entitled *Legal Description, Lease Parcel Easement, Lot 12.07, Block 19, Harding Township, New Jersey*, dated April 29, 2022 and prepared by Steven D. Parent, NJLLS of Ferriero Engineering, Inc., copies of which are attached hereto, in lieu of the current Lease Parcel Easement and Lease Parcel Map referenced in the Ground Lease Agreement; and

BE IT FURTHER RESOLVED, that Mayor and Clerk are hereby authorized to execute said amendment agreement on behalf of the Township of Harding and that said amendment agreement shall not become effective unless and until executed by both parties and, to the extent required, Harding Township Library, Inc. obtains any necessary site plan or other State, County or local approvals, in accordance with paragraph 8 B of the Ground Lease Agreement.

Resolution TC 22-131 – Resolution to Authorize the Award of a Non-Fair and Open Contract for Data Cabling

WHEREAS, the Township of Harding has a need to acquire data wiring as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Distinctive Voice & Data, LLC has submitted a proposal indicating they will provide the labor and material for data cabling for \$33,625.00; and

WHEREAS, Distinctive Voice & Data, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Distinctive Voice & Data, LLC has not made any reportable contributions to a political or candidate committee in the Township of Harding in the previous one year, and that the contract will prohibit the Distinctive Voice & Data, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer for the Township of Harding has certified that additional monies are available in the amount of \$33,625.00 from account number # 04-2020-202002-4024-4-04071 and 04-2021-202107-4024-4-04222; and

WHEREAS, the total amount shall not exceed \$33,625.00.

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

FINANCE:

Resolution TC 22-132 – Bill List

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

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

Resolution TC 22-133 – Cancellation of Certain Capital Ordinance Balances

N 6-17-2022

WHEREAS, certain General Capital Ordinance balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended funded balances may be returned to the Capital Improvement Fund or credited to Capital Surplus, and unfunded debt authorizations may be cancelled; and

WHEREAS, Capital Ordinances with balances to be cancelled are as follows:

Capital Ordinance	Description	Funded	Unfunded
08-19	Interior Exterior Improvements: Shutters	\$ 13,076.92	
05-22	Acquisition of Public Works Equipment – 4WD Tractor	\$ 50,000.00	
TOTAL		\$ 63,076.92	-

BE IT RESOLVED, by the Township Committee of the Township of Harding, in the County of Morris and State of New Jersey that the unexpended and dedicated Capital Ordinance balances listed above be cancelled and funded balances returned to the Capital Improvement Fund or credited to Capital Surplus and unfunded debt authorizations cancelled.

Resolution TC 22-134 - 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 2022 in the sum of \$7,000.00, which item, “Click It or Ticket 2022 Seat Belt Mobilization” has been awarded from the State of New Jersey Department of Transportation / National Highway Safety Administration; and

BE IT FURTHER RESOLVED, that the like sum of \$7,000.00 is hereby appropriated under the caption of “Click It or Ticket 2022 Seat Belt Mobilization”

Resolution TC 22-135 – Resolution to Amend Administrative Fees

WHEREAS, the Township Committee of the Township of Harding, County of Morris, State of New Jersey sets the fees of the Township by resolution; and

WHEREAS, the fees (Appendix A attached) have been reviewed and increased in accordance with §§171-1 and 171-4 of the Code of the Township of Harding.

BE IT RESOLVED, by the Township Committee of the Township of Harding that it does hereby approve of the amended fees for the Township for 2022 as reflected on Appendix A attached hereto shall become effective on June 21, 2022; and

BE IT FURTHER RESOLVED, that said fees shall become effective as of June 21, 2022.

Resolution TC 22-136 - Liquor License Renewals for 2022-2023 Application Year

WHEREAS, the applicants for Alcoholic Beverage Control License set forth below has been duly investigated; and

WHEREAS, the Harding Township Committee is satisfied that all the rules and regulations of the Alcoholic Beverage Law, Title 33, Chapter 1 of the Revised Statutes of New Jersey, 1937, as amended and supplemented, including P.L. 1970, Ch. 77, have been duly complied with.

BE IT RESOLVED, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey, that the Harding Township Committee hereby agrees to issue to the following applicants, the following permanent license under the aforesaid State Statutes for the following annual fee, said license to commence *July 1, 2022*, and to expire at midnight on *June 30, 2023* upon clearance of the fee to the Harding Township Treasurer's Account.

CLUB LICENSES:

<u>Applicants:</u>	<u>ADDRESS:</u>	<u>FEE:</u>
New Vernon Volunteer Fire Department Club License No. 1413-31-004-001	22 Village Road New Vernon, NJ	\$75.00
Mt. Kemble Lake Country Club Club License No. 1413-31-003-001	3 Trails End Morristown, NJ	\$75.00

PLENARY RETAIL CONSUMPTION/DISTRIBUTION LICENSE:

<u>Applicant:</u>	<u>ADDRESS:</u>	<u>FEE:</u>
MMBBQ LLC DBA Minuteman Smokehouse	990 Mt. Kemble Avenue Morristown, NJ	\$2,500.00

Plenary Retail Consumption License
No. 1413-33-001-011

Dharma Bhaki 09, LLC
T/A The Country Store
Plenary Retail Distribution License
No. 1413-44-002-005

1098 Mt. Kemble Avenue
Morristown, NJ

\$2,500.00

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized to issue the aforesaid license in the form approved by the Department of Alcoholic Beverage of the State of New Jersey to the aforesaid applicants.

MISCELLANEOUS:

Resolution TC 22-137 – Resolution Consenting to the Proposed Northeast Water Quality Management (WQM) Plan Amendment

WHEREAS, the Township Committee desires to provide for the orderly development of wastewater facilities within the Township of Harding; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on June 6, 2022, for Hurstmont-Glen Alpin has been prepared by Natural Systems Utilities.

BE IT RESOLVED, on this twentieth day of June, 2022, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey that:

1. The Township Committee hereby consents to the Hurstmont-Glen Alpin amendment, and publicly noticed in the New Jersey on June 6, 2022, prepared by Natural System Utilities, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member _____ to introduce Ordinance #06-2022.

Township Committee Member Platt introduces Ordinance TC 06-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #06 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING
ARTICLE XXI, CHAPTER 225-111 OF THE CODE OF THE TOWNSHIP OF HARDING
ENTITLED TREE CONSERVATION**

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

Township Committee Member Platt reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Platt: I offer Ordinance #06-2022 and move its introduction.

