

- 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
- PP&L  
Fly Ash
- Representatives from PP&L were present to discuss the recent fly ash spill into the Delaware river from their Lower Mount Bethel, Pennsylvania facility that effected areas along the river in Harmony Township. Mr. Dennis Murphy gave an overview on how bottom ash and fly ash are produced at this site. He stated this material is used in construction materials. The ash is mixed with water and pumped into a basin, the ash settles to the bottom and clear water is pumped through a discharge pipe into the river. On August 23<sup>rd</sup>, a stop log failed in basin #4 and 100,000,000 million gallons of the fly ash and water mix exited the basin into the creek, Delaware River and adjoining fields. He commented that there was so much pressure that the manholes were blown off. The main focus at that time was to stop the leak by placing barriers around the structure and inlet pipe. This stopped the leak by about 75%. Booms and hay bales were installed in the River to limit impact downs stream. Work is continuing, removal being done by vacuum and pumping operations. Material is being put into basin #1. Trucks and bulldozers removing material along creek bed into basin #1. Work that has been completed is waiting for inspection by state agencies. Changes are being made to the basin including a new barrier installed in front of the stop logs. New logs in place and a steel reinforced concrete barrier will be installed. Valves in manholes will be installed. All of the basins are being looked at and improvements will be made to all of them.
- Mr. Bob Barkanic, PPL, reported on the water sampling. Stated primary concern was public safety and environment. He believes there is no danger in water. He commented that the coal ash is non-hazardous. Environmental monitoring program includes well sampling, river water tests, biological impacts. A sampling program has been established at the boat launch area, the Easton Water authority, and at the PA fish & wildlife boat launch. All samples are being independently analyzed. He commented at no time was the Easton Water Authority in jeopardy. There was accedence's of water quality criteria at the boat launch where discharge took place. Residential well sampling program is started, 133 requests so far. 40 Harmony residents have requested well tests. He mentioned the Academy of Natural Sciences will do an assessment along with the NJDEP, PA Game Commission and the EPA will assess in guidance of these assessments.
- Mr. Terry Houston, Normondo Associates, has expertise biological expertise in rivers and assessments. He stated as soon as basin was stabilized a short term bio assessment using standard sampling gear was done. They looked at fish, aquatic and bird communities. Started sampling last Monday and will continue sampling. Found small mouth bass, eels, rock bass and everything expected. Nothing missing from the fish community, specific details on organic samples not available yet. Reports on ash deposits have been received. Sampling has taken place all the way below Frenchtown. Less ash observed down stream. Noticed near the plant on the west side of the river more ash deposits than on NJ side.. A collection of fish including bass and suckers for fish tissue analysis. It will show any intake and will be a major component of the

long term program. Progress is on going and will continue to keep us informed.

Committeewoman Abigail Postma stated that she is thoroughly disgusted on the lack of planning for an accident that ultimately could of happened any time with such a tremendous effect to the environment. She is disappointed with PPL now taking reactive measures instead of having preventive measures in place. She would like to know what there long term plan is going to be.

The following comments were made by the public forum:

Skip Gallagher – 3090 Hutchinson River Road; has a problem believing. Watches operations everyday. Everyone in waders-quick clean up done by PPL – what can be done immediately. River is black. No one is in water by PPL without protection....does not believe water is safe. What can be done so it doesn't go down stream?

Committeewoman Postma asked if a high water event would take material downstream? She commented that the rocks need to be scrubbed...PPL must take charge.

Joan Whirly -1032 Broad street; concerned that the water is not safe for children. Is it caustic to eyes? Bob Barkanic stated that there is a concern. Commented that he would not go in it.

Amy Gallagher – Hutchinson River Road; asked why they said its safe for drinking, but, now say they would not go in it. What is the answer?

Pete Whirly – 1032 broad street; asked what are ph levels? Stated Normal range in the 7's. Asked what is in it other than arsenic. In Primary drinking standards....arsenic is one most concerned – 9 other metals. No other indications. Sludge material-is it tested? Has it ever detected any other high levels?

Joe Shandor 1735 River Road; he owns river frontage-water is filled with grey ash – if a dog jumps in the river turns black. Looks like old cement ash. How will it be cleaned up?

