

Municipal Building, Harmony, NJ
Township Committee Reorganization/Budget/Regular Committee
Meeting/Board of Health Reorganization Meeting
January 5, 2015
5:00 p.m.

Reorgani- The Reorganization Meeting of the Harmony Township Committee was
zation called to order by the Municipal Clerk. The Municipal Clerk 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 and The Express-Times, 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 the Municipal Clerk.

Oath Committeewoman Elect Diane Yamrock was given her oath of office by
 Attorney Campbell for a new Township Committee term expiring
 December 31, 2017.

Roll Call Tipton, Cornely, Yamrock

Mayor The Municipal Clerk called for a nomination of Mayor for the 2015 term.
 Motion by Mrs. Yamrock to Nominate Brian Tipton as Mayor was heard
 and seconded by Mr. Cornely. There were no other nominations put on
 the floor at this time. Roll Call: Ayes: Yamrock, Tipton, Cornely. Nays:
 none.

The meeting was turned over to Mayor Tipton at this time.

Deputy Motion by Mr. Cornely, seconded by Mr. Tipton to nominate Mrs.
Mayor Yamrock as Deputy Mayor was heard. There were no other nominations
 put on the floor at this time. Roll Call: Ayes: Yamrock, Cornely, Tipton.
 Nays: None.

Mayor’s Mayor Tipton made the following appointments:
Appointments

Land Use Board

Mayor Brian Tipton	Class I(1 year term)
John Fritts/Zoning Officer	Class II (1 year term)
Richard Cornely	Class III (1 year term)
Donald Troxell	Class IV (4 year term)
Dave Beers	Class IV (4 year term)
Joe Lubowiki	Class IV (4 year term)

Environmental Commission

Harry Cosimano	Chairperson (1 year term)
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Emergency Management Council (1 year terms)

Wesley Garrison.....	Public Information Officer
Wesley Garrison.....	Shelters
Wesley Garrison.....	Fire, Rescue and Hazardous Materials
James Fox.....	Public Works & Resource Mgmt.
Ruth Latourette.....	Evacuation
Wesley Garrison.....	Communications
Sue Garrison/Sheri Hoffman.....	Reception & Care
Kelley Smith/Courtney Morrow	

R:15-1 Motion by Yamrock, seconded by Cornely and carried unanimously to adopt the following resolution:
 RESOLUTION NO. 15-1
 TOWNSHIP OF HARMONY
 COUNTY OF WARREN

BE IT RESOLVED by the Township Committee of the Township of Harmony that:

WHEREAS, the Township Committee of the Township of Harmony is required by law to make various appointments to fill various municipal positions and offices in the Township of Harmony for calendar year 2015 as part of its annual reorganization; and

WHEREAS, the Township of Harmony desires to incorporate these appointments, some of which are statutory and others which involve rendering of professional services, which do not require public advertising or bidding on this memorializing resolution;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the following individuals are hereby appointed to the positions opposite their names and for the term specified therewith:

<u>Individual Appointed</u>	<u>Position</u>	<u>Term of Office</u>
Kelley D. Smith	Certifying Agent for Department of Personnel	1 Year
Kelley D. Smith	Affirmative Action Compliance Officer	1 Year
Courtney Morrow	Full Time Office Assistant/ Licensing Official	1 Year
Wesley Garrison	9-1-1 Coordinator	1 Year
Zachary Becker	Deputy 9-1-1 Coordinator	1 Year
Amanda Wocjick	Animal Control Officer	1 Year
John S. Fritts	Public Officer	1 Year
Katrina Campbell	Municipal Attorney	1 Year
Open	Solid Waste Advisory Council Representative	1 Year
John D. Draikiwicz	Bond Counsel	1 Year
Kelley D. Smith	Recycling Coordinator/ Clean Communities Coordinator	1 Year
Lynn VanAssen	Historical Preservation Commission	4 year
Christopher M. Troxell, Esq.	Municipal Prosecutor (professional services pursuant to N.J.S.A. 40A:11-5)	1 Year
Scott M. Wilhelm, Esq.	Public Defender	1 Year

BE IT FURTHER RESOLVED that a copy of this Resolution shall remain on file and be available for public inspection in the office of the Municipal Clerk of the Township of Harmony during regular business hours.

* * * * *

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 its reorganization meeting held on January 5, 2015.

Kelley D. Smith
Municipal Clerk

The Clerk reminded the Committee at this time that they still needed to appoint someone to the Warren County Solid Waste Council to represent Harmony. Mayor Tipton asked the Committee to make any suggestions at the next meeting.

The regular business meeting of Harmony Township Committee began at this time.

The Mayor asked if the date of the February meeting could be adjusted at this time. Mr. Cornely indicated he will not be available as well as Mr. Tipton will not be. Discussion took place for an alternate date and time. It was the consensus that the February meeting will be held on February 10th beginning at 5:00 p.m. Resolution R:15-5 will be adjusted to reflect this change.

Consent Agenda:

Motion by Tipton, seconded by Yamrock and carried unanimously to approve the following consent agenda items:

Attorney Report – Attorney Campbell indicated she had an item for executive session.

Engineers Report – Engineer Weber provided the Committee a copy of the SWAC resolution adopted for the Rotundi Site. There were recommendations made and modifications were taken into consideration. They included the noise requirement was recommended as a requirement. He also added stormwater enforcement which was about construction of stormwater facilities. He recommended submitting this to the Freeholders for consideration. Mr. Cornely would like Mr. Weber to attend on behalf of Harmony Township. It was the consensus of the Committee to send the conditions to the Freeholders and have Mr. Weber to attend the meeting. Mr. Cornely asked Mr. Weber if he saw the email regarding the debris being spread in locations that are not authorized. Mr. Weber said he did and was waiting for the County Health Department to investigate and report back. Keven Covatta from the County Health Department was supposed to follow up.

Mr. Weber noted that he was informed by the Clerk’s office about Aqua extending water mains and services on Railroad Ave. It was determined that road opening permits should be acquired for this work. Mr. Weber took a look at what they were doing and it appeared to be done. He spoke with a guy from Aqua today and indicated that they needed a permit. The Aqua representative indicated he did talk to someone from the Township (?) who said he didn’t need a permit. Mr. Weber feels they should be required to retroactively file the application for a permit, pay the fee. It appears that Aqua talked to Jim Fox. Mr. Weber asked should the Township try to get Aqua to do some additional work due to the condition of the road not being that great. There is a trench down the one side. He suggested having them oil and chip it. Mr. Weber will follow up with Aqua to see if they are willing to pitch in and do additional work to the road. The road is

scheduled for repaving in the spring of 2015 if the budget allows. Mayor Tipton said if it's worse off now than before they should be held accountable. He asked what they would have done if they had received a permit. Mr. Weber said that there would be a performance bond, and application fee, inspection fee. The Engineer is supposed to inspect it while excavation work is being done, the Engineer has to make sure the trenches are backfilled properly for instance. He said there is no way now knowing it was done correctly. Mr. Tipton asked if we could ask for a certification that this work was done properly. Mr. Weber will talk to Aqua.