Township Committee Member _____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Platt to introduce Ordinance #07-2022.

Township Committee Member Platt introduces Ordinance TC 07-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #07 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7,
ARTICLE IV OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY
CHAPTER 7-37.3 ENTITLED “SHADE TREE ADVISORY COMMITTEE”**

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

Township Committee Member Platt reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Platt: I offer Ordinance #07-2022 and move its introduction.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #08-2022.

Township Committee Member Yates introduces Ordinance TC 08-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #08 – 2022**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-116 ENTITLED "GENERAL REGULATIONS" IN ARTICLE XXII GENERAL ZONING PROVISIONS TO MODIFY SETBACK REQUIREMENTS FOR SMALL PLAY STRUCTURES

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

Township Committee Member Yates reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #08-2022 and move its introduction.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #09-2022.

Township Committee Member Yates introduces Ordinance TC 09-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #09 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225
PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING,
SPECIFICALLY CHAPTER 225-122 ENTITLED "BULK REGULATIONS" IN ARTICLE
XXIV R-1 ZONING PROVISIONS TO CLARIFY PERMITTED BUILDING AREA AND
SETBACK REQUIREMENTS**

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

Township Committee Member Yates reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #09-2022 and move its introduction.

Township Committee Member_____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #10-2022.

Township Committee Member Yates introduces Ordinance TC 10-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #10 – 2022**

AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-5 ENTITLED "DEFINITION" IN ARTICLE II, CHAPTER 225-141 ZONE, CHAPTER 225-145 ENTITLED "PERMITTED USES" IN ARTICLE XXIX B-1 HISTORIC BUSINESS ZONE, CHAPTER 225-145 ENTITLED "USE REGULATIONS" IN ARTICLE XXX B-2 BUSINESS ZONE, AND CHAPTER 225-148 ENTITLED "USE REGULATIONS" IN ARTICLE XXXI OB OFFICE BUILDING ZONE TO AMEND AND ADD PERMITTED ACCESSORY USES AND STRUCTURES

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

Township Committee Member Yates reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #10-2022 and move its introduction.

Township Committee Member _____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #11-2022.

Township Committee Member Yates introduces Ordinance TC 11-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #11 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY
CHAPTER 225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII
GENERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS
TO AIR CONDITIONING CONDENSERS/HEAT PUMPS**

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

Township Committee Member Yates reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #11-2022 and move its introduction.

Township Committee Member _____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Deputy Mayor Yates asks Township Committee Member Lacz to introduce Ordinance #12-2022.

Township Committee Member Lacz introduces Ordinance TC 12-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #12 – 2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, ACCEPTING CONSERVATION EASEMENT**

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

Township Committee Member Lacz reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Lacz: I offer Ordinance #12-2022 and move its introduction.

Township Committee Member _____ seconds the motion.

Deputy Mayor Yates asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ORDINANCES FOR FIRST READING:

Mayor Jones asks Township Committee Member Yates to introduce Ordinance #13-2022.

Township Committee Member Yates introduces Ordinance TC 13-2022 by title as follows:

**HARDING TOWNSHIP
ORDINANCE #13-2022**

**CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS,
NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS**

**AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING
THEREFORE THE SUM OF \$70,000**

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

Township Committee Member Yates reads:

WHEREAS, the above ordinance was introduced and read by title at this Township Committee meeting held on June 20, 2022.

BE IT RESOLVED, that at the Township Committee meeting to be held on July 11, 2022 at 7:00 p.m. prevailing time, at the Kirby Municipal Building, the Township Committee will further consider this ordinance for a second reading, public hearing, and final passage; and

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

Township Committee Member Yates: I offer Ordinance #13-2022 and move its introduction.

Township Committee Member _____ seconds the motion.

Mayor Jones asks the Municipal Clerk for a Roll Call:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. Chipperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz	<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"/>

ADJOURNMENT – Mr. Jones

ORDINANCES – INTRODUCTION

- 1. ORDINANCE #06-2022 – ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING ARTICLE XXI, CHAPTER 225-111 OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED TREE CONSERVATION**
- 2. ORDINANCE #07-2022 - ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7, ARTICLE IV OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 7-37.3 ENTITLED “SHADE TREE ADVISORY COMMITTEE”**
- 3. ORDINANCE #08-2022 – AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII GENERAL ZONING PROVISIONS TO MODIFY SETBACK REQUIREMENTS FOR SMALL PLAY STRUCTURES**
- 4. ORDINANCE #09-2022 – AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-122, ENTITLED “BULK REGULATIONS” IN ARTICLE XXIV R-1 ZONING PROVISIONS TO CLARIFY PERMITTED BUILDING AREA AND SETBACK REQUIREMENTS**
- 5. ORDINANCE #10-2022 -- AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-5 ENTITLED “DEFINITION” IN ARTICLE II, CHAPTER 225-141 ZONE, CHAPTER 225-145 ENTITLED “PERMITTED USES” IN ARTICLE XXIX B-1 HISTORIC BUSINESS ZONE, CHAPTER 225-145 ENTITLED “USE REGULATIONS” IN ARTICLE XXX B-2 BUSINESS ZONE, AND CHAPTER 225-148 ENTITLED “USE REGULATIONS” IN ARTICLE XXXI OB OFFICE BUILDING ZONE TO AMEND AND ADD PERMITTED ACCESSORY USES AND STRUCTURES**
- 6. ORDINANCE #11-2022 -- AMENDING CHAPTER 225 PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY CHAPTER 225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII GENEERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR CONDITIONING CONDENSERS/HEAT PUMPS**
- 7. ORDINANCE #12-2022 - AN ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING CONSERVATION EASEMENT**
- 8. ORDINANCE #13-2022 – CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY, AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$70,000**

TOWNSHIP OF HARDING
ORDINANCE #06-2022
AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING
ARTICLE XXI, CHAPTER 225, §225-111 OF THE CODE OF THE TOWNSHIP OF
HARDING ENTITLED "TREE CONSERVATION"

WHEREAS, the implementation of the current version Chapter 225, §225-111 has resulted raised issues and resulted in unintended consequences that the Township Committee desires to eliminate; and

WHEREAS, the Township Committee has further determined that most appropriate way to address these concerns is by rescinding and replacing Chapter 225, §225-111 as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Harding in the County of Morris, New Jersey that Article XXI, Chapter 25, §225-111 of the Code of the Township of Harding is hereby rescinded and replaced as follows:

Section 1. §225-111 Tree Conservation

A. Purpose and intent. The purpose and intent of this article is as follows:

- (1) To preserve and protect trees that are an integral part of the ecosystem within the Township of Harding.
- (2) To control the indiscriminate destruction of trees which has been shown to have severe detrimental environmental, ecological and economic effects, including increased soil erosion and surface drainage problems, the creation of insect breeding sites, decreased oxygen production, decreased property values and increased costs to the Township.
- (3) To protect the semirural character and natural resources of the Township, consistent with the goals and objectives of the Township's Master Plan. This article is not intended, however, to restrict homeowners from removing dead, diseased, or hazardous trees, nor to restrict homeowners from conducting routine pruning of trees or other maintenance procedures.
- (4) This article places special emphasis on the preservation of trees around the perimeter of a property to create Conservation Areas and Tree Conservation Areas based upon setback requirements established within this chapter. The article also provides a sound management structure for the removal of trees in the Township.

B. Definitions. In addition to the definitions set forth in §225-5, the following definitions shall apply in this §225-111. To the extent that there are any inconsistencies, the definitions set forth below shall apply for purposes of enforcing this article.

Diameter at Breast Height ("DBH") shall mean the diameter of a tree measured 4'6" above the uphill/highest side above grade.

Enforcement Officer shall mean the Zoning Officer or Designee.

Hazardous Tree shall mean a tree that meets the following two criteria: (1) The tree, or a tree part, must be at an increased likelihood of failure, usually due to the presence of some structural defect e.g., the presence of a significant amount of decay in a portion of the tree, and (2) there must be one or more targets present. A target may be any person, property or roadway that could potentially be damaged, injured or impended, should a failure occur. If there are no targets present there is no risk and the tree will not be considered a hazard, even if it is structurally unsound and likely to fail at any time.

Healthy Tree(s) shall mean a tree(s) exhibiting good structural integrity, free of serious diseases, and maintaining the normal appearance and displaying the normal vigor and growth characteristics of the species as determined by the Township Zoning Officer after the inspection by the Township Tree Conservation Officer.

Landmark Tree(s) shall mean any tree(s) designated and identified by the Township Shade Tree Advisory Committee meeting the criteria for designation.

Private Tree(s) shall mean any tree(s) other than a Township tree(s).

Screening shall mean one or more tree(s) or hedge(s) which provide a visual barrier between properties.

Township Tree(s) shall mean tree(s) located on Township property or within a Township right-of-way, as determined by the Township Zoning Officer.

Tree shall mean any self-supporting, single stem, perennial woody plant which reaches a typical height of 12 feet or more at maturity and has a typical mature DBH of six inches or greater.

Tree Conservation Area shall mean the creation of a tree conservation area. In accordance with the zoning provisions governing the R-1, RR, R-2, R-3 and R-4 Zones (see Part 3, Zoning), there shall be a tree conservation area required along all perimeter property lines of any lot within the R-1, RR, R-2, R-3 and R-4 Zones, within which no tree measuring six inches or greater in diameter at a point 4 1/2 feet above the ground shall be cut down or removed without first submitting a tree removal registration for tree removal therefor and receiving a Tree Removal Permit from the Zoning Officer in accordance with the standards and procedures of this article. The width of the tree conservation area in each zone shall be as follows:

1. In the R-1 and RR Zones, the tree conservation area shall comprise the area along all perimeter property lines within:
 - a. Fifty feet of any road, whether public or private.
 - b. Twenty-five feet of all other property lines.
2. In the R-2, R-3 and R-4 Zones, the tree conservation area shall comprise the area along all perimeter property lines for a distance equal to 1/2 of the minimum required building setback (front, side and rear yards), but not less than four feet. See Part 3, Zoning, for specified distances for each zone.
3. The flag staff portion of a flag lot shall be subject to these restrictions.

Tree Conservation Officer

1. The Township Committee shall designate the Tree Conservation Officer.
2. The Tree Conservation shall provide advice to the Shade Tree Advisory Committee for plantings.
3. The Tree Conservation Officer shall provide advice to the Zoning Officer for tree removal.
4. The Township Committee may appoint and designate a Deputy Tree Conservation Officer to perform some or all of the duties of the Tree Conservation Officer when he or she is unavailable to perform the duties and responsibilities described above.

Tree Removal Registration shall mean the document that must be filed with the Township Zoning Officer on the official Township form before a property owner or tenant removes a tree with a DBH of six inches greater.

Tree Removal Permit shall mean that document issued by the Zoning Officer following submission of a Tree Removal Registration which constitutes the Zoning Officer's approval and written permission to remove the tree(s) that is/are the subject of the Tree Removal Registration.

Unhealthy Tree shall mean a tree that is in poor condition or represents a hazard with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and/or its status as a host for plant pest or disease, endangering the tree itself, or other trees or plants, with infection or infestation, that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices.

Zoning Officer

1. With the advice of the Tree Conservation Officer, shall administer and enforce the provisions of Chapter 225, Land Use and Development, Article XXI, §225-111, Tree Conservation, and §225-116 M, Tree conservation.
2. Provide periodic reports to the Township Administrator with respect to permits issued and other actions to be taken to enforce the provisions of the aforementioned Code provisions.
3. Make recommendations with respect to the administration and enforcement of the aforementioned Code provisions to the Township Administrator.

C. Responsible officials; enforcement.

Enforcement Officer. The Zoning Officer, or designee, is hereby authorized to enforce the regulations set forth within this article. The Police Department is authorized to enforce the regulations during non-business hours.

D. Prohibition and requirements with respect to Township Trees.

- (1) It shall be unlawful to commit any of the following acts with respect to Township Trees(s) within parks, public property or within Township rights-of-way without first obtaining a Tree Removal Permit from the Zoning Officer.

