

- Regular  
Preside      The regular meeting of the Township Committee of Harmony Township, Warren County, New Jersey was called to order by Mayor John H. Burdge. Mayor Burdge made the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to The Star-Gazette, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by Mayor Burdge.
- Roll Call      Present were Mayor John Burdge, Committeewoman Abigail Postma, Committeeman Louis Mattei, Attorney Sieglinde Rath, Zoning Officer John Fritts and Engineer Nevitt Duveneck.
- Public  
Comment      No Public Comment
- Reports      Municipal Attorney presented the following report:
- Attorney      The following is an update on the matters in which the Municipal Attorney has been involved at the Township’s request:
- Fee Ordinance  
                  An Ordinance which amends Chapter 89 entitled “Fees” has been provided to the Clerk for introduction and adoption. This Ordinance was amended to reflect an increase charge for certified copies of vital records and incorporates OPRA in the event portions of any vital record must be redacted or are not subject to release.
- Aramark Contract  
                  On March 30, 2005, a letter was forwarded to the District Manager for Aramark indicating that the Township had no authority to enter into a Contract for uniform services for a period of five years which is the time period appearing in the Contract. By Statute, we are limited to a three year Contract. I indicated that we would be terminating the Contract as same is void by official action at the April 5, 2005 meeting. I have not heard from any representative from Aramark and I request that action be taken to terminate the Contract.
- Lease with Stryker Construction  
                  On March 7, 2005, I indicated by letter to the Mayor and Committee that the Lease is subject to the bid Statute and outlined the procedure to be followed in that letter. I would recommend that we send a letter to the lessor advising them of the situation and their right to participate in the bid process and initiate the bid process immediately.
- OPRA Ordinance  
                  I have prepared an Amended Ordinance which includes broader language with respect to which records and portions of same are available to the public. There are many exemptions and they can change. Therefore, I would recommend that we no longer list the exemptions, but make a reference to the fact that our Clerk shall permit inspection, copying and redaction in accordance with the Statute.

### Taffner Drainage Issue

I have reviewed the documents from Probe Lawyers Service and discussed the matter with Jim Pence at Probe. It is our opinion that the Township does not own or have any responsibility for the subject easements. At the present time, the developer of the property still owns these easements. I do not recommend that the Township take any action to acquire these easements and incur further costs and responsibility for maintenance of same.

Ms. Taffner was advised by my office that she has the right to come to the Township Committee meeting to express any concerns she may have. At this juncture, it is a private nuisance matter between the landowners with the exception that we can notify the County Health Department to enforce our Litter Ordinance. It is my understanding that this has been done. I would recommend that the Litter Ordinance be revised in Section 113-16 to reflect that the Board of Health make take action with respect to litter on private property which is occupied. The Ordinance presently reads that the Board of Health has power to enforce the Ordinance with respect to owners of any "open or vacant" private property. Obviously, open must mean something other than vacant, however, it would not be difficult for a homeowner to challenge the Ordinance as being unenforceable against them as written since the language is not clear.

Finally, I received the Taffner letter of March 30, 2005 wherein they indicate that some work needs to be done with respect to dirt remaining around the drainage pipe. I would suggest that to the extent this is the responsibility of your public works department because of original repairs, that they complete same.

### Steckel Conveyance

On March 9, 2005, a letter was forwarded to Steckel Concrete Co. indicating that the Township did not wish to proceed with the acquisition of the property. I received a call from Orville Smith regarding my letter and returned his call. I have not heard anything further.

### Unified Bankruptcy

The bankruptcy was initiated by the filing of a Petition on January 31, 2005. A recent Order was granted authorizing the Trustee, the individual who manages the case for the Court and has broad powers with respect to the Debtor's assets and Creditors, to obtain additional funds from a financial institution to help manage the property and pay expenses during the bankruptcy.