Resolutions:

**HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION NO. 15-2**

**RESOLUTION ADOPTED AT MEETING ASSEMBLED BY
THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HARMONY ON JANUARY 7, 2014 ESTABLISHING THE
RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT
OF REAL PROPERTY TAXES WHEN THE SAME SHALL
BECOME DUE AND PAYABLE**

WHEREAS, pursuant to N.J.S.A. 54:4-66, taxes are payable each and every year in four installments, to wit: February 1, May 1, August 1 and November 1, respectively, following which dates if the same remain unpaid, they become delinquent; and

WHEREAS, pursuant to N.J.S.A. 54:4-67, the governing bodies of municipalities may fix the rate of interest to be charged, among other things, for non-payment of delinquent taxes owing them; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to define a tax delinquency as follows:

“Delinquency means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years. The governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of Ten Thousand (\$10,000.00) Dollars who fails to pay the delinquency prior to the end of a calendar year. The penalty so fixed shall not exceed six (6%) per cent of the amount of delinquency”; and

WHEREAS, N.J.S.A 54:5-61 has been amended relating to the amount to be charged on account of a tax sale certificate as follows:

“When the taxes, interest and costs so exceed the sum of Five Thousand (\$5,000.00) Dollars, such additional sum shall be equal to four (4%) per cent of such amount paid; and when that sum exceeds the sum of Ten Thousand (\$10,000.00) Dollars, such additional sum shall be equal to six (6%) per cent of such amount paid. This section shall also apply to all existing certificates held by municipalities on the effective date of this act”;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that commencing with the installment payments due on February 1, 2014 for real property taxes and thereafter during each and every succeeding quarterly period, interest shall be charged at the rate of eight (8%) per cent per annum on the first \$1,500.00 of the delinquency and eighteen (18%) per cent per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment; provided, however, that no interest shall be charged if payment of any installment is made within ten days after the date upon which the same shall become payable;

BE IT FURTHER RESOLVED by the Township Committee that a penalty of six (6%) per cent of any tax delinquency in excess of Ten Thousand (\$10,000.00) Dollars shall be charged to any taxpayer who has incurred same where said delinquency is not cured prior to the end of the calendar year;

BE IT FURTHER RESOLVED that the Township of Harmony hereby charges such additional six (6%) per cent penalty on all existing tax sale certificates held by the Township where said sum exceeds Ten Thousand (\$10,000.00) Dollars, which penalty shall be applied to all certificates presently held by the Township as well as those which may be subsequently acquired by it as a result of future tax sales.

* * * * *

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 its reorganization meeting held on January 5, 2015.

Kelley D. Smith
Municipal Clerk

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 15-3

RESOLUTION BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY, DESIGNATING A CASH MANAGEMENT PLAN

WHEREAS, P.L. 1983, Chapter 8, Local Fiscal Affairs Law, N.J.S.A. 40A:5-2, 5-15.1 has amended to require that each municipality designate a Cash Management Plan for the deposit of local unit's monies.

I. STATEMENT OF PURPOSE

The Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investments (Permitted Investments") of certain public funds of the Township of Harmony pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing accounts or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to prove that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the

liquidity (regarding the availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the following Cash Management Plan be adopted by the Township of Harmony:

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township of Harmony:

Fulton Financial Bank, Lopatcong Branch

Current #110000390
Tax Collecting Savings #410000418
Trust Fund #110000323
Current Fund #110003772

Bank of America, Easton, PA Branch

Escrow Fund #08-080903

Morgan Stanley Trust, Jersey City Branch

State of NJ Cash Management Fund #171-000098

Federal Reserve Bank, NJ

Treasurer Direct Account #1100-177-4977

TD Bank, Phillipsburg Branch

Checking Account #786-422-9906

Fulton Financial, Phillipsburg Branch

B. It is understood that this Plan is not intended to cover certain funds and accounts of the Township of Harmony specifically:

Fulton Financial, Phillipsburg Branch

Dog Account #110000420
Payroll #110000412

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF HARMONY AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

A. The Chief Financial Officer of the Township of Harmony is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such deposits or any Permitted Investments, such officials of the Township of Harmony are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

B. Designation of Official Depositories:

1. The following financial institutions are designated as official depositories:

All Official Depositories Located within the State of New Jersey Federal Reserve Bank New Jersey Cash Management Plan under the direction of the Chief Financial Officer.

2. Designated official depositories are required to submit to the Chief Financial Officer of the Township of Harmony a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act notification of eligibility which must be filed semi-annually in the Department of Banking as of June 30th and December 31st of each year.

3. Designated official depositories are required to submit to the Chief Financial Officer a copy of the institution's "Annual Report" on an annual basis.

IV. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL

A. The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township of Harmony referred to in this may deal for purposes of buying and selling securities identified in the Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of the Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

B. Deposit of Funds: All funds shall be deposited within forty-eight (48) hours of receipt in accordance with the State Statute.

1. Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.

2. Trust funds may be deposited into interest bearing accounts. Non Interest bearing accounts should be regularly monitored for availability of funds for investment except where either State, Federal laws or local ordinance prohibit the earning of interest on such funds.

C. Designation of Allowable Investment Instruments:

1. The Township may permit deposits and investments in such depositories as permitted in Section 4 or P.L. 1970, (C.17:9-44).

D. Definition of Acceptable Collateral and Protection of Township Assets:

1. All designated depositories must conform to all applicable State Statutes concerning depositories of public funds.

2. All depositories shall obtain the highest amount possible of F.D.I.C. and/or F.S.L.I.C. coverage of all Township Assets (Demand and Certificate of Deposit).

3. Collateral will be required for all deposits and investments of the Township, except those in the State Cash Management Plan, collateral must have a market value of not less than 100 per cent of all deposits and investments.

V. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated

Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
2. Government money market funds.
3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is located;
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by local units;
6. Local government investment pools;
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L./ 1977, C. 281 (C.52:18A-90.4); or
8. Agreements for the repurchase of fully collateralized securities if:
 - a. the underlying securities are permitted investments pursuant to paragraphs (i) and (3) of this subsection a;
 - b. the custody of collateral is transferred to a third party;
 - c. the maturity of the agreement is not more than 30 days.
 - d. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, C.236 (C. 17:9-41); and
 - e. a master repurchases agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund.

An investment company or investment trust:

- a. which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940”, 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- b. the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

c. which has: attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940”, 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool.

An investment pool:

Which is managed in accordance with 17 C.F.R. sec 270.2a-7;

Which is rated in the highest category by a nationally recognized statistical rating organization;

Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;

Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act”, P.L. 1968, C.410 (C. 52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for safety, liquidity and yield of the investments;

Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; and

Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 C. 9 (C. 49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

VI SAFEKEEPING CUSTODY PAYMENT AND
ACKNOWLEDGEMENT OF RECEIPT OF PLAN

To extend that any Deposit or Permitted Investments involves a document or security which is not physically held by the Township of Harmony, then such instrument or security shall be covered by a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township of Harmony to assure that there is not

unauthorized use of the funds or the Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the Township of Harmony or by a third party custodian prior to or upon the release of the Township of Harmony’s funds.

To assure that all parties with whom the Township of Harmony deals wither by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of the Plan in writing, a copy of which shall be on file with the Designated Official(s).

VII REPORTING PROCEDURES

A. The Chief Financial Officer shall prepare for the Township Committee the following investment reports:

1. Monthly reporting:

A listing of all investments as part of the Chief Financial Officer’s monthly report which shall include, at a minimum, the following information:

The name of the institution holding funds of the Township of Harmony as a Deposit or a Permitted Investment.

The amount of securities or Deposits purchased or sold during the immediately preceding month.

The class or type of securities purchased or Deposits made.

The book value of such Deposits or Permitted Investments.

The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earning during the immediately preceding month.

The fees incurred to undertake such Deposits or Permitted Investments.

The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.

All other information which may be deemed reasonable from time to time by the governing body of the Township of Harmony.

2. The Chief Financial Officer shall prepare a schedule of outstanding investments for the independent auditors as of December 31st of each year and at other such times required by the auditors.

VIII MAXIUM MATURITY POLICY

A. Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

IX CONTROLS

When possible, the internal controls should provide for a separation of the investment placement functions and accounting activity. Controls must be designated for telephone orders, wire transfers and securities, safekeeping, only specifically designated personnel of the Department of Finance shall be allowed to conduct this part of the transactions and all activity should be subject to immediate written confirmation by the designated depository. The Chief Financial Officer shall review the day's activity.

X BONDING

The following officials shall be covered by surety bonds to be examined by the independent auditor to insure their proper execution:

- Chief Financial Officer
- Tax Collector
- Staff members of the Department of Finance not covered by separate surety bonds shall be covered by public employees' faithful performance bond in minimum amount of \$10,000.00.

XI COMPLIANCE

A. The Cash Management Plan of the Township of Harmony shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4

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 its reorganization meeting held on January 5, 2015.

Kelley D. Smith
Municipal Clerk

**HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION NO. 15-4**

**RESOLUTION BY THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HARMONY, COUNTY OF WARREN,
STATE OF NEW JERSEY, DESIGNATING THE
NEWSPAPERS TO RECEIVE NOTICES OF SAID
TOWNSHIP**

WHEREAS, Section 3d of the Open Public Meetings Act, Chapter 231, P.L. 1975 requires that certain notice of meetings be submitted to two newspapers, one of which shall be the official newspaper; and

WHEREAS, the second newspaper designated by this board must be one which has the greatest likelihood of informing the public within the jurisdictional boundaries of this board of such meeting;

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 Star Gazette with offices in Hackettstown, New Jersey is hereby designated as the official newspaper to receive all notices as required under the Open Public Meetings Act.
2. The Express-Times with offices in Easton, Pennsylvania, shall be designated as the secondary newspaper.
3. 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 its reorganization meeting held on January 5, 2015.

Kelley D. Smith
Municipal Clerk

**HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION NO. 15-5**

**RESOLUTION BY THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF HARMONY, COUNTY OF WARREN
STATE OF NEW JERSEY, IN REGARD TO REGULAR
MEETING DATES**

WHEREAS, Section 13 of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that at least once a year not later than January 10th of such year, every public body shall post and mail to newspapers designated by said body a schedule of the location, time and date of each regular meeting of said body during the succeeding year;

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 regular meetings of the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, shall be held at the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey, at 6:00 p.m., prevailing time, on the following dates in the year 2015:

January	5 (Mon.)	July	7 (Tues.)
February	10 (Tues.) @ 5:00 p.m.	August	4 (Tues.)
March	3 (Tues.)	September	1 (Tues.)
April	7 (Tues.)	October	6 (Tues.)
May	5 (Tues.)	November	3 (Tues.)

June 2 (Tues.) December 1 (Tues.)

2. 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 its meeting held on January 5, 2015.

Kelley D. Smith, RMC
Municipal Clerk

**RESOLUTION
HARMONY TOWNSHIP, WARREN COUNTY**

**R:14-7
TOWNSHIP OF HARMONY TAX ASSESSOR**

WHEREAS, the Township Committee of the Township of Harmony has been informed by the Tax Assessor of the Township of Harmony that from time-to-time, changes in property use occur in the Township so that such properties become subject to roll-back taxes pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Tax Assessor of Harmony Township has requested the Township Committee authorize him to file petitions, notices and other documents regarding the assessing of such roll-back taxes with the Warren County Board of Taxation; and

WHEREAS, the filing of these documents regarding roll-back taxes by the Tax Assessor of the Township of Harmony is important to the tax assessment process of the Township and the Tax Assessor has already filed petitions and other documents regarding such roll-back taxes with the Warren County Board of Taxation;

NOW, THEREFORE, BE IT RESOLVED, by the Committee of Harmony Township that the Tax assessor of the Township of Harmony be, and he is hereby authorized to file petitions, notices and other documents regarding the assessing of roll-back taxes;

BE IT FURTHER RESOLVED that this Township Committee hereby confirms and approved of the actions of the Tax Assessor to date in filing such documents regarding roll-back taxes with the Warren County Board of Taxation.

CERTIFICATION

I, Kelley Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey, **DO HEREBY CERTIFY** that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Harmony, at their reorganization meeting held on January 5, 2015.

WITNESS, my hand and seal of the Township of Harmony on this 5th day of January, 2015.

