

- 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, Attorney Sieglinde Rath, Zoning Officer John Fritts and Engineer Nevitt Duveneck
- Presenta-
Tion
- Land Use Board Engineer Douglas Mace discussed the Wastewater Management Plan and the revisions that had been made. He gave the committee members some of the history of the Wastewater Management Plan, from the Baker Chemical Site to the Dowel/Centex Site. The plan was submitted to the State in 2001, at that time some changes were required. He stated that the site is very unstable with limestone and sinkholes. There has been a significant amount of additional information made available since 2000 and he is not comfortable with the plan. At this time, the plan is ready for resubmission to the State. However, as a result of information presented at the Land Use Board hearings by Centex regarding the proposed site, question of suitability of the site are a major concern. There continues to be extensive sinkhole activity observed and is more extensive than the hearings adduced. As the Professional Engineer who's signature is required on the Wastewater Management Plan, he feels it is inappropriate to sign and thereby support a document which produced results contrary to the engineering evidence which is present. It is the opinion of Mr. Mace and Mr. Getchell, hydrologist, that the proposed location for the Wastewater Treatment Plan on the Centex site and possibly even the Centex site itself, is not suitable for construction of a discharge to groundwater site and should not be at this time designated as a site for discharge to groundwater. Mr. Mace at this time requested the committee discuss this issue and advised delaying the submission of the plan until adequate evidence is produced which would demonstrate adequate geologic and soils suitability for such an undertaking as proposed.
- Attorney Rath supported Mr. Mace's decision and recommended the committee adopt a resolution to delay the submission to the state.
- Moved by Burdge, seconded by Postma to authorize Attorney Rath to prepare a resolution delaying the submission of the Wastewater Treatment Plan until further information can be obtained. Roll Call: Ayes: Burdge, Postma. Nays: None.
- Public
Comment
- Bob Shandor asked the status of the Wildcat Site. Attorney Rath will follow up on. Mr. Shandor asked why Hydropress wasn't in a tax foreclosure? Attorney Rath will update during her report. He recommended the committee terminate Zoning Officer John Fritts. He feels his attitude is not appropriate. Mr. Shandor suggested the Township impose a host fee on the Warren County Fair Association. He asked about the Transmix foreclosure. Mayor Burdge reported the closing should take place in August. He also asked why we do not use the Warren Reporter for Legal Ads.
- Sue Salter questioned the purchasing of the Tjalma Easement.
- Dave Bruckman questioned the Vegh airstrip permit renewal on the agenda. Committeewoman Postma reported that it is a grandfathered use and a letter is needed from the township authorizing the renewal since it was not renewed on time due to Mrs. Vegh's illness.

Joe Shandor asked what can be done on the airstrip. He also asked about the Baker Chemical site work that has been going on. Attorney Rath will follow up with Baker.

Dave Bruckman stated that the Vegh airstrip is listed as a private airstrip and for emergency use only.

Bob Milkovitz asked if a fence will be place along the drainage ditch on Harmony Station adjacent to his home. Since the new work has been done, there is a 12 ft. drop on one side and it's dangerous. He said a mess was left on the other side. Engineer Duveneck stated that a stop work order was put on the project by the DEP. A stream encroachment permit is being prepared and will be reviewed by the DEP to continue the job.

Bob Shandor suggested rip rap be installed at Goat Farm to prevent undermining of road. Mr. Shandor also suggested proper advertising in a better newspaper. He asked why did they have to do a site plan for the Junk Yard if Witco or Baker didn't require one. He feels harassment continues and there is selective enforcement by Mr. Fritts.

Mr. Bruckman commented that the Star Gazette is the legal newspaper and it is the state that sets the laws on advertising. The LUB also used the Star Gazette.