I have been advised that there are substantial pre-petition and post-petition real estate taxes due on the property. The pre-petition tax liens, which include those for 2005 since the petition was filed after January 1<sup>st</sup> of this year, the date they became fixed and owing, are to be treated as liens against the property and have to be satisfied at the time of a sale of the property. Post-petition taxes due are not treated as liens, but as administrative expenses to be paid out of the bankruptcy estate. I have a call into the two attorneys who represent the Trustee in this matter. They are both on vacation with one returning Monday, April 11, 2005. I want to ascertain exactly what the intent is with respect to the property and how much additional funding they will be obtaining since it could affect our ability to be paid the taxes due us. The hearing is April 26, 2005 on obtaining additional financing and I do not anticipate that we will be filing any opposition.

I have sent a letter to Joe Hriczak, the Tax Collector, to provide me the information necessary for the Proof of Claim form which has to be

filed. I will coordinate having this filed and update after I have spoken with the Trustee's attorney.

#### Employee Handbook & Personnel Manual

Kelley had provided me with a draft Manual for Harmony. I have converted the Manual into a Handbook document as well as the original Manual document. The intent is that the Handbook will go to all employees and the Manual will go to supervisory employees. The model is based on a document from an insurer for several local municipalities. I suggest that the Committee review same with Kelley's input regarding Township policies before we finalize the documents for distribution.

Moved by Burdge seconded by Postma to accept Attorney's Report. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: None

Engineer Municipal Engineer presented the following report:

#### ROTONDI / HARMONY COMPOST

Our office shall perform an inspection and submit a verbal report for the upcoming meeting.

The Warren County Planner, Dave Dech, requested input from the Committee regarding the revision of the 10,000 cubic yard brush limitation contained within the Solid Waste Management Permit for this facility. The Committee should render an opinion to the County regarding this issue.

#### RIDGE ROAD SPEED LIMIT

The NJDOT approved the speed limit for Ridge Road. Our office will coordinate w/Jim Fox relative to additional signage required for the roadway. The Township will now need to pass an Ordinance covering the new speed limit to forward to the NJDOT.

#### 2004/2005 JUNKYARD LICENSE (Shandor's Junkyard)

The Committee approved the 2005 Junkyard Permit for the facility at the April 14 Committee meeting. It is our understanding that a resolution is to be passed at the upcoming Committee meeting.

#### TJALMA FARMLAND PRESERVATION SURVEY

On Friday, April 29, 2005, our office attended a meeting with the mayor, attorney Edleston, Mr. Tjalma and his counsel to discuss the contract price for the purchase of development easement rights to the property. The results of the negotiations appear to be positive.

#### STATE STORMWATER MANAGEMENT REGULATIONS

- The first step will be to adopt a Stormwater Management Plan within one (1) year of the effective date of the Township's permit from the State which would have been April 1, 2005.
- Our office is currently developing a stormwater management plan and has met with the NJDEP coordinator and discussed the progress and timing for adoption of the plan. We expect to have a stormwater management plan ready for adoption in the near future.

#### LIVABLE COMMUNITIES GRANT MUNICIPAL CAPITAL IMPROVEMENT PROJECTS

On behalf of the Township, our office submitted a grant application in the amount of \$200,000.00 to assist in the purchase of the new DPW truck as well as, the potential to purchase a new street sweeper in the future should the Township approve such a purchase.

Our office has attempted to contact the office of smart growth and requested an update on this grant program as it relates to the Township's application. We hope to have an answer prior to the upcoming meeting.

#### LIVABLE COMMUNITIES GRANT APPLICATION

On behalf of the municipality our office revised and submitted the 2004 grant application in the amount of \$75,195.00 for replacement of playground equipment for the municipal park as a 2005 grant application. The Township received confirmation that the application is being processed and project grants announcement should be made in December.

Our office has contacted the NJDEP to request an update on this grant program as it relates to our application. The results are that the initial funding (1 out of 8 applications) has been awarded and Harmony Township was not selected for funding. There remains a small amount of funds in the program; therefore, there is still a chance that the Township's application may receive favorable consideration. Final award letters would be sent by the middle of June.