Kelley Smith, Municipal Clerk

RESOLUTION
HARMONY TOWNSHIP, WARREN COUNTY
R:15-8
TOWNSHIP OF HARMONY TAX ASSESSOR

WHEREAS, the Township Committee of the Township of Harmony has been informed by the Tax Assessor that from time to time errors are made in computing the tax assessment covering certain property located within the Township of Harmony, and

WHEREAS, the Tax Assessor has requested that the Township Committee authorize him to file corrections of such errors with the Warren County Board of Taxation, and

WHEREAS, the Tax Assessor is called upon to defend tax appeals filed with the Warren County Board of Taxation and to agree to stipulations of appeals,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, that the Tax Assessor of the Township of Harmony be and is hereby authorized to file corrective appeals with the Warren County Board of Taxation concerning those properties wherein errors have been made, to represent the Township of Harmony in defense of appeals filed with said Board and to sign stipulations of appeals on behalf of the Township of Harmony, which he feels are proper and in the best interests of the Township of Harmony.

BE IT FURTHER RESOLVED that the Tax Assessor sends copies of such corrected assessment to the individuals involved.

CERTIFICATION

I, Kelley D Smith, Township Clerk of the Township of Harmony, County of Warren and State of New Jersey, do hereby certify, that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Harmony, at their reorganization meeting held on January 5, 2015.

WITNESS, my hand and seal of the Township of Harmony, on this 5th day of January 2015.

Kelley Smith, Municipal Clerk

Correspondence

Review

WCOEM is requesting a letter of intent to participate in the update of the flood mitigation plan. Motion by Tipton, seconded by Yamrock and carried unanimously to authorize the Clerk to prepare and sign the letter of intent for the participation in the County Hazard Mitigation Plan Update.

New Business

Motion by Tipton, seconded by Yamrock and carried unanimously to Introduce by title only the following Ordinance.

**HARMONY TOWNSHIP
WARREN COUNTY, NJ
ORDINANCE O:15-1**

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Harmony in the County of Warren finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$ 20,582.69 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Harmony, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Harmony shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 48,026.27, and that the CY 2015 municipal budget for the Township of Harmony be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Harmony Township Committee as its meeting held on January 5, 2015, 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 February 10, 2015 which shall commence at 5:00 p.m. at the Harmony

Township Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey.

Kelley D. Smith, RMC
Municipal Clerk

Motion by Tipton, seconded by Yamrock and carried by roll call vote the following resolution was adopted:

Harmony Township
Warren County, New Jersey
R:15-6
2014 Harmony Township Temporary Budget

Whereas, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2013 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

Whereas, the date of the resolution is within the first thirty (30) days of January 1, 2015; and

Whereas, 26.25% of the total appropriations in the year 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2014 budget is the sum of \$2,331,079.00 with appropriations at 26.25% - \$611,908.24.

NOW, THEREFORE BE IT RESOLVED that the following appropriations be made, and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records;

TEMPORARY APPROPRIATIONS 2014

	<u>Salaries</u>		<u>Other Expenses</u>	
	<u>Acct. No.</u>	<u>Amount</u>	<u>Acct. No.</u>	<u>Amount</u>
General Administration	10510010	\$8,354.00	10510020	\$11,550.00
Mayor & Council	10511010	\$3,515.00		
Municipal Clerk	10512010	\$18,375.00		
Finance Administration	10512010	\$7,611.00	10513020	\$1,050.00
Audit Services			10513520	\$5,623.00
Tax Collector	10514510	\$7,410.00	10514520	\$919.00
Tax Assessor	10515010	\$4,833.00	10515020	\$919.00
Legal Services	10515510	\$0.00	10515520	\$32,288.00
Engineering Services			10516520	\$23,625.00
Historical Sites Commission			10517520	\$2,100.00
Planning Board	10518010	\$1,931.00	10518020	\$3,938.00
Zoning Officer	10518510	\$3,445.00	10518520	\$131.00
Affordable Housing – COAH			10519020	\$13,125.00
Liability Insurance			10521020	\$11,288.00
Worker’s Compensation Ins.			10521520	\$7,088.00
Employee Group Insurance			10522020	\$18,375.00
Unemployment Insurance			10522520	\$315.00
Emergency Management	10525210	\$1,759.00	10525220	\$525.00
Aid to Volunteer Fire Co.			10525520	\$15,750.00
Contrib to First Aid Org			10526020	\$5,250.00
Fire Dept: Hydrant Svc			10526520	\$53.00
Munic: Prosecutor’s Office	10527510		10527520	\$26.00
Road Maintenance	10529010	\$41,376.00	10529020	\$71,531.00

Public Buildings & Grounds			10531020	\$10,500.00
Public Health (BOH)	10533010		10533020	\$26.00
Environmental Commission			10533520	\$263.00
Animal Control Services	10534010	\$618.00	10534020	\$1,050.00
Maintenance of Parks	10537510		10537520	\$263.00
Community Day Events			10537620	\$2,888.00
Electricity			10543020	\$2,625.00
Street Lighting			10543520	\$356.00
Telephone (exclude equipment)			10544020	\$2,888.00
Fuel Oil			10544720	\$3,150.00
Gasoline			10546020	\$5,906.00
Landfill/Solid Waste Disp.	10546510	\$759.00	10546520	\$788.00
Interlocal Svcs-Municipal Court			10546621	\$11,025.00
Social Security			10547220	\$8,269.00
Public Employees Retirement System			10547120	\$9,004.00
Clean Communities Program			10670120	\$2,834.00
Recycling Tonnage Grant			10670136	\$0.00
Matching Share for Grants			10670137	\$2,756.00
Garrison Rd – NJDOT Grant			10670138	\$0.00
Municipal Drug Alliance Grant			10670139	\$0.00
Reserve for Uncollected Taxes			10689920	\$203,543.00
Capital Improvement Fund			10690020	\$15,750.00
Payment of Notes			10692520	\$72,795.00
Note Interest			10693520	\$12,731.00
Total S/W and O/E:				\$713,191.00

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on January 5, 2015.

Kelley D. Smith
Municipal Clerk

Ayes: Cornely, Yamrock, Tipton

Motion by Tipton, seconded by Yamrock and carried unanimously to introduce the following ordinance by title only:

ORDINANCE NO. 15-2
HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 110 “LAND USE PROCEDURES,” ARTICLE II “LAND USE BOARD”, SECTION 12, “APPLICATION PROCEDURES,” OF THE CODE OF THE TOWNSHIP OF HARMONY TO CHANGE THE DEADLINE FOR SUBMISSIONS TO THE LAND USE BOARD.