Bill Postma – Hutchinson River Road; please clarify reason for spill? Reply by PPL, Rotting of railroad timber type – first look it appeared to be rotted.

Joanne Joe – Hutchinson River Road; asked where did wildlife go? Pictures of dead goose. PPL said the goose was examined and it was shot.

Larry Ehasz – Hutchinson River Road; Asked for the two wells results adjacent to basin.

Gary Kauth – Hutchinson River Road; Asked how are basins controlled or monitored? PPL commented there are operations staff positions – outside operator responsibility. During a perimeter monitoring, operator noticed water leaking as part of inspection round.

Karen Buckley – Harmony Township Environmental Commission - has contacted website and heard media reports – asked what is age of fly ash? PPL stated basin in service since 1989 – Karen asked why weren't people notified? Asked how is ash basin regulated...PPL dam safety permit act. Karen asked if there are inspection reports done? Can copies be obtained? PPL stated there is an inspection program...1/4ly inspections implemented. Karen asked if a log book is to be kept? PPL stated a closure plan is in progress. Karen asked where water samples were taken...and how many taken each day? PPL commented they started hourly, now up to every two hours. Sample analysis will be sent to Karen, NJDEP, PADEP and Easton water authority. They are Screening calculations. Final results are starting to come in. Sediment not taken yet, will be part of biological work. Divers out near pool area

looking for thickest sediment. Karen asked how many ecological samples have been taken. PPL replied 15 invertebrate samples and samples for assessment last week. 4 discreet fish samples taken from riffle above plant, additional sample above Jones pool site even with plant, sample above riffle at sandts eddy and at the pool area. Additional insect samples down to Frenchtown. Karen would like results when they are available. She asked how long is testing going to take? Is fish safe for people to eat? PPL stated that the Academy of natural sciences report will be made public. Environmental Commission believes unless dredging takes place, you are not going to be able to clean up. She commented that 2 EC members live on river and one is a marine biologist...concerned about flooding and ash along banks drying and people breath. Would like water tests...She asked if PPL will put up a bond incase something happens down the road with health issues. PPL replied bonding has not been discussed, focused on cleanup and isolation at this time. They said they are committed to do the right thing.

Gail Bragin – 96 Harmony Station; she is concerned about air born contamination. During this time the river has rose enough that sediment on property has been exposed. Has about 20 feet between land and river...PPL can do sample of remains there if they would like.

Jerry Bernetti-Lower Mount Bethel Environmental Advisory Council...stated he has spoke with PADEP and the current facility is permitted. Asked if the pit being used is lined and is it permitted? PPL stated it is not lined, they are monitoring wells. Mr. Bernetti asked why not use more oil and gas now instead of using coal. PPL commented that the ground water monitoring has been stepped up. He asked if the aquatic eco system is at risk if river vacuumed? He asked if vacuuming will lessen the impact of environmental hazard? Could not be answered. He noted that he has fly born ash-crystalline silica concerns. He commented on the Lower Mount Bethel excavation of ash – residents should have been notified. Is there any point of reference for any other accidents like this? PPL did not know. Jerry stated the sediment on top of rocks where it's thick probably had effect on algae. Noted that the Arsenic levels will be lowered to 10 ppb from 50 ppb in January 2006.

Drew Hoy – Hutchinson River Road; asked why workers are wearing protective gear if safe to swim in? PPL – workers expected wear property clothing. Drew asked if they would go in river if they lived by river? PPL- Yes.

Walt Demoss – Hutchinson River Road; Stated that PPL does pretty good in gross revenue – will residents receive monetary compensation? Loss of Value of property? Medical issues? Monetary restitution? Concerned about the future. PPL-no comment.

Brett Bragin-96 Harmony Station; stated that if this was oil spill, NOAA, EPA, and other agencies would be on site immediately. Noted that Shoreline assessments would have been done. Mapping where product was would be done. Clean up dictated. He commented that PPL should do shoreline assessment until ash cannot be seen. Asked if EPA and NJDEP and PA DEP are doing any more than overseeing the operation or are they dictating what is being done. PPL commented that natural resource agencies will dictate cleanup. Enforcement agencies are reviewing and approving what is being done.

Committeewoman Postma asked PPL if there have been any issues in the past? Problems or discharge prior to this? PPL stated nothing of this magnitude. Would have to look back at the records.