#### UNIFIED ENVIRONMENTAL (HYDROPRESS) ENVIRONMENTAL CONCERNS

French and Parrello Associates has submitted a report dated, December 2, 2004 that evaluated the site for environmental concerns. The report makes specific recommendations regarding soil sampling and other observations. It is our understanding that the Harmony Township Environmental Committee has petitioned the NJDEP to perform soil testing at this site and the adjacent Harmony Dale Farms. If the NJDEP does not test the site, it would be our recommendation that the Township consider requesting that French and Parrello perform the recommended testing at the site. Our office looks to the Committee for your direction in this matter.

#### ROXBURG HILL ROAD REPAIR

As a result of storm damage from the April storm event to the drainage drainage ditch above the storm sewer piping installed last year, Lehigh Valley Site Contractors has completed a certain amount of bank stabilization. The contractor is scheduling the final paving in the near future.

#### HARMONY STATION EMERGENCY DRAINAGE REPAIR

Our office submitted an application to the NJDEP for a Stream Encroachment Permit to stabilize the banks of the drainage ditch. The contractor has completed approximately 80% of the construction and as a result of the lack of an approved stream encroachment permit; the NJDEP has placed a stop work order on the project. The NJDEP did allow for stabilization of the banks however, they will not allow work to continue until an approval is granted.

#### FEMA FLOOD MITIGATION GRANT PROGRAM

Our office submitted a Hazard Mitigation Grant Application to the State Police Office of Emergency Management by the April 15, 2005 deadline. It appears that there will be additional information required to complete the application. In addition, there appear to be more interest in applications that may be submitted under the current application.

#### GROUP STREAM ENCROACHMENT PERMIT

It is our understanding that all 10 applications have been approved.

#### NEW JERSEY MUNICIPAL TRUST FUND GRANT PROGRAM

Our office submitted two applications for consideration to the NJDOT. Priority #1 is for Wester/Decker Road drainage and reconstruction. Priority #2 is to install storm sewer drainage on Montana Road.

TAFFNER DRAINAGE ISSUE

The mayor and I met with Ms. Taffner to discuss her concerns with the drainage to the rear of her property. It appears that a resolution to Ms. Taffner's concerns have been reached.

SPRING AND FALL CLEAN-UP

Our office was authorized to develop bid specifications for the Spring and Fall Clean-up Days set for May 13<sup>th</sup> and 14<sup>th</sup> and October 14<sup>th</sup> and 15<sup>th</sup>. The bid has been advertised with a bid opening of May 10, 2005. With the short time, 4 days from the bid opening, to the actual date of the scheduled Spring Clean-up, the Committee should consider a special meeting to award the contract as soon as possible after the bid opening.

OIL AND CHIP PROGRAM

The Township's oil and chip program for 2005 has been prepared and has a bid opening of May 19, 2005 and should be in a position for award at the June Committee meeting.

HARMONY SAND AND GRAVEL 2005 QUARRY PERMIT

Our office is in receipt of a landscape plan for the site, which was the primary reason that the quarry permit was extended for a month. At this juncture, the Planning Board engineer must review and approve the landscape plan in conjunction with the site plan approval for the site. I have spoken with Jim Dodge and he indicated that they may have a review report available prior to the upcoming Committee meeting. It is my understanding that there are few concerns relative to the landscape plan that was submitted. Therefore, the 2005 Quarry Permit may be in a position for action at the upcoming Committee meeting.

Moved by Burdge seconded by Postma to accept Engineers Report.  
Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none

Consent  
Agenda

Moved by Burdge, seconded by Postma to adopt the following items in the Consent Agenda:

Approval of Minutes: March 1, 2005-regular  
March 1, 2005-special

The following reports were submitted and are on file with in the municipal clerks office:

Animal Control Officer, Chief Financial Officer,  
Tax Collector, Municipal Court, Historic  
Commission, Road Department Supervisor,  
Recreation Site Supervisor

Approval of vouchers submitted:

See Attached Bills List

Approval of the following resolutions:

R:05-34

**RESOLUTION TO OBTAIN RECYCLING  
GRANT ALLOCATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new

municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Harmony Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the Township of Harmony hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Karen Buckley, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

ATTEST:

\_\_\_\_\_  
Kelley D. Smith, Municipal Clerk

\_\_\_\_\_  
John H. Burdge, III, Mayor

I Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at a meeting held on April 14, 2005.