WHEREAS, on November 6, 2014, the Harmony Township Committee received a request from the Harmony Township Land Use Board to amend Section 110-12 of the Code to change the deadline to submit documents to the Land Use Board from 14 days before the meeting to 30 days; and

WHEREAS, the Committee of the Township of Harmony, County of Warren, State of New Jersey, has determined that Chapter 110 “Land

Use Procedures,” Article II “Land Use Board” Section 12, “Application Procedures,” of the Code of the Township of Harmony shall be amended, revised and supplemented to change the deadline for submissions to the Land Use Board from 14 days to 30 days.

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of Harmony, County of Warren, State of New Jersey that Chapter 110 “Land Use Procedures,” Article II “Land Use Board” Section 12, “Application Procedures,” of the Code of the Township of Harmony shall be amended, revised and supplemented as follows:

Section 1:

Chapter 110. LAND USE PROCEDURES

Article II. Land Use Board

§110-12. Application Procedures.

Applications for development within the jurisdiction of the Land Use Board pursuant to the provisions of P.L. 1975, c. 291,[1] shall be filed with the Secretary of the Land Use Board. The applicant shall file at least ~~14~~ 30 days before the date of the regular monthly meeting of the Board 10 copies of a sketch plat; 10 copies of applications for minor subdivision approval; 10 copies of application for major subdivision approval or 10 copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provisions of this or any other chapter or any rule of the Land Use Board. The applicant shall obtain all necessary forms from the Secretary of the Land Use Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board. The Board shall not conduct a hearing on any application until it has been determined that a complete application has been submitted.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Harmony held on January 5, 2015, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on February 10, 2015 at 5 p.m. or as soon thereafter as the

Township Council may hear this Ordinance at the Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Kelley D. Smith
Township Clerk

Harmony
Sand &
Gravel
2014

Mayor Tipton indicated he was absent at the November 2014 meeting where the resolution for the operating permit of 2014 was to be considered and Mr. Weber's report had also been provided at that time with respect to the bonding and recommendation for the portion of the pit that includes where the haul road is located. Mayor Tipton stated even though he knew he wasn't going to be present he did not believe it was going to be part of the agenda and he had given a representation to Mr. Wilhelm and Harmony Sand & Gravel that it wasn't going to be discussed so Mr. Wilhelm and his client did not attend the meeting and as it turns out it did come up in Gene's report and did become part of the resolution which was then approved for the additional bonding which is the second bond. There is an initial bond of \$786,000 for the front pit and pit 2, everything except the haul road, because they were hoping to get some clarity on the legality of that. This is a second bond and because he had indicated to Mr. Wilhelm that he would be heard on his position on this issue even though the resolution was passed. Mayor Tipton indicated he would like Mr. Wilhelm at this time to make his presentation and allow Star D Farm the opportunity to speak and make a decision based on 2 options. One the resolution remains as approved and the bond as recommended by Gene will be required or they can take action to amend the resolution based on discussion and the decisions made. He asked if anyone on the Township Committee had any questions or comments at this time. Mrs. Yamrock said she wants to hear what they have to say. She indicated that she had ran the November meeting and she went on Gene's recommendation because they hadn't met the time frame again so she would like to hear what they have to say. Mayor Tipton stated to Mr. Weber if he misstated anything to feel free to correct him. Mr. Weber indicated it was fine.

At this time Mr. Wilhelm thanked the Mayor and indicated he appreciated the statement he had made because they did have that conversation and they did not expect anything to help at the November meeting because as he represented he was not going to be there and Ms. Campbell was not going to be there and it was not expected to come up.

Mr. Wilhelm said that looking at the September meeting minutes it was clear to them that Mr. Tipton stated that the bond was going to just be for the 3 sides not include the haul road and that is what his words were "using Gene's numbers on the 3 sides understanding that they are not asking them to give the bonding for the 4th side which is probably the most substantial because we know it is an open legal issue...." So that was always there understanding and he doesn't know if this board can require them to bond something that, property, that they may or may not own or may own in part. Mr. Wilhelm continued by stating that they own part of it somewhere but there is a dispute as to where that property line is so he doesn't know if the town can force them to bond for an entire haul road when we don't even own the entire haul road. Mr. Wilhelm stated they believe they are in compliance with the resolution and the discussions that were previously had. They have filed the DEP permit and it's been recorded with the County as required by the DEP so really the only thing left is the bond. Mr. Wilhelm continued addressing the Committee stating "as you know Harmony Sand and Gravel had a bond of about \$130,000.00 for many many years and had discussions at a few meetings

and this board requested a bond in the amount of \$786,000 going off Mr. Weber's numbers and despite the fact that it was a hardship to Harmony Sand and Gravel they did in fact comply and you have a bond for that sum. We were quite surprised to find this resolution where that has now increased 200% when you combine the 786 with another 1.2 million it will be almost 2 million dollars it's simply not feasible and it's not, as he had said he doesn't think that this Committee can order us to bond for somebody else's property. It all kind of caught them off guard. We are okay with the bond as it is at \$786,000 and we think we are in compliance with everything. I can turn the meeting over to Ron to answer questions that Gene has but unless you have some questions for me as to the bond specifically". Mayor Tipton addressed Mr. Wilhelm on the property ownership, he asked "prior to the Smith's owning the property it was always owned by Hartungs and you still had to have bonds on it then right? The ownership issue I'm just not sure I understand". Mr. Wilhelm said "I understand what you are saying, I don't know to be honest with you I know that bond of \$132,000 was kind of old and I can't answer your question directly, I don't know. Maybe the words saying you can't do it are not the precise words. You do know that there is active litigation going on so maybe". Mayor Tipton stated "that has always been the concern of this Committee wanting to get to the resolution of that and not wanting to be in the middle of that of who owns what and I'm not sure that is relevant in the bonding issue because the activity has already occurred or is occurring on the property." Gene Weber stated "Mayor I had the same question that you just had when I heard you say that. Because we are not sure where ownership matters either because pit 2 is owned by Star D Farm and we are bonding the restoration of that so that was my question too I'm not sure the ownership needs to come into play here". Mayor Tipton stated "I remember when I had made the comment about this back in September of wanting to get the bonding in place for at least the 3 sides but I wasn't sure how we left if on the 4th side other than knowing that someday a legal decision was going to be made and we were going to have to determine that." Mr. Wilhelm stated I can tell you what you said "down the road once the legal issue is determined it will need another bond. Want the information on the 4th side down the road when the litigation ends and if it goes in Star D Farm favor we will have the information." Mr. Wilhelm commented that they were trying to be proactive. Attorney Campbell at this time stated "I think there is more to those meeting minutes because if I remember correctly the issue was, I don't have my notes, but I know I had to write down what we needed and the discussion was that they hadn't provided all the documentation that they needed to provide so we couldn't calculate the 4th side and there were discussion and deadlines of when that 4th side needed to be provided and there was discussion about more calculations coming and I believe it's always been this Committee's position in that they need to provide bonding and paperwork as if the Smith's are correct until they prove otherwise because the Committee can't be left to guess." Mayor Tipton stated "there's a resolution #14-45, that's the one approved September 2nd but memorialized in November. What I am wondering if it was memorialized in November, the meeting he wasn't at, but yet paragraph 4 is the one at issue it indicates that once the Township engineer has reviewed the newly submitted reclamation figures for the haul road and determines a figure for a surety bond the applicant shall have 30 days to submit the bond 1) for which includes the \$786,000 and the new bond amount requirements. Seems to leave something open there, I guess, is that not in the meeting minutes of September that we were looking for more information? That's what I'm trying to understand. I do remember that discussion Katrina I just done remember if we were making that a requirement of whatever was approved on September 2nd." Ron Panicucci stated "back in the September meeting we got into a lot of discussion on Mr. Weber's