- a. Cut, prune, break, injure, alter or remove any tree; or cut, unduly disturb or interfere in any way with any root of a tree or trees.
 - b. Spray any tree with a chemical.
 - c. Fasten any rope, wire, sign, or other device to a tree or trees or to any guard about such a tree or trees.
 - d. Install, remove or injure any guard or device placed to protect any trees.
 - e. Obstruct access of air, water, or fertilizer to the roots of such tree or trees.
 - f. String any wires or lines through a public park.
 - g. Remove any tree without first obtaining written permission from the Zoning Officer pursuant to §225-111 E herein.
- (2) The Zoning Officer shall issue the Tree Removal Permit if the activity for which such permission is requested is in the public interest and, except in the case of removal, is not likely to materially injure any Township Tree. The Zoning Officer shall render his or her decision within 30 days after submission of a tree removal registration for tree removal. Failure of the Zoning Officer to render a decision within such 30-day period or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.
 - (3) Any person or persons who cause damage to any tree(s) by machines, autos, etc. shall be held liable for damages to the tree or trees. Damages shall be corrected or repaired by the liable person or persons billed for the damages and shall be liable for the penalties set forth in §1-3 of this Code.

E. Removal of Township Tree(s).

- (1) Any Township Tree(s) determined to be unhealthy, hazardous or dead by the Zoning Officer may be removed by the Township at the Township's expense. The Township may, in its sole discretion, replace any tree that it removes.
- (2) Any debris from Township Tree(s) falling within or onto any Township right-of-way, shall be removed by the Township at the Township's expense.
- (3) A property owner/tenant may not remove a Township Tree(s) unless he or she first files a tree removal registration and obtains a Tree Removal Permit from the Zoning Officer. Permission to remove healthy Township Tree(s) located in the Township right-of-way immediately adjacent to the property owner/tenant's property may be granted by the Zoning Officer, in his sole discretion, if the following conditions are met:
 - a. The cost of the removal is borne solely by the property owner/tenant.

- b. The property owner/tenant, at his or her sole expense, shall plant a replacement tree in accordance with §225-111 N below.

F. Landmark Tree(s).

- (1) The Shade Tree Advisory Committee or its Chair upon request from the Zoning Officer, after consulting with the Tree Conservation Officer, shall determine whether any tree qualifies as a "Landmark Tree." A tree may qualify as a Landmark Tree if it meets one (1) or more of the following criteria:
 - a. The tree species is rare.
 - b. The tree is more than one hundred (100) years of age.
 - c. The tree is of an abnormal height or has an abnormal trunk diameter or dripline diameter for a tree of its species.
 - d. The quality of the tree foliage is abnormal for a tree of its species.
 - e. The location, shade value, fragrance, erosion control, aesthetic, features or scenic enhancement of such tree is of especial importance to the Township.
 - f. If the property owner(s) of the property on which a Landmark Tree is located consent(s) thereto, the Township may identify such tree as a Landmark Tree by the placement of a suitable marker thereon.
- (2) If and when, any Landmark Tree(s) is/are removed, the Shade Tree Advisory Committee shall arrange for the necessary changes to be made to the official Landmark Tree inventory records and Township Map.

G. Protection of trees on private property and Tree Conservation Area(s).

- (1) Any person wishing to remove one or more trees with a DBH of greater than 6", on private property, including any Tree Conservation Area, shall file a Tree Removal Registration with the Township Zoning Officer in accordance with paragraph I below, which shall include a description of the tree(s) to be removed, their species, their size, their size, their health and their location on the property.
- (2) The failure to file the Tree Removal Registration and obtain a Tree Removal Permit before removing the any tree in accordance with subparagraph G (1) above shall subject the property owner and/or tenant to the penalties set forth in §225-111 P below.
- (3) During any type of construction on the property, trees in the area are to be fenced at the drip line to protect roots during construction.

H. Exemptions from permit requirement and penalties.

The following lands, activities and uses shall be exempt from the terms and conditions of this section and shall also be exempt from any violations or penalties:

- (1) Activities lawfully conducted on public lands or rights-of-way by or on behalf of a local, federal, state, county or other governmental agency or entity or utility company, including the Township of Harding and Harding Township Board of Education.
- (2) Trees removed in compliance with a woodland management plan that has been approved by NJDEP pursuant to N.J.S.A. 54:4-23.3 and N.J.A.C. 18:15-2.7 as part of an approved farmland assessment and that is on file with the Township Tax Assessor.
- (3) Any activity protected by the Right to Farm Act, N.J.S.A. 4:1 C-9 et seq. or any other State statute or regulation in an area in which local regulation has been preempted.
- (4) Trees removed in accordance with approved driveway permit or site plan, or subdivision plan approved by the Township Planning Board or Zoning Board of Adjustment.
- (5) Trees required to be cut down or removed in connection with the installation or maintenance of public utility lines or facilities, approved private waste disposal systems or private wells provided such installation has been approved by the Harding Township Board of Health and/or Township Engineer, as appropriate.
- (6) Trees removed by a commercial nursery or orchard on its own property in the normal course of business.
- (7) The emergency removal of trees that are diseased, severely damaged or that pose an immediate hazard to person or property provided that a tree removal registration is filed with the Zoning Officer within five (5) business days of the actual tree removal.
- (8) The removal, by the owner or tenant of lands lying within the Township of Harding, of dead, dying or structurally unsound trees or tree conditions which are likely to endanger the lives and/or property of persons using public streets or property of the Township of Harding, within thirty (30) days after receipt of written notice from the Zoning Officer to remove same.

I. Permit procedures and appeal process. Whenever a Tree Removal Permit is required in connection with tree removal pursuant to this article, said permit shall be obtained from the Zoning Officer in accordance with the procedures set forth below and the requirements and standards of this article. Any person aggrieved by a decision of the Zoning Officer may appeal his decision to or may request a variance from the Board of Adjustment pursuant to N.J.S.A. 40:55D-70a or 70c, respectively, except in the case of a variance request in conjunction with a subdivision or site plan under the jurisdiction of the Planning Board, whereupon the Planning Board shall hear and decide said variance request pursuant to N.J.S.A. 40:55D-60.

- (1) Any person desiring to cut down or remove any tree or trees which are subject to the provisions of this article shall file a Tree Removal Registration therefor with the Zoning Officer on a form to be provided for said purpose and shall pay the removal registration fee and escrow (if required) set forth in Chapter 171, Fees. Said Tree Removal Registration shall identify the lot or tract of land upon which the tree or trees are located, disclose the name and address of the owner, tenant or duly authorized agent of said owner or tenant and set forth with sufficient specificity for purposes of identification the location of the tree or trees sought to be cut down or removed and the reasons for the request.