Mrs. Postma presented to PPL pictures of what looked like a similar discharge taken in the same area in November 2004. It was a discharge of grey matter. PPL stated they were not aware of any violations. Abby would like it reviewed.

Kevin Lippincott – Harmony Brass Castle Road; stated that this was a contamination of river...why is it less important than an oil spill....it effects

people who live on the river. Stated it needs to be taken care of. How did the flood in April effect discharge?. PPL said rain is collected and water is analyzed. No effects from flooding.

**Mayor Burdge asked PPL representatives to return in October and all future meetings until clean up is satisfactorily complete. He stated that the material will continue to seep down into pockets and will never be able to be cleaned. He noted that many residents have older hand driven wells that are very shallow and he is very concerned about the water testing. He requested PPL to continue the well tests every 3 months for at least 2 years. He stated that he along with the committee members support the publics' concerns and will continue to ask for answers.**

PP&L agreed to test the wells as necessary to assure public safety and well being of residents. Test results will be provided to the Township Committee and residents.

Committeewoman Postma thanked Mayor Burdge for pressing the issues. She stated we are not going away.

Public  
Comment

Bob Milkovitz stated he is planning on building near the property owned Kutzler. This property had just burned down. Will he be affected by anything the township will be doing with this property? Zoning Officer Fritts said it shouldn't effect his plan.

Karen Buckley asked to have a description of the ordinances being introduced. She received a call about the convicts being released from the County Prison on Belvidere Road without a ride waiting for them. After a brief discussion, it was the consensus that the township would send a letter to the Warren County Freeholders stating this concern.

Sue Salter asked about the Tjalma preservation project. Attorney Rath commented that there is progress being made on the ordinance for preserving properties. The Land Use Board will be involved in amending this ordinance.

Reports

The Municipal Attorney's report was presented. It included the following:

Unified Bankruptcy -

I am still waiting for the appraisal which I should have shortly. With respect to the blowers operating, I sent an email outlining what I learned from the Trustee's attorney.

Goat Farm Terrace -

We have the Deed and are awaiting some other closing documents which Mr. Shandor indicated by phone we would receive today. We will then record the Deed and the Township will own this property.

Nuisance Code –

I have several drafts of Ordinances and can draft a Nuisance Ordinance for the Township if directed to do so. This would also cover noise.

Tax Assessments –

Rich Motyka has requested that I file a correction of errors with respect to two tax assessments in the municipality. I have prepared draft Complaints and I am awaiting further information from Rich before they can be filed.

Tina Daly / Wildcat Site – There is a meeting scheduled for Thursday, September 8, 2005 at 1:00 p.m. and Nevitt will be attending on behalf of the Township. The issue as I understand it, is Ms. Daly's compliance with the clean up previously ordered by DEP and the current condition of the property.

Harmony Station – Abby had requested what we could do to abate the nuisance in this area. We do not have an abandoned / unfit buildings Ordinance nor do we have a specific nuisance code. John can take some

action on his own and through the Warren County Board of Health. However, I think our Code should be updated to include these Ordinances.

Engine Braking Ordinance – I drafted an Engine Braking Ordinance and this is up for discussion before introduction at tonight's meeting.

Employment Manual & Handbook – I am almost done with the revisions and will have them for the October meeting.

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

The Municipal Engineer's report was presented. It included the following items:

#### ROTONDI / HARMONY COMPOST

Our office prepared a correspondence dated, July 20, 2005, which detailed the concerns at the site. We will continue to attempt to schedule a site visit to review the Township's concerns regarding the drainage problem to the north with Mr. Rotondi. We will also discuss the environmental concerns expressed regarding the Buckhorn Creek.

#### 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 grandfathered the use of the subdivided lot as approved by the Township LUB for development of a residential dwelling. Our office has been coordinating with the Warren County Engineer's office relative to final approval of the subdivision. There remains a question regarding the width of the County ROW for Belvidere Road.

#### 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.

Originally, the stormwater management plan was set for public hearing and adoption consideration at the September 7, 2005 Land Use Board meeting. That presentation has been moved to the September 15, 2005 Land Use Board meeting as a result of the PPL spill meeting conflict.