calculation on that \$760,000 and the 20% contingency and so forth and we were kind of going back and forth and really weren't getting anywhere in either direction and that's when you made those statements that Mr. Wilhelm had read in kind of reaching a compromise in moving forward on the bonding issue and the issue had gone on long enough all summer and so forth on back and forth, it was time to make a move you were going to require the bond for that \$760,000 for the 3 sides which we then had until the end of the month or so to get and we went and got and the other part of the compromise was that because the haul road part was in litigation you were not asking for the bond at that time for that 4th piece of the road but we didn't want to continue to prolong this thing we were required to submit the quantities and so forth so that Mr. Weber could prepare the calculations which he then did so that when the haul road issue was resolved we weren't coming back to the table preparing drawings putting estimates together to come up with that number. It was our impression that the Township wanted that number now so that when the litigation was resolved you could say this is the number and we've all agreed upon that number". Mayor Tipton said "I think I understand that position and asked if that was your respective understandings". Attorney Campbell stated, "that was not my understanding, my understanding we told them they had to proceed and provide all documents, all bonds, as if they were not going to win because the Township needed to be protected incase what they were telling us isn't how it ended at the end of the day and then we said that we could lower it. I'm looking at my letter to Mr. Wilhelm on July 9th and in it I'm talking more about the bond but I drop a foot note and I said the Township reserves the right to change the amount of the bond at a later date to address the front pit and the haul road. So in that letter I think we were already starting to say we're talking about we have to get a bond for this amount and then when we can calculate everything we can get those calculations. If I had my notes I would better be able to, but I think I specifically asked some question so I could create my notes so if we were able to look at the entire meeting minutes there might be more information in them. I feel like there is more." Mayor Tipton asked the other Committee members what they thought. Mrs. Yamrock stated "I agree with Katrina there was a lot more stated other than what they said that you said. There was a lot more that we stated and brought up and Gene came up with the figures and again had another deadline and it was on the agenda for the meeting and I'm not saying he didn't know about it and it was on the agenda and I assumed everyone was going to be here because it was on the agenda and brought it up and Gene went over it again." Mayor Tipton stated "I guess the good thing about where we are right now I think it's pretty simple cut and dry issue that remains. We are all in agreement there is no bond on the haul road side of the pit. Harmony Sand and Gravel's position is that we were going to wait until the court made its decision on who has what legal rights. Katrina is saying it's her recollection and it's your recollection that we didn't agree to that we agreed to get the numbers, you submitted the numbers, Gene did the calcs, nobody is contesting the calculations and that we are acting now on those calcs. So the issue is are we going to wait until the court decision or act now. We did in fact legally act now and the question is are we going to let that stand or go back to waiting for the legal determination. I think I've asked every time we've had these meetings when is the likelihood of a decision. The answer is always who knows it could be six months or it could be longer. One of the concerns we've always had was how are we protected during that time. How do we know Harmony Sand and Gravel is not going to disappear, close up its shop and move away? History says it probably won't however that's the real issue I think we have here. We've kind of let this thing go along time." Mayor Tipton asked the Committee if they have any thoughts. Mr. Cornely stated "I'm torn because you know it's difficult because they don't have a final judgment

on it and that would have been nice if it would of happened because then we would know what is going on. Sometimes I feel like I'm boxing blindfolded in a closet." Mrs. Yamrock stated "I think we have to protect the Township, I think that is our only concern. I'm sure you're not going to go out of business, but what happens if you do. Then the Township, we're stuck." Mr. Wilhelm stated "there's no doubt that you have to protect the Township and we recognize that and we appreciate the fact that you worked with us for a period of time but you have to recognize a few things, one as the Mayor said Harmony Sand and Gravel has been here for decades and isn't intending to go anywhere and number 2 it is a small business. To get this bond from a hundred and change to \$786,000 was an enormous effort. To get a bond that comes anywhere near 2 million dollars is not going to happen and that will result in Harmony Sand and Gravel perhaps going out of business. It's just going to happen. Having gone over this bonding, the new bonding with them, it's just not going to happen. You have adequate protection I will contend, \$786,000 is not a meaningless bond and when you asked for it in good faith we got it but you have to take into consideration a good community business since at least the 1960's and when you asked them to do it they did it so there's a human element you have to take into this. This is not a huge huge company." Mayor Tipton stated, "I think, with all honesty, I think we've done the best we can and we have bent over backwards to recognize all of those things by all means for the last two year we've been giving time and being patient and I know you say in good faith but in defense of the other side the bonding is a requirement of any mining operation. You have to do it and I know there may have been dispute on the numbers but we needed to at least get that first one in place." Ron Panicucci added "since this pit was approved going back to 1989, approximately 25 years, Harmony Sand and Gravel has been bonding for that side of the pit. We've always gotten a bond for the entire operation. Really what has changed is that this issue of touching the haul road vs. not touching the haul road changes the final topography of that area significantly so we've always gotten a bond for that area and Harmony Sand and Gravel through approvals from the Town, approval from the property owners, for 25 years has in effect constructed a site that had been approved and bonded whether they as you say disappeared or shut down any year during that time frame could reclaim that haul road area in accordance with the plans that were approved. What's being asked now is to prepare a bond not just to reclaim what's been done but basically reverse what has been constructed over a 25 year period and that's why the number is so significant." Mayor Tipton stated "I think what you are saying that prior applications included that haul road being removed". Mr. Panicucci said, "using part of that material to reclaim the sides and we've always bonded for that section but the numbers increased 100 fold based upon trying to reverse what's been done for 25 years.". Mayor Tipton stated "you say if we require the 1.2 million in additional bonding that it's not possible. What happens if the court rules against you? What are we supposed to do in that instance?" Mr. Wilhelm stated, "well it depends on, we have a declaratory judgment and that depends on how and what the court says." Mayor Tipton's said, "understood, but what if the court rules against you that you do not have any right to mine that road, doesn't that put us in a predicament if don't act on that contingency now. What's our recourse at that time? Basically what you're asking us now is to wait for the decision but if we do that we still run the risk of being in a situation where I guess you're going to say we can't do it. You're saying you can't do it now, you won't be able to do it then. I guess that's the concern we probably will need to deal with and I don't know what the answer is and that's why I'm asking the question." Mr. Wilhelm, said "yea, neither do I". Mayor Tipton asked if there were any other questions or comments from the professionals, or the applicant. Not were heard at this time.

