

**From:** [bruce\\_paterson](#)  
**To:** [Christina Ariemma](#)  
**Cc:** [REDACTED]  
**Subject:** TA/BA: Letter to M&C ref 20-07 Landscape ordinance  
**Date:** Tuesday, July 14, 2020 1:13:03 AM

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07/13/2020

Bruce Paterson

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ATTN: Garwood M&C, professionals

Ref: My public comments on the Landscape ordinance #20-07

Email: TA/BA

[c-ariemma@garwood.org](mailto:c-ariemma@garwood.org),

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Dear Garwood Mayor, Council and professionals,

First I must apologize for allowing this ordinance to get this far without my sending you this critical input. And it was only in good fortune that it was tabled due to the usurious and unwarranted insurance regs within.

I acknowledge that much time, effort, resources and cost were performed by the committees and professionals to have it placed in the public domain. Thank you for providing the opportunity for me to speak on it at the council meeting of July 9th, 2020 and as noted i would send a letter.

At that meeting I requested that this ordinance regretfully be "scrapped", or at the very least a major revision is needed, based on my following comments.

I do agree with councilman McCormack's issues as to "why is it being done now?" this is an "overreach of government" and that "there is no list of complaints to have", all valid but these points do not figure into my commentary. In fact as an aside, all major proposed ordinances such as this landscape/lawn maintenance and the upcoming 2 tenant rights ordinances should be tabled and rescheduled until normal council meetings are restored and the public has full access and transparency for tet-e-tet at the council meetings. Also i agree with resident Bartolick about this being just more burden on the public workers, but again, this does not go toward my commentary.

I do support government being proactive towards issues; which someone mentioned this ordinance is. However, my support of proactivity is solely in concerns of getting up front in health, safety and welfare issues of the public, IMO actually the underlying reasons our government exists to serve. This ordinance does not fit that postulation.

My concerns and comments are as follows:

\*In the first "whereas" the word "commercial" is noted, but i see no further definition of exactly what commercial is. IMO, if a company is considered commercial, then it already meets the formal state covenants of being commercial and therefore does not need anymore regulations placed on it by this ordinance.

\*In the first "whereas" the term "lawn maintenance" is used. This is not defined either. If it is simply someone cutting the lawn then this ordinance is too vague, despite it mentioning some conditions in para 71-131b.

\*In para 71-131b, one condition is the age of 22 years old and younger as an exemption of lawn maintenance people. How did that age limit come about? Another criteria is, equipment must not be carried by a motorized vehicle to be exempt. If a youth, between 18 and above with a drivers license, has to cut a neighbors lawn blocks down the street, wouldn't you think he would put the lawn mower in the trunk of his car or back of his SUV along with the gas can and other implements, bags, consumables, etc. used for lawn maintenance. I did when i was young. A position example is right below:

-- I know of 2 residents one is 23 and one is around 50, both are simply cutting lawns, both carry the mower and implements in back of their Jeeps or a small trailer. There are probably other residents also since everyone needs extra pocket change to get by in this "overpriced state". These people are now viewed criminal in the ordinance's eye.

\*Enforcement: How will this ordinance be enforced. If there is an enforcement officer as you previously noted, how can this officer cover the 64 blocks of this town each and every day, morning and afternoon being on the lookout for transgressors. If this officer sees a person cutting the lawn, is she getting out of the car and asking them for their permit. What about the 1000+ homeowners or their sons and daughters, who may be 25 years old, who are cutting their own lawns, do they look suspicious? Who gets a pass and who doesn't? Ongoing and proactive type enforcement will be capricious since transgressions most likely can only be caught afterwards. To be considered fair and equitable in enforcement every person with a lawnmower whirring away needs to be checked.

\*I had asked when this will go into effect, and since it was tabled for amending, it was explained as the second time, the ordinance again is intro, then read and voted on then there is a time lag as to publishing. This puts it likely at the end of August at the earliest, possibly into September with the time lag to get it in the proper commercial channels; therefore, very late in the season. This ordinance can simply wait till next lawn season approaches, even do it maybe early in 2021.

\*How are we retrieving a list of companies to notify? If we miss notifying some, this could unfortunately be considered favoritism and arbitrary. Some may come from a long distance.

\*Contractor proof: The Police chief mentions that many vehicles have no labels on the sides, but later mentions vehicles may or may not have commercial plates. In other words, labels make no difference since enforcement of transgressor can certainly be done through tracking of license plates.

\*Insurance-Usually the homeowner carries insurance on their home and property that would cover instances of contractors on property.

\*Homeowners: I had quickly noted that it is a simple fact that the homeowners are responsible for hiring any and all construction and maintenance type contractors for their property. They know who they hired, they called them. The homeowner could easily tell them the "no-no's". If there is a complaint by a neighbor, like any complaint a public employee/officer would come to the homeowner to talk to them and the person who lodged the complaint would remain anonymous. That is the procedure already in place. In fact, no one has an idea if the contractor did it or the homeowner did the transgression of blowing the detritus into the street, since it is after the fact. And if its noise, then we have noise ordinance already on the books. The excuse of the homeowner is not home is irrelevant and capricious for proof of the need for this ordinance. In fact the homeowner is responsible for the right of way to the street and the curb in front of their home should be included. And if leaf season, isn't it the homeowner who is responsible for all their property's leaves to be in bags? If anything, you need to scrap this existing ordinance for a more simpler one, and then forward it to all homeowners for their knowledge and compliance.

\*Snow Plowing: I mentioned, what about snow plowing of homeowner properties, and you asked me to clarify this. Just like landscapers in the summer, there are hired contractors to plow out driveways and

walk ways of the homeowners, (BTW possibly the same contractors). They may plow the snow out into the street causing hindrance to drivers already stressed from the snow covered streets. Or they push the snow across the street against the other curbside where other homeowners suddenly have larger snow banks to contend with. Like the landscapers ordinance, you "attack" one contractor you have to address all the seasonal contractors. And all my same points listed apply with the same validity.

These points when compiled show that this ordinance is too arbitrary, unenforceable, wrong-directed. It looks nice on paper. The council noted that other towns have similar ordinance. What was probably not followed up is how well was it being enforced or even could it be enforced or was it pretty much toothless since discovery was too much "after-the-fact" and in many instances may have been too late to be proved. And don't forget the beleaguered residents who may be cutting their neighbors and friends lawns for extra money. Are you going to deprive people of this subsistence? To reiterate, please "scrap" this.

I am available for any further discussion if need be.

Thank you for your attention,

**Bruce Paterson**

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