#### PLAYGROUND GRANT APPLICATION

It appears the Township may qualify for a grant to upgrade the playground equipment under a state grant program to allow for handicap accessible upgrades to the recreational facilities. Our office will continue to gather more details regarding the application process for this program.

#### 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 was approximately 80% completed with 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. Our office is coordinating with the NJDEP regarding the submission of the required information for a stream encroachment permit. Until this project receives approval of a stream encroachment permit, the work cannot be completed.

#### GOAT FARM ROAD STREAM ENCROACHMENT PERMIT

The NJDEP has given our office direction relative to the required documentation for attaining this permit. We should have the permit application submitted within the next week.

#### 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. Our office will be submitted a funding request under the Flood Mitigation Assistance 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 utilizing both programs.

Our office will continue assist Kelley and coordinating with the NJ State Office of Emergency Management (NJOEM) and FEMA representatives as required.

#### 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. Our office continues to strive to schedule a meeting with the NJDOT to review the ordinances set for inclusion in the Traffic ordinance.

#### BRAINARDS ALLEY/STREET VACATIONS

Our office has investigated the road and alleys in the Brainards section of the municipality. A final map filed in 1903 shows the entire area with streets and lots created at that time. There appears to have been a number of vacations that have occurred over the years in the Brainards area however, we have not been able to determine if the isolated sections of Cherry Street and Vine Street surrounding Block 39, Lot 2 have been vacated. It would be our recommendation that Kelley research the Township records for vacation ordinances to determine if the streets have already been vacated. If vacation ordinances are located, our office can research the County records to determine if the vacations were properly filed. Our office looks for direction in this matter.

Motion by Burdge, seconded by Postma to accept the Engineers report as presented. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

The Zoning Officers report was presented and contained the following items:

Called Rebecca Hill about the Highlands restrictions for one acre of disturbance and 3% lot coverage.

Spoke with Gail Vargo about building a residence on the farm.

Spoke with Mrs. Deseanna about the submittal of a subdivision for a flag lot.

Robert Shandor Jr. received a denial for exceeding the height and front yard setback.

Raleane Catterson received a denial for a mother daughter addition.

Rick Simpson received a release for a certificate of occupancy on Ridge road.

Ann Bouch, Remax, called about 1022 Railroad avenue.

Vinny Philascript, called about the zoning and building availability for property in Brainards (corner of Third and Broad, and torn down bar lot).

Ken Dunkin, 138 Harmony Brass Castle road called about installing a fence around the pool.

Mike Baurvouch called about increasing the house on Goat Farm road. Property is located in the flood zone, variances are required.

Robert Stecker asked about building and subdivision of his farm. There exist two homes on the farm presently.

A potential landowner called about the availability of building in the highland area. Engineering information is needed for the ¼ acre lot coverage.

Robert Milkovitz received a permit for a house to align with the average front yard setback of houses within 200 ft..

Darla Crouse questioned about the submittal of site plan for the flower shop to the north of her property. A letter was sent to the landowner Tammy Gaerhart to apply for the site approval.

Rick Simpson received a zoning permit for a deck located to the rear of property.

Pat Radomski received a zoning permit for a shed.

Issued letter of violation for the farm stand without site plan approval.

Harold Abbott received a zoning permit for an above ground pool.

Carol Matheius requested letter for certification of a lot on Reeder road.

Erik Pene, 2891 Belvidere road, received a denial for encroachment of the side yard setback.

Ken Duncan received a zoning permit for a 4 ft. fence.

C& H Paving called about the driveway entrance paving requirement.

Dennis Houseman received a zoning permit for a 16 ft. x 26 ft. addition.

William Bishop received a release for a certification of occupancy.

William Vegh visited the office for a zoning application for a house.

Frank Ricicki received a zoning permit for a 18 ft. x 22 ft. rear addition.

Phillip Albert called about the use of old firehouse located at 2571 Belvidere road.

An owner on Goat farm road called about a second floor addition. A variance is required along with raising the structure.

Moved by Burdge, seconded by Postma to accept the Zoning Officers report as presented. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

Consent  
Agenda

Moved by Burdge, seconded by Mattei to approve the consent agenda that included the following items:

- Monthly Reports reviewed by the Committee and on file by the
  - Chief Financial Officer
  - Tax Collector
  - Road Supervisor
  - Farmland/Open Space Committee
- Claims Register as attached to these minutes.