Mayor Tipton indicated to Attorney Debra Nicholson, representing Star D Farm that she would be able to speak at this time.

Ms. Nicholson addressed the Committee and stated, "Mr. Mayor I have some real serious concerns about what has been evolving here. The reason why the full amount was not bonded for in round was because the applicant did not submit the numbers to Mr. Weber for him to confirm and calculate and it was a very frustrating circumstance in September and you took kindly upon the applicant and said, alright, you need to get us the bond for the numbers that Gene has confirmed and you have to get him the rest of the numbers so that by October we can have the rest of this bond calculated. There was an item by item letter sent out by your counsel outlining all the steps and procedures and she has the minutes going back and I asked and I was told so that your code official can shut this operating down if come September 30th the bond isn't in place. And the response was in the affirmative. The bond wasn't in place at the right time, it was a week later, numbers were changed, all of that but this kept going on and one. A frightening admission was made here tonight that they don't have the where with all to bond for the open pit mining that they've already have done that should have been in place throughout this project and it's relying on Mr. Weber's calculations on as to how much needs to be there and how much product you need to import to be able to restore this property. What makes matters worse, and I was there today, is that the water level has dropped over 10 feet further from where we had thought it had been represented that the water wouldn't go any lower, it had been established for a long long time and so now even the area that has been restored has another significant drop so we've got an ongoing problem that what has been said is the lowest water level it's not going any further, well, I don't know where the water is going, we haven't had a huge drought but we now have a bigger problem over there. The other situation is, I don't know what kind of conversations you get to have with just Mr. Wilhelm, but this was a matter noticed on the November agenda, nobody told me it wasn't going to be heard, discussed or what have you. I appeared. There were two voting members, they agreed to hear it and it was discussed because it was on the agenda and it was a just a matter of formalizing because Mr. Weber had finally gotten the numbers and there was no magic to him calculating the numbers that were needed for a bond that protects the Town and if something was going to be pulled from the agenda, for no one to even have the courtesy to let me know, that makes no sense and it was a dually convened meeting, there was a quorum, there was an action taken and the action was for that bond to be put in place because that is what is needed to protect this community. So we are now more than 30 days out from that resolution, there is no bond in place and we have an admission that they can't even get that bond or afford that bond. This is what we have been saying that the4 Township is as risk, at a huge risk, and I have all the full minutes and it was very nice that they cherry picked an nice little sentence saying that the bond would await litigation or determination and this legal theory is espoused that you can't bond on property you don't own. That is utter nonsense in connection with permits that this community issued, you have a bonding requirement and it doesn't matter if you own the land or now your touching the land you've got to protect the municipality where you are mining that and you've now created a dangerous situation with slopes and you've mined out all the material, there's not enough material there to restore it and you've got to bring in all this product and that costs money. How do we keep having this discussion? We have your minutes, we have your Township attorney's letter, we have the actual action of a dually constituted Committee that acted on that and we are now beyond the 30 days of that action and there's no bond and the Town and my client are completely legally exposed". Mayor Tipton asked Ms. Nicholson what letter she was referring to from Attorney Katrina Campbell. Ms. Nicholson

indicated July 9, 2014. Mayor Tipton said he had a copy of that and the reason he was asking was because of what was said in September vs. the letter. Ms. Nicholson's statement continued "it's completely outlined and they didn't comply with this when they were ordered to at the September meeting and the Committee was exasperated as I was at that point but because you didn't want to pull a number out of the sky you demanded that they have, the first part that we knew the numbers on posted by September 30th, and the numbers to be provided by Gene prior to that date so he could calculate and come to the September 30th meeting with the new amount and they didn't do it." Mayor Tipton stated, "in all due respect I remember about having a discussion about really wanting to get the \$786,000 in place and I also remember wanting to get a legal decision in place on the remainder, although you referenced the July letter, the September meeting was after July so although we did have a requirement in there to get those numbers, I wasn't certain that we in fact we approved in September that we were going to demand the 4th side bond. That's the part I'm not sure of. Maybe I can take a break and review the September meeting minutes." Ms. Nicholson stated, "I would appreciate it if you would review them because it will then clarify that there was discussion that you need to do this as if the haul road was determined 50% owned by us and there was no formal agreement allowing it to be removed and it was determined it had to be on a worst case basis so that there could be protection". Mayor Tipton asked to borrow the minutes and he would review them during a brief executive session for another matter. Mayor Tipton also responded to some of Ms. Nicholson's comments stating "with respect to my conversation with Mr. Wilhelm, as you know very well for the last 2 years I've taken phone calls, and emails from both of you and any time either one of you call or email me I respond and I've know this is not litigation and I'm not a judge but I can talk to you both, one of you, neither of you but I have been very open with my discussions with you and I don't think I've misled anybody. In this situation, I've been busy on this case I've been traveling on and I really legitimately thought that issue was not being decided and because he normally corresponded with me I either email or called and said don't worry it's not going to happen and I didn't communicate that back to anyone else. It was my fault and I apologize you were misled but I knew I had misled him. That was a mistake on my part due to past practice, unusual situation but it happened. You are right there was appropriate action, the Town took action with the authority of the Town, Diane had led the meeting and Rick was here. There is no dispute that we followed proper procedure and like I said at the beginning of the meeting there is nothing wrong with the resolution it has been approved and it's legal, but that doesn't mean it can't be amended, revised or changed. I'm not saying we are going to do that yet I just want to get full information out before we act on this because it's important to both parties and this town." Ms. Nicholson stated "it's a very fundamental thing, and whether they were here or not, the numbers were produced and calculations confirmed by Mr. Weber of what size of a bond is needed to protect the Town and my client for activities that have already gone on". Mayor Tipton commented "I guess it's a unique situation we have here and it's not an easy one, I know it sounds like an easy one by the way that you described it, but I also feel for what Ron just said. For 10+ years, however many years, they had been taken action in accordance with plans that were approved that didn't require them to do what now is being required because we have an ownership issue before us and it was never raised before so there is a new unique situation were the Town took action and allowed them to do what they did before and now all of a sudden we are saying you need a whole lot more. I understand that maybe they didn't have legal rights before, I think they did because I think Mr. Hartung said yes to every application, it's unfortunate it's were we are and that's why you guys are in court but there is this past practice where the