- (2) The filing of a Tree Removal Registration shall constitute the applicant's consent to the Zoning Officer, his designee or the Township Engineer for entry upon the land for purposes of inspection. The Zoning Officer, his designee or, at his request, the Township Engineer, shall inspect the site as to the tree or trees sought to be cut down or removed, the drainage and other physical conditions existing on the property and adjoining properties.
- (3) The Zoning Officer may, in his discretion, forward the Tree Removal Registration to the Township Engineer for his review and recommendations in accordance with the standards of this article.
- (4) Except as otherwise provided in Section I(5) below, within 15 days of the filing of the Tree Removal Registration, the Zoning Officer shall endorse his decision upon the Tree Removal Registration and, in the case of partial or complete disapproval, shall set forth the basis for such decision. Any Tree Removal Registration approved, in whole or in part, shall automatically become a Tree Removal Permit in accordance with the terms of said endorsement. Any Tree Removal Permit not acted upon within one year from the date of such approval shall automatically expire.
- (5) Upon the filing of any Tree Removal Registration for the cutting or removal of trees located on any lot or tract for which a removal registration for subdivision or site plan review is required to be submitted to the Planning Board or Board of Adjustment, the applicant shall furnish the Zoning Officer with a copy of the subdivision plat or site plan therefore, and the Zoning Officer may withhold his endorsement pending receipt of written notice of the Board's action with respect to such subdivision or site plan application. Within five days of the receipt of notice of the Board's decision on said subdivision or site plan, the Zoning Officer shall act upon the application as provided above. The permit shall only be issued in accordance with the approved subdivision or site plan.

J. Standards for permit issuance. To the greatest extent practicable, large trees, tree rows and hedgerows should be preserved. In addition, the following factors shall be taken into consideration in determining whether to issue a Tree Removal Permit for tree cutting or removal:

- (1) Whether the area where such tree or trees are located will be occupied by a building or structure, a driveway or recreation area, a roadway, an equestrian (bridle) trail, a drainage right-of-way, sewer line, septic system or well, or whether it is reasonably necessary to regrade the area in relation to any of the foregoing, and further provided that such regraded areas shall be restored and landscaped with suitable ground cover, shrubbery and/or trees after construction.
- (2) Whether the area where such tree or trees are to be cut down or removed is consistent with the approval of any required subdivision or site plan by the Planning Board or Board of Adjustment and any conditions pertaining thereto.
- (3) Whether the cutting or removal would change existing drainage patterns.
- (4) Whether the cutting or removal would allow soil erosion or increase dust.
- (5) Whether the cutting or removal would constitute a significant change in the screening between existing or proposed buildings on adjoining lots.

- (6) Whether the cutting or removal would constitute a horticulturally advantageous thinning of an existing overgrown area, taking into consideration the tree species, size and health of the trees to be removed.
- (7) Whether the cutting or removal would impair the growth and development of the remaining trees on the applicant's property or adjacent property.
- (8) Whether the area where such tree or trees are located has a depression or fill of land which is deemed injurious to such tree or trees, or other trees located nearby.
- (9) Whether the presence of such tree or trees is likely to cause hardship or will endanger the public or the owner of the property on which the tree or trees are located or an adjoining property owner or for some other adequate reason within the intent of this article.
- (10) Any planned tree replacement or other landscape plan for revegetating cleared areas.

K. Display of permit by applicant and contractor, right of entry.

- (1) The applicant shall prominently display on the site the Tree Removal Permit issued such that the permit is easily visible to the general public. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter.
- (2) As a condition for the issuance of the Tree Removal Permit, the applicant shall agree in writing to the entry onto his/her premises by the Zoning Officer, his designee, or at his request, the Township Engineer, as necessary to effectuate the provisions of this article, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required herein.
- (3) To the extent that an applicant utilizes the services of any third-party to remove the trees from the affected premises,

L. Applicability to tree removal companies/contractors; permit required. All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal companies, construction companies or persons, companies or contractors in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefor is in effect, is displayed in accordance with the provisions set forth in paragraph K above and the person, contractor or individual doing the work on behalf of company has a copy of the permit on their person at all times during which the removal work is being performed. Such removal or work that is not performed in accordance with the requirements of this section, shall constitute a violation of this article and shall subject the person or company violating this section to all penalties provided herein.

M. Non-liability of township.

- (1) Nothing in this article shall be deemed to impose any liability upon the Township or its officials, officers or employees or agents or upon the Shade Tree Advisory Committee or any of its members.
- (2) Nothing in this article shall be deemed to relieve the owner and/or occupant of any private property from the duty to keep trees and shrubs thereon in a safe condition.

N. Tree replacement for Township Trees removed pursuant to §225-111 E.

The Zoning Officer, or designee, shall require that any Township Tree(s) removed pursuant to this article, be replaced under the following guidelines:

- a. Trees should be replaced on a 1:1 basis.
- b. Deciduous replacement trees should be a minimum of 2 - 2.5" caliper, balled and burlapped and suitable for Zone 6 and guaranteed for two years.
- c. Evergreen replacement trees should also be balled and burlapped and of a minimum size of 7' -8' in height and suitable for Zone 6 and guaranteed for two years.
- d. When appropriate, the Zoning Officer, or designee, may permit the planting of hedges or other screening as an alternative to replacement tree(s) if same would provide a more suitable visual barrier and/or better serve the purpose of this section.
- e. The preferred tree replacement locations should be on the actual tree removal site, however in lieu of providing a replacement tree on site, an applicant may request that the Zoning Officer allow the applicant to contribute \$400 per tree to the Township Tree Trust Fund as established by §225-111 O herein.

O. Township tree trust fund.

- (1) Tree Trust Fund. All contributions to the township tree trust fund pursuant to §225-111 N (e) above shall be deposited in a separate interest-bearing tree trust fund. All interest accrued in the tree trust fund shall only be used on eligible tree replacement and maintenance activities.
- (2) Use of the Money. The township may use revenues and interest collected from the tree trust fund for any purpose which promotes the planting and maintenance of trees in the Township. Such activities include, but are not limited to, planting trees in township rights-of-way, township parks and on other public lands.
- (3) Expenditure of funds from the tree trust fund shall be approved by resolution of the governing body.
- (4) Failure of owner to plant required trees within twenty-four (24) months of the deposit being made with subject the deposit to be forfeited to the Township. The Township will use forfeited funds solely for planting requested by Shade Tree Commission within the Township.