Karen Buckley asked if there was someone in the state that we could address the legal advertising law with. Attorney Rath mentioned the Division of Community Affairs or the State Representatives. Karen also asked about where the material from Unified was being moved to. Mayor Burdge stated somewhere in Pennsylvania. She asked if the Transmix site would be receiving Unified product because someone at the DEP told her Tully mentioned it as a potential site. Mayor Burdge said absolutely not. She asked if there was a reason why we were not receiving anything from the Livable Communities Grant.

Karen Buckley stated that the Environmental Commission received a call from a resident concerned about the new homes going in on Harmony Station Road and the several days of drilling going on. He was concerned about their well. Karen recommended they call the Warren County Health Department.

Reports

The Municipal Attorney reported on the following items:

Unified Bankruptcy - waiting to hear from our appraiser regarding his value of the property. We will then have a meeting with the Trustee's attorneys to see if we can resolve the issue of the value of the property and outstanding taxes due.

Goat Farm Terrace -We are on second reading of the Ordinance to accept the conveyance of this property. I have not yet received the signed Contract and will discuss this with Mr. Shandor this evening. I previously forwarded a copy of Doug Dashine's appraisal to you.

Centex Litigation - We are in the discovery phase and I have distributed a copy of the Case Management Order signed by Judge Coyle. The Prerogative Writ action has been forwarded to Judge Ashrafi. The litigation concerning the settlement agreement remains with Judge Coyle and he has established a schedule by which to trade documents, take depositions and answer interrogatories. A trial is scheduled in March, 2006. PRO was permitted to intervene in the action. We are now in the process of preparing and forwarding our discovery requests to the other parties.

Curzi Litigation - Filed an Answer to this Complaint. Following the Case Management Conference, will be filing a Motion for Summary Judgment to try and have the Township dismissed as a Defendant in this litigation. Mr. Curzi had requested that we conduct an inspection of the property.

There is absolutely no reason to inspect the property unless the Committee recommends to do so.

Vehicle and Traffic Ordinance- Nevitt has recommended it be sent to DOT for comment and review which I anticipate will occur.

Concept Plan Fee Ordinance -Lyn Aaroe, Esq. is going to prepare this Ordinance given that he represents the Land Use Board and knows what he wants in the Ordinance in terms of review and fees. It is not yet ready.

Rotondi—There is no date on the letter from DEP requesting comments on the approval renewal. There is just a date stamped of June 13, 2005. I spoke with Nevitt and he is going to contact DEP regarding the deadline date and formulate a response to the letter.

Geiger Land Acquisition – It is my understanding the Mayor was going to speak to the land owner and we will discuss this at the meeting.

ATV Ordinance – Working on an Ordinance dealing with the ATV/dirt bike/snow mobile, etc. noise and trespassing problem in another municipality, Harmony may be interested.

Moved by Burdge, seconded by Postma to accept the Attorney's report. Roll Call: Ayes: Burdge, Postma. Nays: none.

The Township Engineer reported on the following items:

Rotondi / Harmony Compost-As a result of drainage complaints at the site, a site meeting will take place in the near future with Mr. Rotondi and his consultant. Comments will be sent to the NJDEP for the new General Permit for the site within this month.

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 and should include this speed limit within the new Traffic Section to be adopted by the Committee.

Tjalma Farmland Preservation Survey-As a reminder to the Committee, consideration was to be given regarding revising the Ordinance that grandfathers this type of subdivision.

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.

Currently the stormwater management plan is set for public hearing and adoption consideration at the July 16, 2005 Land Use Board meeting.

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.

Unfortunately, the Township was not successful in receiving a grant under this program.

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.

Our office contacted the NJDEP and they indicated that the Township was not successful in being awarded a grant under this program.

Although our office has not received all the information regarding a new grant application entitled Communities Facilities Program, it appears the Township may qualify for this grant to upgrade the playground equipment under this program. Our office will continue to gather more details regarding the application process for this program.

Unified Environmental (Hydropress) Environmental Concerns-French and Parrello Associates submitted a report dated, December 2, 2004 that evaluated the site for environmental concerns. The report made 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 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 has completed the final paving of the roadway and will soon be completing the topsoil, fertilizing and seeding of the disturbed areas. Our office will be preparing a second voucher for payment to the contractor for approval at the upcoming Committee meeting.