\_\_\_\_\_  
Kelley D. Smith  
Municipal Clerk

R:05-35

RESOLUTION AWARDDING CONTRACT  
FOR THE FURNISHING OF REGULAR GASOLINE  
TO STEM BROTHERS

WHEREAS, the Township of Harmony, participated with the Six Area Cooperative Pricing System for the furnishing of regular gasoline, diesel fuel and no. 2 fuel oil; and,

WHEREAS, Allied Oil was awarded the contract through the Six Area Cooperative Pricing System as low bidder; and

WHEREAS, the Township of Harmony has received dissatisfaction with their service and quality of their products delivered; and

WHEREAS, the Township of Harmony has cancelled their accounts for regular gasoline and diesel fuel with Allied and has began purchasing diesel fuel through the Morris County Cooperative Pricing Council and has obtained three quotes to purchase regular gasoline; and,

WHEREAS, the lowest quote received was from Stem Brothers, Milford, NJ at the time quotes were obtained;

NOW THEREFORE BE IT RESOLVED by the Harmony Township Committee that a contract be awarded to the above-referenced company for the above-referenced purposes until new bids are retained through the Six Area Cooperative Pricing Council, the Morris County Cooperative Pricing Council and the Warren County Cooperative Pricing Council. At that time it will be determined who will be awarded the gasoline bid based on the lowest responsible bidder.

ATTEST:

TOWNSHIP OF HARMONY

\_\_\_\_\_  
Kelley D. Smith, Municipal Clerk

\_\_\_\_\_  
John H. Burdge, Mayor

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true and accurate copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its regular meeting held on April 5, 2005.

\_\_\_\_\_  
Kelley D. Smith, Municipal Clerk

R:05-37

RESOLUTION AUTHORIZING THE TERMINATION OF THE CONTRACT WITH ARAMARK UNIFORM SERVICES, INC. FOR UNIFORM AND APPAREL RENTAL SERVICES

WHEREAS, the Township of Harmony entered into a contract with Aramark Uniform Services, Inc. to provide for uniform and apparel rental services for Township employees; and

WHEREAS, the term and conditions of said contract did not comply with the Local Public Contracts Law, codified at N.J.S.A. 40A:11-15 (32) and therefore, the Township of Harmony had no authority to enter into said contract ; and

WHEREAS, the Township of Harmony has provided notice to Aramark Uniform Services, Inc. of its intention to terminate the contract based upon its non-compliance with the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, as follows:

The Contract between the Township of Harmony and Aramark Uniform Services, Inc., pursuant to which Aramark Uniform Services, Inc. was to provide a uniform and apparel rental program to the Township of Harmony, and which was executed by the Township of Harmony on February 20, 2004 and by Aramark Uniform Services, Inc. on April 21, 2004, is hereby terminated, declared ultra vires, void and of no further force and effect.

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this Resolution to Aramark Uniform Services, Inc.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on April 14, 2005.

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Kelley D. Smith  
Municipal Clerk

RL:05-4 Raffle License Application for Harmony Township Lions Club on September 13, 2005 at the Harmony Township Firehouse

BL:05-3 Bingo License Application for Feline Urban Rescue & Rehab, Inc. on April 22, 2005 at the Harmony Township Firehouse

Roll Call: Ayes: Burdge, Postma. Nays: none.