P. Violations and Penalties.

Any person/entity violating or causing to be violated any of the provisions this article shall be subject to the penalties set forth in Article I, §1-3 of the Township Code. Any person removing or destroying any Township Tree(s) in violation of this article shall replace each tree destroyed or removed with another tree of the same species or a species approved by the Zoning Officer, at least two inches in diameter measured at a point four feet above the ground. Each tree destroyed or removed in violation of this article shall be considered a separate offense. Failure to file a Tree Removal Registration prior to removal or

destruction of a tree on private property as required by § 225-111 G shall be a violation of this article. Notwithstanding the provisions of Article I, §1-3 B of the Township Code, the minimum fine for a violation of this article shall be \$1000. Each day said violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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

Section 3. This Ordinance shall take effect upon final passage and publication according to law.

Section 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

Section 5. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Township Clerk

By: _____
Timothy D. Jones
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #07-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 7, ARTICLE IV
OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §7-37.3 ENTITLED
“SHADE TREE ADVISORY COMMITTEE”**

WHEREAS, the Township Committee, based upon revisions being made to §225-111 of the Township Code, have determined that it is necessary to amend §7-37.3 of the Township Code to ensure consistency between the two sections and to make other clarifying amendments.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY THAT §7-37.3 OF THE TOWNSHIP CODE BE AND IS HEREBY AMENDED AS FOLLOWS (deletions have strikethrough; additions are bolded and underlined):

SECTION 1. § 7-37.3 Shade Tree Advisory Committee.

- A.** Establishment. An advisory committee to be known as the "Shade Tree Advisory Committee" is established to assist and advise the Township Committee and Township departments with respect to the planting, ~~care and control~~ of trees and shrubbery in public places owned, leased or managed by the Township. In addition, the Shade Tree Advisory Committee shall assist and advise Township boards and commissions in matters related to plantings on public and private property that may come under the responsibilities of such Township boards and commissions. ~~The Shade Tree Advisory Committee shall also have the duties and responsibilities set forth in Article XXI, entitled "Tree Conservation," of Chapter 225 of this Code and such other duties and responsibilities as shall be conferred by the Township Committee or Township ordinance.~~
- B.** Membership.
- (1) The voting membership of the Committee shall consist of one representative from each of the following organizations:
- (a) ~~The New Vernon Garden Club.~~ **The Harding Township Environmental Commission.**
 - (b) The Harding Township Historical Society.
 - (c) ~~The Harding Township Environmental Commission.~~ **The New Vernon Garden Club.**
- (2) In addition, the following individuals shall serve as voting members on the committee:
- (a) The Township Administrator; **or designee.**
 - (b) The ~~Superintendent~~ **Director** of Public Works.
 - (c) One representative from the general population of the Township.

(d) Arborist or other certified tree expert.

- (3) A member of the Morris County Shade Tree Commission and/or other qualified experts may also serve as advisory members of the Committee.

C. *No change.*

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

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

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

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

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Municipal Clerk

Timothy D. Jones
Mayor

INTRODUCED: June 20, 2022
PUBLIC HEARING:
ADOPTION:

ADVERTISED: June 23, 2022
ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #08-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225
PART 3 (ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, BY
RESCINDING AND RESPLACING §225-116 D (2) TO MODIFY SETBACK
REQUIREMENTS FOR SMALL PLAY STRUCTURES**

WHEREAS, the Township of Harding has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Harding through the adoption of the Harding Township Code Chapter 225 has established Land Use and Development Regulations; and

WHEREAS, children's play structures are required to satisfy the setback limitations for the zone in which the lot is situated; and

WHEREAS, the existing setback requirements for children's play structures has required residents to obtain variances from the Zoning Board of Adjustment for small structures that are not comparable in size to other permitted structures that are similarly regulated; and

WHEREAS, the Township Committee has determined that it is in the best interest of the general welfare to clarify the regulations associated with children's play structures in the interest of clear and equitable regulations regarding the use and location of such structures.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1: §225-116.D (2) of the Code of the Township of Harding be and is hereby rescinded and replaced as follows:

- (2) Unless otherwise noted, all open children's play structures, play houses, and tennis or other non-temporary recreation courts shall comply with all of the setback limitations of the zone in which the lot is situated. However, open children's play structures that have a rectangular footprint of less than 250 feet and a height of 12 feet or less shall be subject to a setback requirement of one-half of the normally required setback distance or 10 feet, whichever is greater.

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

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

SECTION 4: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Municipal Clerk

Timothy D. Jones,
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #09-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY ARTICLE
XXIV, §225-122 ENTITLED “BULK REGULATIONS” TO CLARIFY CERTAIN
PERMITTED BUILDING AREA AND SETBACK REQUIREMENTS**

WHEREAS, the Township of Harding has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Harding through the adoption of the Harding Township Code Chapter 225 has established Land Use and Development Regulations; and

WHEREAS, the permitted building area and setback requirements for structures within the R-1 Zone (also applicable to the RR Zone) are contained in two different sections of the Code (§225-122.C. and §225-122.F.(1)); and

WHEREAS, the Zoning Officer has advised that the current codification of the permitted building area and front setback requirements has led to some confusion by residents seeking to obtain Zoning Permits for new buildings; and

WHEREAS, the Township Committee has determined it is in the best interest of the general welfare to clarify the permitted building area and setback requirements within these zones.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 225, Article XXIV, §225-122 of the Code of the Township of Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

SECTION 1: §225-112 Bulk regulations.

A. *No change.*

B. *No change.*

C. Maximum building area. The maximum building area shall be as follows (see Subsection F for additional restrictions):

(1) Three percent of lot area for lots where any structures are set back less than 150 feet from the front lot line or road line; ~~or up to a maximum of 3,920 square feet.~~

(2) – (4) *No changes.*

D. *No change.*

E. *No change.*

F. Minimum setbacks. All structures must be set back at least 100 feet from any lot line or road line except as modified by the building area limitations set forth below:

**HARDING TOWNSHIP
ORDINANCE #09-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY ARTICLE
XXIV, §225-122 ENTITLED “BULK REGULATIONS” TO CLARIFY CERTAIN
PERMITTED BUILDING AREA AND SETBACK REQUIREMENTS**

~~(1) The minimum setback from the front lot line or road line to all structures shall be increased to 150 feet when the total building area on the lot exceeds 3,920 square feet.~~

~~(21)~~ In the case of a lot having frontage on more than one road, the minimum front setback restriction shall apply to all portions of the lot having frontage on a road.