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. Our office met with NJDEP representatives on Friday, May 27, 2005 and discussed the permit. Our office will be developing an as-built plan of the work completed and will be sending the plan and other documentation to the NJDEP.

Goat Farm Road Stream Encroachment Permit-Our office met with NJDEP representatives to discuss the permit for this project at a meeting on the Stream Encroachment permit for this project. The NJDEP gave our office direction relative to the required documentation for attaining this permit.

Hazard Mitigation Grant Application-Our office submitted a Hazard Mitigation Grant Application to the State Police Office of Emergency Management by the April 15, 2005 deadline. Our office submitted a substantial application, which has a total of forty (40) applicants for aid. This became a monumental task in assembling the documentation necessary to complete the application. Today our office will be submitting a funding request under the Flood Mitigation Grant (FMA) program. The balance of the applications will be considered under the Hazard Mitigation Grant Program (HMGP). This will allow the Township to fund additional applications as a result of funding from both programs.

Our office will continue to coordinate with NJ State Office of Emergency Management (NJOEM) and FEMA representatives as necessary to provide any additional documentation that may be required to process these applications.

DPW Building Bid Specification-The mayor has requested that we assist Jim Fox in the preparation of a bid specification for a new DPW building. The project is out for bid with a bid opening of July 19, 2005. We are hopeful to have a bid recommendation ready for the Committee's consideration soon thereafter.

Traffic Ordinance Adoption-According the adoption procedures recommended by General Code, the New Jersey Department of

Transportation (NJDOT) is required to review and approve the document prior to adoption by the Township. We recommend that our office contact the NJDOT and make arrangements for their review and approval.

Bidding Threshold Increase-The Committee should be aware that as of July 1, 2005, the Governor increased the Public Bidding Threshold from \$17,500.00 to \$21,000.00 which legally allows the Township to accept quotations for projects that do not surpass \$21,000.00 in cost. With the appointment of a "Qualified" Purchasing Agent, the Township could accept quotations for projects up to \$29,000.00.

Moved by Burdge, seconded by Postma to accept the Engineers report.
Roll Call: Ayes: Burdge, Postma. Nays: None.

The Zoning Officer Report was submitted as follows:

David Bruckman was issued a zoning permit for a 12x20 shed.
Ken Radon requested a letter of approved building lots that are existing non-conforming lots that lack lot area.
Don Matlock was issued a zoning permit for an above ground pool.
Frank Zacharias applied for a flood hazard permit to rebuild house damaged in flood.
Tracy inquired about subdividing land on Harmony Brass Castle. Lot Lacks road frontage.
Rich Simpson requested final inspection for Block 9, Lot 20.03.
Ed Moose called about the damaged structure north of his property.
John Hoffman received a zoning permit for a swimming pool and fence.
John Kryzmalski received a zoning permit for an above ground pool.
Brian McKenna was issued a zoning permit for a residential structure on River Road.
Mark Freeland was issued a zoning permit to add a second story dormer and rear porch.
Michelle Mackey visited the office to review status of flood hazard permit.
Gina McRoberts visited the office to review flood hazard permit and the issuance of an ICC letter for substantial damage.

Moved by Burdge, seconded by Postma to approve the zoning officer's report as submitted. Roll Call: Ayes: Burdge, Postma. Nays: none.