Correspondence

WC Pollution Control Financing Authority (Public Announcement)  
2005 Household Hazardous Waste Clean Up and Computer and Electronics Collection (**SATURDAY, APRIL 23, 2005**)

Mayor's Fax Advisories; NJ State League of Municipalities

4/1 Delaware River Water Asset Management Workshop  
3/31 TOPOFF 3  
3/31 SCI Report  
3/24 Award Opportunities  
3/23 Clean Communities Funding Announcement (cc. K. Buckley)  
3/22 The "New Jersey Smoke Free Air Act"  
3/11 Property Tax Convention Progress  
3/7 June is "Celebrate New Jersey" month  
3/2 State Budget Introduced  
2/21 Federal Transportation Resolution (Attached Resolution)

News Release from Acting Governor Codey

Codey Announces Topoff 3, The Comprehensive Mock Terror Exercise  
Codey Signs Law Strengthening the State Commission of Investigation  
Codey Announces Addition of 50 beds to New Greystone Hospital  
Codey's Budget Enhances Services for Mentally Ill

State of NJ-Office of The Governor

Christopher Donnelly will no longer be representative for Intergovernmental Affairs  
A letter promoting fiscal responsibility and announcing a newly created Budget Advisory Board

New Jersey General Assembly-Republican Office

Thank you for supporting property tax reform

State of NJ-9<sup>th</sup> District Legislative Office

Recent Developments on Proposed Constitutional Convention

Congressman Scott Garrett

Memo informing the Township of pending Senate legislation in relation to disaster assistance received being included in gross income for taxation purposes.

NJ DEP

The Green Acres Program is evaluating Bl. 9/Lot 20(Ridge Rd.) and Bl. 38/Lot 6 (Rte. 519 & Hutchinson Station) for possible acquisition , in whole or in part, in fee, through donation or purchase of easement(s)  
Clean Communities entitlement for 2005 is \$7,092.63  
FY'05 Stormwater Grant Application (Forwarded to Municipal Engineer)

NJ Office of the Attorney General

Announcing a newly created outreach program, *the Speakers Bureau*

NJ Department of Law and Public Safety

Letter dated March 18, 2005 to Samuel Della Fera, Jr., Esq. re Unified TTJV, Inc.

NJ Department of Transportation

Marble Hill Road- Recommended Speed Limit (35 mph)  
FY 2006 Municipal Aid Application Notice (Forwarded to Municipal Engineer)

Booker, Rabinowitz, et al

-Unified; Adversary Complaint Seeking to Determine Real Property Taxes, Summons and Notice of Pretrial Conference in an Adversary Proceeding, Pre-Trial Instructions, Joint Order Scheduling Pretrial Proceedings and Trial  
-Unified; Interim Consent Order  
-Copy of letter dated March 21, 2005 to all parties on the annexed service list re Unified TTJV, Inc.-an Order Authorizing Retention of A. Atkins Appraisal Corp. as appraiser for the Chapter 7 Trustee.  
-Copy of letter dated March 15, 2005 to all parties on the annexed service list re Unified TTJV, Inc.- and Order Authorizing Retention of Blau Appraisal

The New Jersey Developmental Disabilities Council

Reminder to Mayor of the "Snow Removal Law"

New Jersey Highlands Council

Initial Outreach and Regional Master Plan Coordination

High Ground-The Newsletter of the Highlands Coalition

Winter 2005 Issue

WC Board of Chosen Freeholders

Highlands Act Litigation

Delaware River Greenway Partnership

Grant Application for 2005 Incentive Program (cc: Karen Buckley)

WC Mosquito Control Commission

DEP Q & A Sheet and Fact Sheet (Posted)

WC Planning Department

-Public Hearing Notice and Proposed Amendment to the Warren County Solid Waste Management Plan  
-County Strategic Plan

Washington Update

3/3 Federal Motor Fuels Excise Tax Update  
3/1 CDBG (Community Development Block Grants)

Township of Belleville

Copy of Resolution Objecting to the Federal Government's Cuts to Community Development Block Grants (On File in Clerk's Office)

Township of Franklin

Copy of Resolution supporting Senate Bill S-1023 and Assembly Bill A-1835 (On File in Clerk's Office)