- RESOLUTION NO. 05-62

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:

BLOCK / LOT	OWNER /ADDRESS	Reason	YEAR	AMOUNT
11 / 53.Q	Rupp, John S & Laura J 513 Harmony Brass Castle Rd Phillipsburg, NJ 08865	Over billing	2005	\$ 567.00
31 / 8.Q	Geiger, Mark H. 67 White Birch Lane East Stroudsburg, PA 18301	Over billing	2005	\$1,664.13
10 / 10	Tino, Carmen w & Kelly A. 10 Roxburg Hill Rd. Phillipsburg, NJ 08865	Over billing	2005	\$ 261.10
7/ 2.Q	Hummer, Richard Jr. PO Box 277 Belvidere, NJ 07823	Over billing	2005	\$ 61.20
6 / 42.01	Kosa, Mark F. 2920 Hutchinson Road Phillipsburg, NJ 08865	Over billing	2005	\$ 463.10
5 / 36	Hoffman, David E, Jacquelyn & Dave Jr. 2575 Morgan Hill Rd Easton, PA 18042	Over billing	2005	\$ 18.10
5 / 34	Kocher, George A. III & Arlene 1309 Richmond Road Easton, PA 18040	Over billing	2005	\$ 265.05
5 / 27	Swick, Beverly Ann & George A 134 James Street Easton, Pa 18042	Over billing	2005	\$ 10.40
6 / 25	Kocher, George 1309 Richmond Road Easton, PA 18040	Over billing	2005	\$ 304.80

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 October 4, 2005.

Kelley D. Smith  
Municipal Clerk

- Minutes of August 11, 2005 Regular Committee Meeting
- Raffle Licenses 05-11 & 05-12 for Warren County Rod & Gun Club On October 16, 2005 @ Harmony Township Firehouse

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

Harmony  
Fire  
Company

The committee received a letter from the Harmony Township Volunteer Fire Company that requested the township to consider purchasing a ladder truck because of the height of the homes that are now being elevated to avoid future flooding and the newer homes being built are larger than in the past. They do not want to be held responsible if they are unable to assist at a fire if it is a house that received a variance to be built higher than the code allows. The mayor and committee agreed to review for next years budget.

O:05-16

Moved by Burdge, seconded by Postma to open the public hearing for Ordinance No. O:05-16 titled;

An Ordinance Regulating The Statutory Authority Of United Telephone Company Of New Jersey, Inc., Its Successors And Assigns To Use The Various Public Roads, Streets, Or Highways In The Township Of Harmony, Warren County, New Jersey, For Its Local And Through Lines And Other Communications Facilities And Prescribing The Conditions Thereof

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

Public  
Comment

Mr. Dave Bruckman recommended the consent period in Section 2 be 10 years instead of 30 years. Mr. Ken Stanley, Sprint, stated that the ordinance allows them to access poles and wires only. After a brief discussion, it was the consensus of the committee and in agreement with Mr. Stanley to change the consent period to 15 years.

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

Adoption

Moved by Burdge, seconded by Postma to adopt Ordinance O:05-16 as amended to reflect section two to read 15 years consent time. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

O:05-17

Moved by Burdge, seconded by Postma to open the public hearing for Ordinance No. O:05-17 titled;

An Ordinance To Amend an Ordinance No. 04-03 fixing the salaries and wages of the Township Officials and Employees by adding the salary for refundable FEMA grant administration costs.

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

Public  
Comment

There was no public comment at this time.

Adoption

Moved by Burdge, seconded by Postma to adopt Ordinance O:05-17 as introduced. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

O:05-18

Moved by Burdge, seconded by Postma to introduce the following ordinance:

TOWNSHIP OF HARMONY  
ORDINANCE NO. 05-18

AN ORDINANCE SUPPLEMENTING AND AMENDING  
CHAPTER 165-8-D.OF THE CODE ENTITLED  
“UNIFORM GROWTH-BASED AFFORDABLE HOUSING  
PRODUCTION”

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 –

Chapter 165-8 D.(6)(e) is hereby replaced in its entirety and shall be made to read as follows:

(6)(e) This Ordinance shall apply to all development that receives a preliminary land use approval after the effective date of this Ordinance, with the exception that inclusionary residential developments constructed in the Township’s AH, Affordable Housing Development Zone shall be exempt from the requirements of this Ordinance with respect to all affordable housing units and market-rate units at the rate of 4 times the number of affordable units produced. Market units above this ratio and all non-residential development within the AH zone shall be subject to the terms of this Ordinance.