Consent
Agenda

Moved by Burdge, seconded by Postma to approve the following items in the consent agenda:

Reports on file submitted by:
Road Department Supervisor
Tax Collector
Chief Financial Officer

Payment of the following vouchers:

Treasurer, State of NJ	540.00
Dell Computer Corp	500.00
K & H Excavating, Inc.	6,825.00
OK Auto 4WD & Tire	869.90
Storr Tractor Company	8,545.29
Warren Materials	2,353.23
A.B.E. Parking Lot Striping	5,075.00
Allamuchy Twp.Vol.Fire Dept.	1,423.93
Belvidere Ambulance Corps.	2,500.00
Belvidere Good Will Fire	1,423.93
Benbrook & Benbrook	6,755.15
Brian McKenna Plumbing	146.90
Deer Park Water	51.98
Delaware Park Chem. Engine	1,423.93
Federal Express Corp.	98.45
Finelli Consulting Engineers	14,941.61
Franklin Engine #1	1,423.93
Franklin Township Rescue	2,500.00
Fromm Electric Supply	19.38
Fromm Electric Supply	193.80

Gene & George Smith Sanitation	196.96
General Code Publishers Corp.	586.00
Graphic Action, Inc	262.50
Harmony Twp Developers Escrow	110.00
Harmony Sand & Gravel, Inc.	1,334.74
Harmony Twp. Volunteer Fire Co.	30,000.00
Hoyt Signs	1,170.00
Huntington Vol. Fire Dept. Assoc	1,423.93
Jcp&L	64.02
Keystone Business	173.38
Lopatcong	374.44
Lopatcong Emergency	1,423.93
Lopatcong Emergency	10,000.00
Lopatcong Township Fire	1,423.93
Lowe's	14.24
Mgl Forms-Systems	22.00
Mountain Lake Fire Company	1,423.93
Municipal Software, Inc	1,803.68
Njn Publishing Co	123.25
National Drug Screen, Inc	66.67
Net Access	149.98
Nextel	201.53
Officemax	118.02
Oriental Trading Co., Inc	377.96
Oxford Volunteer Fire Dept	1,423.93
Precast Manufacturing	6,950.00
Precast Manufacturing	1,291.50
Performance Tire Co., Inc	255.55
Raritan Valley Disposal, Inc	33,830.30
Rosenblum, Wolf & Lloyd	632.50
S&L/ K2 Machinery	1,206.00
S.A. Communale Co., Inc	312.00
Storr Tractor	196.80
Sanico, Inc	5,375.00
Schmidt/Dashine Realty	1,500.00
Staples	634.92
Stem Brothers, Inc.	249.24
Stewartsville Volunteer Fire Co.	1,423.93
The Express-Times	1,372.10
Verizon	279.92
Vital Services Group	137.40
Warren County - Treasurer	1,549.88
Warren Materials	16,602.88
White Glove Treatment	750.00
Wilson Products	57.09
Work 'N Gear	1,628.29
NJ Dept of Health/Senior Svcs	5.40

The following Resolutions:

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 05-54

WHEREAS, the Township of Harmony desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective July 5, 2005, and, that such membership shall be for the period ending December 31, 2008, and each renewal, thereafter of the system, unless the Township Committee elects to formally withdraw from the system;

NOW, THEREFORE, be it resolved, that the Mayor of Harmony Township and is hereby authorized to execute the attached agreement for such membership.

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 July 5, 2005.

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 05-55

RESOLUTION APPROVING THE ISSUANCE OF
AMUSEMENT GAMES LICENSES FOR OPERATION
AT THE WARREN COUNTY FARMERS' FAIR

WHEREAS, the Township of Harmony contains a place where an Agriculture fair and exhibition is held by associations organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture; and

WHEREAS, upon proper applications having been submitted and the appropriate fees having been paid;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, Warren County, New Jersey that the following named applicants are hereby licensed by the Township of Harmony pursuant to the "Amusement Games Licensing Law" for games mentioned in the following applications:

No.	Applicant	Game
05-1	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Roll Down
05-2	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Shoot Out Star
05-3	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Bottle Bush
05-4	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Bushel Basket
05-5	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Target Toss
05-6	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Fish Pond
05-7	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Duck Pond
05-8	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Dart Game
05-9	Charles Norwid 5279 Isla Key Blvd. South St. Petersburg, Fla. 33715	Dart Game
05-10	Donna Cooke 41 Jerome Place Wayne, NJ 07470	Water Gun Race- Fire Fly
05-11	Donna Cooke 41 Jerome Place Wayne, NJ 07470	Water Gun Race- Spyromania
05-12	Donna Cooke	Derby-Ball Derby