~~(32)~~ Notwithstanding the provisions of Subsection ~~FC~~(1) above, in the case of a flag lot, the minimum setback distance for the front, side, and rear yards shall be 100 feet.

G. *No change.*

H. *No change.*

SECTION 3: At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 4: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 5: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 6: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**HARDING TOWNSHIP
ORDINANCE #09-2022**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY ARTICLE
XXIV, §225-122 ENTITLED “BULK REGULATIONS” TO CLARIFY CERTAIN
PERMITTED BUILDING AREA AND SETBACK REQUIREMENTS**

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp
Municipal Clerk

Timothy D. Jones,
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #10-2022**

**AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HARDING,
SPECIFICALLY §225-5 ENTITLED “DEFINITION” IN PART I, ARTICLE II; §225-141 ENTITLED
“PERMITTED USES” IN ARTICLE XXIX B-1 HISTORIC BUSINESS ZONE, §225-145 ENTITLED “USE
REGULATIONS” IN PART 3, ARTICLE XXX; AND §225-148 ENTITLED “USE REGULATIONS” IN PART 3,
ARTICLE XXXI**

WHEREAS, the Township of Harding, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) prepared a Master Plan Reexamination Report, dated October 2020 in order to review and evaluate the Township’s Master Plan and Development Regulations to determine the need for updates and revisions; and

WHEREAS, the Township of Harding Planning Board adopted the Master Plan Reexamination Report on October 26, 2020; and

WHEREAS, the Master Plan Reexamination Report recommended certain amendments to the Township’s B-1 Historic Business, B-2 Business, and OB Office Building zoning districts; and

WHEREAS, one of the recommendations was that Electric Vehicle Charging Stations be permitted accessory uses in the B-1 Historic Business, B-2 Business, and OB Office Building zoning districts.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 225, and specifically §225-5, §225-141 C, §225-145, §225-148 of the Code of the Township of Harding be and are hereby amended as follows (deletions have strike through; additions are bolded and underlined):

SECTION 1. §225-5 Definitions.

Unless specifically defined below, or in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), or in the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.), or in New Jersey's Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.), words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage unless the context clearly indicates a contrary intent.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT OR (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. “EVSE” is synonymous with “electric vehicle charging station.”

MAKE-READY PARKING SPACE: The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

**HARDING TOWNSHIP
ORDINANCE #10-2022**

**AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HARDING,
SPECIFICALLY §225-5 ENTITLED “DEFINITION” IN PART I, ARTICLE II; §225-141 ENTITLED
“PERMITTED USES” IN ARTICLE XXIX B-1 HISTORIC BUSINESS ZONE, §225-145 ENTITLED “USE
REGULATIONS” IN PART 3, ARTICLE XXX; AND §225-148 ENTITLED “USE REGULATIONS” IN PART 3,
ARTICLE XXXI**

SECTION 2. §225-141 Permitted uses.

In the B-1 Historic Village Business Zone, no building, structure or premises shall be used, erected, or altered except for the following permitted uses:

A. - B. *No change.*

C. Accessory uses, buildings, and structures. Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space and other accessory uses, buildings, and structures that are incidental to the principal use(s) shall be permitted. All accessory buildings and structures, including garages, sheds and storage buildings, shall comply with yard setbacks, floor area ratio limitations and buffer requirements. With the exception of Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space, HVAC and energy-related structures or generators, no accessory building or structure shall be located closer than 10 feet to any other structure. No accessory building or structure shall exceed 25 feet in height.

D. – H. *No change.*

SECTION 3. §225-145 Use regulations.

In the B-2 Business Zone, no building, structure or premises shall be used, erected or altered except for the following permitted uses:

A. – B. *No changes.*

C. Accessory uses, buildings and structures. Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space, and other accessory uses, buildings and structures that are incidental to the principal use(s) shall be permitted. All accessory buildings and structures, including garages, sheds and storage buildings, shall comply with yard setbacks, floor area ratio limitations and buffer requirements. With the exception of Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space, HVAC and energy-related structures or generators, no accessory building or structure shall be located closer than 10 feet to any other structure. No accessory building or structure shall exceed 25 feet in height.

SECTION 4. §225-148 Use regulations.

In the OB Zone, no building, structure or premises shall be used, erected or altered except for the following uses:

A. – E. *No changes.*

F. Accessory uses, buildings and structures. Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space and other accessory uses, buildings and structures that are incidental to the principal use(s) shall be permitted. All accessory buildings and structures, including garages, sheds and storage buildings, shall comply with yard setbacks, floor area ratio limitations and buffer requirements. With the exception of Electric Vehicle Supply/Service Equipment, Make-Ready Parking Space, HVAC and

**HARDING TOWNSHIP
ORDINANCE #10-2022**

**AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HARDING,
SPECIFICALLY §225-5 ENTITLED “DEFINITION” IN PART I, ARTICLE II; §225-141 ENTITLED
“PERMITTED USES” IN ARTICLE XXIX B-1 HISTORIC BUSINESS ZONE, §225-145 ENTITLED “USE
REGULATIONS” IN PART 3, ARTICLE XXX; AND §225-148 ENTITLED “USE REGULATIONS” IN PART 3,
ARTICLE XXXI**

**energy-related structures or generators, no accessory building or structure shall be located closer than
10 feet to any other structure. No accessory building or structure shall exceed 25 feet in height.**

SECTION 5. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 6. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 7. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 8. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Township Clerk

Timothy D. Jones,
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #11-2022
AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED “GENERAL
REGULATIONS” TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR
CONDITIONING CONDENSERS/HEAT PUMPS**

WHEREAS, the Township of Harding, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) prepared a Master Plan Reexamination Report, dated October 2020, to review and evaluate the Township’s Master Plan and Development Regulations to determine the need for updates and revisions; and

WHEREAS, the Township of Harding Planning Board adopted the Master Plan Reexamination Report, dated October 2020 on October 26, 2020; and

WHEREAS, the Township Code currently includes exemptions for standards related to emergency generator but does not currently include any exemptions for heating, ventilation, and air conditioning units/heat pumps; and

WHEREAS, this has created an issue for homeowners that desire to upgrade their air conditioning units/heat pumps; and

WHEREAS, due to these created issues, the Master Plan Reexamination Report recommended updating the Township Code so that the standards for emergency generators would apply to other residential mechanical equipment such as air conditioner condenser pads.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 225, Article XXI, §225-116 of the Code of the Township of Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

SECTION 1. §225-116 General Regulations.