Township of Greenwich

Zoning Ordinance Amendment

Township of Washington

Ordinance Amending Development Regulations

PA DEP

PA Black Fly Suppression Program/Aerial Spraying Public Information (Posted)

American Developers

Notice of Public Hearing before Harmony Township Planning Board on Wednesday, April 6, 2005 at 7:30pm (On File in Clerk's Office)

Robert Shandor

Copy of Letter dated February 22<sup>nd</sup> from Attorney Mark Rogers to Bruce A. Jones Joseph Shandor, Complaint # SC-00708/Summary of Argument

Ballard Spahr Andrews et al

-Copy of letter dated March 15, 2005 to Tax Court of New Jersey re Merrill Creek Tax Appeal (Block 38 Lot 4, Block 39 Lot 35 & Block 300 Lot 2.01)  
-Copy of letter dated March 15, 2005 to Tax Court of New Jersey re Merrill Creek Tax Appeal (Block 20 Lot 1, Block 20 Lot 3, Block 21 Lot 1, Block 24 Lot 1, Block 24 Lot 1.11, Block 24 Lot 23 & Block 25 Lot 1)

Harmony Township Farmland Preservation Committee

-Copy of Letter Dated 3/24/05 from Gil Green re Tjalma Property SADC Value

WC Farmers' Fair Association

Certification from the State of NJ, Department of Agriculture stating that the Farmers' Fair is the official Fair of Warren County

Taffner-20 Harkers Hollow Ct.

Copy of Letter dated March 30 to Attorney Rath and Committee re easement

William J. Gold, Esq.

-Copy of Letter dated March 29<sup>th</sup> to Kelley Smith re Sr. Housing proposition.

Gil Greene

-Thank you – Harmony Twp. Fire Dept.

Moved by Burdge seconded by Postma to adopt consent agenda, Roll Call:  
Ayes: Burdge, Postma, Mattei. Nays: none

Appoint- Moved by Burdge seconded by Postma to appoint William Mandry to the  
ment Harmony Township Historical Commission

Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none

O:05-06 Moved by Burdge seconded by Postma to introduce the following ordinance:

AN ORDINANCE APPROPRIATING THE SUM OF \$200,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE CAPITAL BUDGET IN CONJUNCTION WITH THE COSTS ATTRIBUTABLE TO THE DEPARTMENT OF PUBLIC WORKS, MUNICIPAL OFFICE COMPUTER SYSTEMS AND TOWNSHIP RECREATION SITE IMPROVEMENTS

STATEMENT OF PURPOSE:

This Ordinance is intended to appropriate the sum of \$200,000 from the capital improvement fund of the capital budget for the following items, but not limited to, 1) purchase of a 2005 Ford F-350 pickup truck with plow; 2) a new storage building for the DPW; 3) an expansion to the DPW road salt containment area; 4) an expansion to the recreation site equipment building; and 5) computer systems for the municipal offices.

BE IT ORDAINED by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, that:

1. There are funds in the 2005 capital improvement fund of the capital budget of the Township of Harmony for costs associated for the purposes state above.
2. There is hereby appropriated the sum of \$200,000 from the 2005 capital improvement fund of the capital budget of the Township of Harmony for the aforementioned acquisition.
3. There is no debt authorized by this Ordinance.
4. This Ordinance shall take effect upon passage following a public hearing to be conducted thereon and publication of notice of final passage in accordance with the requirements of law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Harmony Township Committee at a regular meeting held on April 14, 2005 which Ordinance shall be given further consideration for final passage, following a public hearing to be conducted thereon, at its regular monthly meeting to be held on Tuesday, May 3, 2005 which shall commence at 7:30 p.m. at the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey.