	41 Jerome Place Wayne, NJ 07470	
05-13	Donna Cooke 41 Jerome Place Wayne, NJ 07470	Basketball Game
05-14	Donna Cooke 41 Jerome Place Wayne, NJ 07470	Water Gun Game
05-15	Knowlton Lions Club 415 Harmony Station Road Phillipsburg, NJ 08865	Stop & Go Wheel

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to forward the applications and fees to the Legalized Games of Chance Control Commission for issuance of said licenses for operation at the Warren County Farmers' Fair, August 1-August 7, 2005.

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 adopted by the Harmony Township Committee at its regular meeting held on July 5, 2005.

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 05-56

RESOLUTION TO PROVIDE FOR REFUND OF
TAX OVERPAYMENTS

WHEREAS, Joseph Hriczak, Tax Collector for the Township of Harmony, has submitted herewith the following tax over billings which were the result of one of the following reasons:

1. Overpayment by owner- self-explanatory
2. Over Billing- when the amount paid for the first half preliminary bills of the year exceed the amount due for the entire. This occurs when there is an assessment reduction, very common during revaluations.
3. Tax Account Merger- this is when two accounts merge as one, the preliminary bill still exists for the merged property and the owner continues to pay that preliminary billing. When the final billing is done after the approved tax rate, this property no longer exists, hence the overpayment.
4. Taxable to Exempt- when a qualified exempt organization buys a property in a given tax year and provided that they file the necessary paperwork with the assessor, the property is exempt the first day of the next year after purchase. Unfortunately, the preliminary bill exists and on occasion paid, causing the overpayment.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the Chief Financial Officer be and is hereby authorized to issue the following checks representing the tax over billings:

<u>Block/Lot</u>	<u>Owner/Address</u>	<u>Reason</u>	<u>Year</u>	<u>Amount</u>
9/104	Sheppard, Richard K & Patricia R 2588 Belvidere Rd. Phillipsburg, NJ 08865	O/P by Owner	2005	767.70

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 July 5, 2005.

The following raffle applications were approved:
RL 05-8 Evening Star Quilters Guild on August 7, 2005
RL 05-9 Warren Hills Wrestling Club on August 6, 2005

Authorization to participate in the Warren County Housing Program was made.

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

Communal Fire Prot. The Mayor requested the Municipal Clerk to obtain a quote from Communal per their recommendation to install a bleeder line on the dry pressure switch for the fire alarm.

Vegh Air-Strip Moved by Postma, seconded by Burdge to authorize the renewal of the Vegh Air Strip Permit. The Municipal Clerk will prepare a letter to this effect for Mrs. Vegh. Roll Call: Ayes: Postma, Burdge. Nays: None

O:05-15 The following ordinance was introduced on a motion by Postma, seconded by Burdge:

Harmony Township
Warren County, New Jersey
Ordinance #05-15

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,463,700 FOR THE ACQUISITION OF EASEMENTS IN REAL PROPERTY BY AND FOR THE TOWNSHIP OF HARMONY IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,390,700 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARMONY, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Harmony, New Jersey (the "Township") as a general improvement. For the said Improvements there is hereby appropriated the amount of \$1,463,700, such sum includes the sum of \$73,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the "Local Bond Law"). The Down Payment is now available by virtue of provision of moneys in the Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,390,700 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,390,700 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are set by, Ordinance 99-3 and 01-04 adopted by the Township Council on March 2, 1999 and May 1, 2001, respectively and approved by the voters of the Township in the General Elections of November 1998 and November 2000, respectively are limited

to the acquisition of land for preservation as open space in order to protect drinking water sources, provide outdoor recreation and preserve farmland in accordance with Chapter 24 of the Public Laws of 1997 and as amended, and in particular is the acquisition of easements in real property, located at Block 38, Lot 7 in the Township, all as shown on and in accordance with the plans and specifications therefore on file in the Office of the Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,390,700.