A. – O. *No changes.*

P. Emergency generators, **air conditioning condensers and heat pumps**. Notwithstanding the provisions of § 225-116D(6), emergency generators, **air conditioning condensers and heat pumps** may be located outside the building envelope on lots in the RR, R-1, R-2, R-3, R-4 and B-2 Zoning Districts subject to the following:

- (1) These provisions only apply to emergency generators, **air conditioning condensers and heat pumps** having: a footprint, including the pad, not exceeding 20 square feet **per unit**; and a height not exceeding four feet.
- (2) The emergency generator, **air conditioning condenser or heat pump** shall not be located in front of the principal building on the lot.
- (3) No portion of the emergency generator, **air conditioning condenser or heat pump** and pad may be located more than 20 feet from the principal structure on the lot.

**HARDING TOWNSHIP
ORDINANCE #11-2022
AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED “GENERAL
REGULATIONS” TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR
CONDITIONING CONDENSERS/HEAT PUMPS**

- (4) The emergency generator, **air conditioning condenser or heat pump** shall not be located within the required tree conservation area on a lot in the RR, R-1, R-2, R-3 or R-4 Zoning District as follows:
- (a) RR and R-1 Zones:
- [1] Minimum side and rear setbacks: 25 feet.
 - [2] Minimum front setback: 50 feet (but not in front of the principal structure).
- (b) R-2 Zone:
- [1] Minimum side setback: 10 feet.
 - [2] Minimum rear setback: 12.5% of the lot depth up to 25 feet.
 - [3] Minimum front setback: 25 feet (but not in front of the principal structure).
- (c) R-3 Zone:
- [1] Minimum side setback: five feet.
 - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
 - [3] Minimum front setback: 17.5 feet (but not in front of the principal structure).
- (d) R-4 Zone:
- [1] Minimum side setback: four feet.
 - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
 - [3] Minimum front setback: 12.5 feet (but not in front of the principal structure).
- (5) The emergency generator, **air conditioning condenser or heat pump** shall have minimum setbacks in the B-2 Zone of 25 feet from all lot lines (but not in front of the principal structure).
- (6) The emergency generator, **air conditioning condenser or heat pump** shall be appropriately screened/buffered by non-deciduous plantings (subject to seasonal planting timing limitations) and/or a fence so as to minimize visibility from all lot lines from which the setback is less than the minimum applicable to buildings and structures.
- (7) The exercise of any emergency generator shall only occur on Monday to Friday and between the hours of 10 a.m. and 4 p.m. and for a duration not to exceed twenty (20) minutes.**

Q. *No change.*

**HARDING TOWNSHIP
ORDINANCE #11-2022
AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED “GENERAL
REGULATIONS” TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR
CONDITIONING CONDENSERS/HEAT PUMPS**

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

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

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Township Clerk

Timothy D. Jones,
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #12-2022
AN ORDINANCE OF THE TOWNSHIP OF HARDING ACCEPTING CONSERVATION
EASEMENT**

WHEREAS, Willcoop, LLC, having an address at 105 Sand Spring Road, Morristown, New Jersey 07690 (the “Grantor”) is the owner in fee of certain real property located at 1 Post House Road and designated as Lot 1, Block 33.03, in the Township of Harding, County of Morris, and State of New Jersey (the “Property”); and

WHEREAS, the Property was the subject of a preliminary and final major site plan and waiver application filed on behalf of the Grantor by Environmental Approach, Inc., a related entity of Grantor, which application was approved by Resolution adopted by the Harding Township Planning Board (“Board”) on December 20, 2021 (“Approval”); and

WHEREAS, the approved site plan is entitled “Environmental Approach Preliminary & Final Site Plan, Retail Garden Center, 1 Post House Road & Mt. Kemble Ave. (State Hwy 202), Lot 1, Block 33.03, Township of Harding, Morris County, New Jersey” prepared by Yannaccone, Villa and Aldrich, LLC (“YVA”) dated September 15, 2021, and last revised February 28, 2022 (“Site Plan”); and

WHEREAS, in connection with such Approval, Grantor was required to and agreed to subject a portion of the Property to a Conservation Easement in favor of the Township of Harding and in recognition of environmental values and consistent with the requirements and purposes of the Harding Township Land Use and Development Ordinance and the New Jersey Conservation Restriction and Historic Preservation Restriction Act, N.J.S.A. 13:8B-1 et seq.; and

WHEREAS, the Township Committee has determined that in furtherance of the conditions of the Approval, and in accordance with the Township’s Land Use and Development Ordinance, to accept the conveyance of the Conservation Easement for the Property, in the form attached hereto, upon final execution and recording in the Office of the County Clerk, Morris County, New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, that it does hereby accept conveyance of a Conservation Easement from Willcoop, LLC, in the form attached hereto, upon final execution and recording in the Office of the County Clerk, Morris County, New Jersey.

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

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

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

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a

**HARDING TOWNSHIP
ORDINANCE NO. 14-2022
AN ORDINANCE OF THE TOWNSHIP OF HARDING ACCEPTING CONSERVATION
EASEMENT**

separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, RMC
Township Clerk

Timothy Jones,
Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

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

**HARDING TOWNSHIP
ORDINANCE #13-2022**

CAPITAL ORDINANCE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE TOWNSHIP AND APPROPRIATING THEREFORE THE SUM OF \$70,000

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

Section 1. The Township of Harding, in the County of Morris, New Jersey (the "Township"), is hereby authorized to make the following public improvements and acquisitions in, by and for the Township, including all work, materials and appurtenances necessary and suitable therefore:

CAPITAL IMPROVEMENT FUND

Projects	Estimated Costs
a. Acquisition and installation of a truck lift at Public Works	\$ 55,000
b. Interior and exterior improvements at Township Facilities	\$ 15,000
Total from Capital Improvement Fund	\$ 70,000

Section 2. The aggregate sum of \$70,000 is hereby appropriated from the Capital Improvement Fund of the Township to the payment of the costs of the improvements and acquisitions authorized and described in Section 1 hereof.

Section 3. Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget of the Township is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and is available there for public inspection.

Section 5. This capital ordinance shall take effect after final passage and publication as required by law.

ATTEST

TOWNSHIP OF HARDING

Lisa A. Sharp, Municipal Clerk

Timothy D. Jones, Mayor

INTRODUCED: June 20, 2022

ADVERTISED: June 23, 2022

Vote on Introduction:

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