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Kelley D. Smith, Municipal Clerk

Roll Call: Burdge, Postma, Mattei. Nays: none

O:05-07 Moved by Burdge seconded by Postma to introduce the following ordinance titled:

AN ORDINANCE TO AMEND CHAPTER 89 OF THE CODE OF THE TOWNSHIP OF HARMONY ENTITLED "FEES"

BE IT ORDAINED, by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey that the Code of the Township of Harmony be amended as follows:

Section I – Section 89-1 is amended in its entirety to read as follows:

89-1. A charge of four (\$4.00) dollars per page for the first copy shall be payable to the Township of Harmony by all individuals, entities or others who request a certified copy of a vital record from the Township Clerk. Any and all additional certified copies of the vital record shall be two (\$2.00) dollars per page. Said payment shall be made to the Township Clerk at the time the copies are obtained from the Township.

Section II - Section 89-2 is amended in its entirety to read as follows:

89-2. Records for which certified copies may be obtained. Any vital record for which a request for a certified copy is made shall be subject to release and/or redaction by the Township in accordance with the Open Public Records Act, N.J.S.A. 47:1A-1 et. seq.

Section III

If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section IV

All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section V

This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Harmony, in the County of Warren and State of New Jersey, held on April 14, 2005, and will be further considered for final passage after a public hearing thereon at a regular meeting of said Township Committee to be held in the Township Municipal Building in said Township on May 3, 2005.

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Kelley D. Smith, Municipal Clerk

Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none

Harmony Sand & Gravel Moved by Burdge, seconded by Postma to extend Harmony Sand & Gravel Operating Permit application to the May meeting. Roll Call: Ayes: Burdge, Postma, Mattei. Nay: none

O:05-4 Moved by Burdge seconded by Postma to open public hearing on Ordinance 05-4, an ordinance to Purchase the Development Easement of the Lawrence Hengst Farm. Roll Call: Ayes: Burdge, Postma, Mattei.

Public Hearing No Public Comment

There being no further public comment, a motion moved by Burdge, seconded by Mattei to close public hearing was made. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none.

Adoption Moved by Burdge seconded by Mattei to adopt ordinance O:05-4 titled

AN ORDINANCE APPROVING THE PURCHASE OF A  
DEVELOPMENT EASEMENT FOR THE  
LAWRENCE HENGST FARM BLOCK 26, LOT 19

Statement of purpose. The current law requires the adoption of an ordinance pursuant to the local lands and buildings law, N.J.S.A. 40A:12-13 approving the purchase of development easements. The Township of Harmony previously adopted a resolution to that effect involving the Lawrence Hengst Farm, Lot 19, Block 26 on June 1, 2003. This ordinance confirms that action.

WHEREAS, the State Agriculture Development Committee (SADC) has approved funding for the acquisition of a farmland agricultural development easement on the Lawrence Hengst Farm, Lot 19, Block 26 on the Harmony Township tax map; and

WHEREAS, this tract will encourage the survivability of production of agriculture in Harmony Township; and

WHEREAS, New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-13, requires that the municipality, by ordinance, authorize and approve the purpose of the development easement;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Harmony and County of Warren as follows:

1. The Harmony Township Committee does hereby approve and endorse the purchase of a Farmland Agricultural Development Easement by the State Agricultural Development Committee of the Lawrence Hengst Farm, Lot 19, Block 26 on the Harmony Township tax map.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Harmony Township Committee at its regular monthly meeting held on March 1, 2005, which Ordinance shall be given further consideration for final passage following a public hearing to be conducted thereon at its regular monthly meeting to be held on April 5, 2005, which shall commence at 7:30 p.m. at the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey 08865.

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Kelley D. Smith  
Municipal Clerk

Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none

O:05-5 Moved by Burdge seconded by Postma to open public hearing on ordinance O:05-5 titled an ordinance amending ordinance O:05-2 Chapter 165 entitled Zoning. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none

Public Hearing No Public Comment

Moved by Burdge seconded by Mattei to close the public hearing.  
Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

Adoption Moved by Burdge seconded by Postma to adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 165 OF THE CODE OF THE TOWNSHIP OF HARMONY TITLED “ZONING” SO AS TO BE CONSISTENT WITH THE MASTER PLAN DATED JUNE 2004

Statement of Purpose:

This ordinance is intended to revise and update various sections of the Harmony Township Zoning Ordinance in connection with specific changes recommended by the Harmony Township Land Use Board regarding the Land Use Element of the Harmony Township Master Plan involving the six-year review as required by N.J.S.A. 40:55D-89. Among the revisions as encompassed in the Ordinance are the following amendments proposed by the Harmony Township Committee:

Reduced density in most zones and the addition of several new zones as follows:

<u>Zone Name</u>	<u>Prior Density</u>	<u>Proposed Density</u>
AR-500*	5.0 acres	7.5 acres
AR-300*	3.0 acres	4.0 acres
AR-250 *	2.5 acres	3.0 acres
AR-150 *	20k sq. ft	20k sq. ft
Residential Historic Bus.*	New	3 acres
Affordable Housing	Special	same
CO-1*	1.0 acres	2.5 acres
CO-2*	2.5 acres	2.5 acres
LI-O <sup>1</sup>	New	4.0 acres
LI-O/C <sup>2</sup>	New	3.0 acres
I-1 <sup>3</sup>	New	5.0 acres

\* specifically for the permitted use of a single-family dwelling

<sup>1,2</sup> for the permitted uses as listed in proposed Schedule of Area, Yard and Bulk Regulations

<sup>3</sup> specifically for the permitted use of Light industrial/Business Offices

BE IT ORDAINED by the Township Committee of the Township of Harmony that the following additions and revisions to Section 165 of the Code of the Township of Harmony titled “Zoning” are hereby enacted:

When effective: Repealer

This Ordinance shall become effective upon final passage and publication as required by law. All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced as amended and passed on the first reading by the Harmony Township Committee at a regular meeting held on Tuesday, January 04, 2005 which Ordinance shall be given further consideration for final passage, following a public hearing to be conducted thereon, at its regular monthly meeting to be held on Tuesday, February 1, 2005, which shall commence at 7:30 p.m. at the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey.

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Kelley D. Smith  
Municipal Clerk

Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none

Moved by Burdge seconded by Mattei to dismiss legal violation against Joe Shandor. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none

Public  
Comment

Mayor Burdge asked about the status of the Harold Heeres property. John Fritts said notice was sent and that a letter to Board of Health from township committee was needed because they are who enforce the violations.

Bob Milkovitz asked Township Engineer to come out and look at his driveway. Engineer responded and will be inspecting the site.

Joe Shandor asked why township is selecting certain people for enforcement. All people should be cited that have illegal operations.

Mike Nemeth – serious issues with Transmix quarry. He discussed the reclamation that was required for riverbank along his parents property. He asked what the township or state is doing to remediate. Mayor Burdge stated it is in the process of foreclosure. At that time reclamation plan will be put into effect. Deputy Mayor responded that assistance may be possible through FEMA to repair.

Nemeths requests to be kept notified of actions taken.

Karen Buckley stated that the NJ DEP has a grant for bank restoration and that the Township Environmental Commission could apply for grant.

Randy Wohlbach of Hutchinson River Rd. reported that water run off from Rotundi’s site is a problem with water running under culvert. Mayor Burdge will talk to Rotundi and go with Engineer to do site inspection.

Motion by Burdge, seconded by Postma to adopt the following resolution:

R:05-36  
8:25-9:20pm

**EXECUTIVE SESSION RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances present exist.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified matter.
2. The general nature of the subject matter to be discussed is as follows:

Potential Litigation

3. It is anticipated at this time that the above stated matter will be made public at such time as deemed appropriate.
4. This Resolution shall take effect immediately.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at a meeting held on April 14, 2005.

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Kelley D. Smith  
Municipal Clerk

Roll Call: Ayes: Burdge, Postma, Mattei. Nays: None.

There being no further discussion, the meeting was reopened to the public at 9:20pm

Adjourn: Motion by Postma, seconded by Burdge to adjourn the meeting at 9:25pm. Roll Call: Ayes: Postma, Burdge, Mattei. Nays: none

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Kelley D. Smith, Municipal Clerk