(c) The estimated cost of the Improvements is \$1,463,700, which amount represents the initial appropriation made by the Township.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall

determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

- (a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 40 years.

- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that while the net debt is increased by this ordinance by \$0, the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,390,700 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Pursuant to the provisions of N.J.S.A. 40A:2-44(h), the obligations authorized hereunder constitute a deduction from the gross debt of the Township to the extent of \$1,390,700 and that to that extent shall not be considered in determining the Township's net debt for debt incurring purposes.
- (d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefore by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,390,700.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

John Burdge, Mayor

ATTEST:

Kelley D. Smith, Clerk

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 July 5, 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 August 11, 2005.

Kelley D. Smith, Clerk

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

R:05-57 Moved by Burdge, seconded by Postma to approve the following resolution:

RESOLUTION # 05-57

WHEREAS, the Township of Harmony, County of Warren, desires to amend the 2005 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget for the following reason:

Acquisition of Land

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

Section 1. the 2005 Capital Budget of the Township of Harmony is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 1
CAPITAL BUDGET OF THE
TOWNSHIP OF HARMONY, COUNTY OF WARREN
Projects Schedules for 2005
Method of Financing

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>BUDGET APPROP.</u>	<u>CAPITAL IMPROV. FUND</u>	<u>OPEN SPACE TRUST FUND</u>	<u>GENERAL BONDS</u>
Acq. Of land	\$1,463,700.	None	None	\$73,000.	\$1,390,700.
Totals	\$1,463,700.	None	None	\$73,000.	\$1,390,700.

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2005 Capital Budget, to be included in the 2005 Capital Budget as adopted.

CERTIFICATION

I hereby certify that the above is a true and accurate copy of a Resolution adopted by the governing body of the Township of Harmony, at a meeting held on July 5, 2005.

Kelley D. Smith, Municipal Clerk

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

O:05-13 Moved by Burdge, seconded by Postma to open the public hearing for Ordinance O:05-13 titled An Ordinance accepting the conveyance of Block 48, Lot 33.02 to the Township of Harmony. Roll Call: Ayes: Burdge, Postma. Nays: none.

Mr. Dave Bruckman asked why the township was accepting this property? Mayor Burdge explained that it was for safety purposes.

There being no further public comments, moved by Postma, seconded by Burdge to close the public hearing. Roll Call: Ayes: Postma, Burdge. Nays: None.

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

AN ORDINANCE ACCEPTING THE CONVEYANCE OF
BLOCK 48, LOT 33.02 TO THE TOWNSHIP OF HARMONY

WHEREAS, the Mayor and Committee of the Township of Harmony, County of Warren and State of New Jersey now desires to formally accept the conveyance of Block 48, Lot 33.02 as designated on the Tax Map of the Township of Harmony currently owned by Robert L. Shandor and Ruth A. Shandor as required by the New Jersey Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq.

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

Section I. The Township of Harmony accepts the conveyance of Block 48, Lot 33.02 consisting of approximately 0.32 acres currently owned by Robert L. Shandor and Ruth A. Shandor. The acceptance is further conditioned upon the Township receiving clear title to the property.

The Deed signifying the conveyance shall be recorded with the Warren County Clerk's Office.

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

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

John Burdge, Mayor

ATTEST:

Kelley D. Smith, Clerk

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 June 9, 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 July 5, 2005.

Kelley D. Smith, Clerk

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

O:05-14 Moved by Burdge, seconded by Postma to open the public hearing for Ordinance O:05-14 titled An Ordinance authorizing the acquisition of a farmland preservation deed of easement on Block 38, Lot 7, and authorizing the said deed of easement to the County of Warren. Roll Call: Ayes: Burdge, Postma. Nays: none.