Chapter 165-8 D.(6)(f) is hereby created and shall be made to read as follows:

(6)(f) Developments that produce affordable units pursuant to this Ordinance shall be exempt from the payment of development fees pursuant to the Township’s Development Fee Ordinance.

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.

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 September 6, 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 October 4, 2005.

Kelley D. Smith  
Municipal Clerk

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

O:05-19

Moved by Burdge, seconded by Mattei to introduce the following ordinance:

HARMONY TOWNSHIP  
ORDINANCE NO. 05-19

AN ORDINANCE TO AMEND CHAPTER 8 OF THE CODE OF THE  
TOWNSHIP OF HARMONY ENTITLED "CLAIMS APPROVAL"

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 – Chapter 8 is amended in its entirety and shall be made to read as follows:

8-1. Documentation of claim required.

Any person claiming payment from the Township of Harmony shall first submit a detailed statement of the items or demand necessitating such claim to the responsible executive agency, specifying particularly how the bill or demand is made up, and a certification from the party claiming payment that it is correct. No bill, claim or demand shall be considered for payment unless the voucher has attached to it or includes a certification of a department head or other municipal official responsible for certain functions or of his duly designated representative having personal knowledge of the facts that the goods have been received by or the services rendered to the Township of Harmony and that those services and goods are consistent with any existing contract or purchase order, The Chief Financial Officer shall have the duty to audit, warrant and make recommendation on all claims and bills.

8-2. Submission of claim to township.

The bill or claim duly certified shall be presented to the Municipal Clerk for inclusion in the agenda of the next immediate formal meeting of the governing body, and it shall be the duty of the Chief Financial Officer to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed. All claims or bills to be considered by the governing body shall be listed systematically without preference, and said list shall be made available to every member of said governing body prior to formal action by that body.

8-3. Consideration by Township Committee.

Claims shall be considered by the governing body, which shall approve the same, except that said governing body may reject any claim presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the Chief Financial Officer with such instructions as the governing body may give at the time of disapproval.

8-4. Records.

It shall be the duty of the Municipal Clerk to record all claims in the official minutes or through an appropriate claims register, indicating that the governing body has by formal action approved the same, with appropriate record as to any claims disapproved or rejected. All records pertaining to approve and disapproved bills or claims shall be available for public inspection.

8-5. Disbursements.

After the Chief Financial Officer has certified that the claims have been approved, she shall forthwith prepare the necessary checks for the payment thereof, which said checks shall be signed by the Mayor and thereafter be signed by the Chief Financial Officer and Clerk. After the checks have been prepared for the payment of claims, the Chief Financial

Officer shall records them in proper books of account, and the checks shall thereafter be mailed to the claimants.

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.

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 September 6, 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 October 4, 2005.

Kelley D. Smith  
Municipal Clerk

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

Brake Ordinance A copy of a sample brake ordinance was distributed by Attorney Rath for the committee to review. It may be something they would like to consider in the future.

Kutzler House Fire A letter will be prepared for the Warren County Health Department requesting them to enforce the code at the location.

Halloween Discussion took place on the date and time for Trick-or-Treating in Harmony. It was the consensus to hold Trick-or-Treat on Monday, October 31<sup>st</sup> from 5 p.m. – 8.p.m.

R:05-62E Moved by Burdge, seconded by Mattei to adopt the following resolution:

10:00 p.m.-  
10:20 p.m.

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 September 6, 2005.

There being no further discussion, the meeting was reopened to the public at 10:20 p.m.

COAH Moved by Burdge, seconded by Mattei to authorize Elizabeth McKenzie, Planner, to prepare the 3<sup>rd</sup> round housing element and fair share plan for Harmony Township. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: None.

Adjourn Moved by Burdge, seconded by Mattei to adjourn the meeting at 10:30 p.m. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: None.

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Kelley D. Smith  
Municipal Clerk