There being no public comments, moved by Postma, seconded by Burdge to close the public hearing. Roll Call: Ayes: Postma, Burdge. Nays: None.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A FARMLAND PRESERVATION DEED OF EASEMENT ON A PORTION OF LANDS KNOWN AS BLOCK 38, LOT 7, AND AUTHORIZING THE ASSIGNMENT OF SAID DEED OF EASEMENT TO THE COUNTY OF WARREN'S AGRICULTURAL PROGRAM

WHEREAS, this Township has filed an application with the New Jersey State Agriculture Development Committee to participate in the State's Planning Incentive Grant Program; and

WHEREAS, the Township now desires to acquire a farmland preservation deed of easement on said Block 38, Lot 7, less an approximately three acre nonseverable exception contained therein, and subsequently to assign said deed of easement to the County of Warren pursuant to the New Jersey Agriculture Retention and Development Program [Agriculture Program] and to receive partial reimbursement from the State of New Jersey and the County of Warren as provided by the Agriculture Program;

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

1. Through this ordinance, this Township hereby authorizes the acquisition of a farmland preservation deed of easement on lands known as Block 38, Lot 7, in this Township, less an approximately three acre portion thereof which shall be designated a nonseverable exception. The lands affected by said deed of easement are approximately 226± acres in area, and said acquisition shall be at a purchase price for the development rights acquired of One Million Four Hundred Sixty-three Thousand Seven Hundred (\$1,463,700.00) Dollars.
2. Through this ordinance, the Township finds and determines that the interest in lands acquired under said deed of easement are not needed for municipal purposes, said acquisition rather being intended to preserve the lands so acquired as farmland under the Agriculture Program.
3. Through this ordinance, the Township is also authorized to accept a corrective deed of easement, for no additional consideration, if such is needed after the acquisition of the initial deed of easement, in order for the development rights acquired by said easement to be assigned to the County of Warren under the Agriculture Program.
4. Through this ordinance, the assignment of the deed of easement, or corrective deed of easement, acquired by this Township on a portion of said Block 38, Lot 7, to the County of Warren under the Agriculture Program, is hereby authorized, conditioned upon the Township's receiving appropriate reimbursement under the Agriculture Program.
5. Through this ordinance, the Mayor, Clerk, Chief Financial Officer, and/or other proper officials of this Township, are authorized [i] to enter a contract with the owner(s) of said Block 38, Lot 7, for the acquisition of the said deed of easement, [ii] to execute and deliver an assignment of said deed of easement or corrective deed of easement to the County of Warren under the Agriculture Program, and [iii] to take any and all other action and to execute any and all documents necessary to acquire and

accept said deed of easement and/or corrective deed of easement, and to assign the same to the County of Warren as aforesaid, as well as to accept and receive proper reimbursement from the State of New Jersey and County of Warren under the Agriculture Program.

- 6. Through this ordinance, the Township ratifies and confirms any and all action taken by the Township or its officials prior to this ordinance with respect to the acquisition of said deed of easement or with respect to the assignment of said deed of easement to the County of Warren.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon the publication of notice of its final passage, following final adoption, as provided by law.

John Burdge, Mayor

ATTEST:

Kelley D. Smith, Clerk

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 June 9, 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 July 5, 2005.

Kelley D. Smith, Clerk

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

R:05-57E
8:50 p.m.-
10:00 p.m.

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

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
property acquisition with public funds

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 July 5, 2005.

Kelley D. Smith
Municipal Clerk

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

There being no further discussion, the meeting was reopened to the public at 10:00 p.m.

Property
Appraisal

Moved by Burdge, seconded by Postma to authorize an appraisal of the property for sale by Mark Geiger on Belvidere Road for possible Sr. Housing units. The appraisal to be done by Doug Dashine, Attorney Rath will coordinate. Roll Call: Ayes: Burdge, Postma. Nays: none.

Adjourn

Moved by Burdge, seconded by Postma to adjourn the meeting at 10:05 p.m.