Town said yes, yes, yes and a certain bond was allowed and this fourth side didn't have to be remediated the way it does or may now, we don't even know that." Ms. Nicholson stated "but now you're on notice that there is a very significant likelihood that that's going to occur and as new information has been brought to your information you've got a duty to act on the information and the risks that the community has". Mayor Tipton said "I understand what you are saying and apparently this could have been a risk before but it wasn't, the ownership issue is the issue and I do say with substantial certainty and I'm not going to play Judge that is for Warren County and who know what is going to happen. With that being said, those are my only responses to what you have said. The water drop, the river is down crazy low, I think the water is going to continue to fluctuate. To me that's not really an issue, to me that's something that going to adjust over time. I know we struggled in picking where that water line should be and I think we picked something and if the water goes down from time to time it's just something we are going to have to deal with. I don't have any other comments or need any other information other than I want to take a look at this when we are in executive." Mayor Tipton asked Mr. Cornely and Mrs. Yamrock if they needed anything else and they both indicated not at this time. Mayor Tipton as Mr. Wilhelm if he had any responses at this time. Mr. Wilhelm stated "No, we're not disputing the numbers, the issue is the 4th side. We've narrowed it down.

Executive
Session

Motion by Tipton, seconded by Cornely and carried unanimously to adopt the following resolution at this time:

**TOWNSHIP OF HARMONY
COUNTY OF WARREN
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:
 - Trans vantage Settlement Offer
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 January 5, 2015.

Kelley D. Smith
Municipal Clerk

The meeting was reopened to the public at this time by Mayor Tipton.

Trans vantage Motion by Tipton, seconded by Yamrock to authorize the Township
Settlement Attorney to offer a settlement in the Trans vantage litigation in the amount
as discussed in executive session. Roll Call: Ayes: Cornely, Tipton,
Yamrock. Nays: none.

Harmony Mayor Tipton indicated he reviewed the September 2014 meeting minutes
Sand and based on his review, the actual motion that was passed that said “motion
Gravel by Mayor Tipton, seconded by Yamrock to conditionally approve the
2014 operating permit with all conditions referenced above including a
new bond in the amount as indicated in Gene Weber’s August 28, 2014
letter, new drawings with the reclamation calculation figures providing the
haul road to remain in place, submission to the DEP for a flood hazard
permit as well as all other various conditions in Engineer Webers letter of
August 28, 2014 being met by September 30th.” Mayor Tipton said, “in
the way I think I remember it the way it was is this action that was taken
and then memorialized in November 4, 2014 resolution, I don’t see that
this required the 1.2 million dollar figure. What it required to me is it we
get the figures to Gene for him to make that calculation. For us to be
memorializing a resolution in November to capture what was approved in
September, we couldn’t of done that because we didn’t have that number
so for that to be put in that resolution, I don’t think that is what we acted
on. What I will say we did act upon, where it says all of the above, it was
made quite clear by counsel and we specifically discussed that we had the
right and the authority at any time to require more bonding, meaning, the
bonding for the haul road. What I think needs to happen at this point we
have to amend the November 4, 2014 resolution to remove the
requirement of the extra bonding to make that document legit and
consistent with the September meeting minutes but that doesn’t end the
situation we still have to deal the approximate 1.2 million dollar bond and
we’ve listened to both parties position on this issue and frankly we are
very concerned about protecting the Township. We’ve experienced
problems with mining operations in the past, not this one of course, but
Transmix to be noted and we don’t know when this litigation is going to
end. What you have said is that you could not get this bonding and that is
something we need to see on paper. What I am going to recommend is
that we require the bond as calculated by Gene, but you have until
February 10th, our next meeting to get it which would mean to make
application to get it, to do whatever it takes to try to get it and if what you
are saying here tonight that you can’t get it you need to come back before
us by the 10th with documentation as to why you can’t get it. Not just a
no, not just a verbal, we want something in writing from your bonding
company saying it’s not possible and for whatever reasons it’s not
possible. We have to require it with the uncertainty that we have before us,
we feel for you and we feel that this situation in some ways was created by
past approvals of applications, but it is what it is today and we certainly
didn’t create this situation and I think we’ve waited patiently as long as we
can and we have to protect the Township. So we will see where we are
February 10th, but that is the motion I am about to clarify for the record.
Did I state anything incorrectly?” Mr. Cornely and Mrs. Yamrock
indicated no verbally in unison.

Motioned by Mayor Tipton to revise the November 4, 2014 Harmony
Sand and Gravel resolution to remove the requirement for the additional
bonding for the haul road and at the same time moving to require that
bonding be provided by February 10, 2015 or come back before us with
proof that they cannot physically get that bonding and then we will deal
with it at that time. Seconded by Yamrock. Roll Call: Ayes: Cornely,
Tipton, Yamrock.

Railroad Crossings	<p>Mayor Tipton indicated “this is regarding the Harmony Station Railroad crossings and the DOT is requesting us to tell them whether we own them or the railroad owns them. We told them we can’t tell and now they want a meeting.” Discussion ensued amongst the committee, to decline their request for a meeting, perhaps have a conference call. Mr. Weber said that was his thought “what are you going to accomplish at a meeting, there is no additional information and we still don’t know.” Mayor Tipton suggested respond to them by saying we don’t understand what a meeting is going to do at this point, we told you our position, if you want to talk about it call. Mayor Tipton said if they want to give us some type of legal basis that will command the Township to do something then they can do that. Gene indicated their original purpose was to make sure the crossing comply with the legal requirements as far as signage, marking, and lights. Mayor Tipton said the railroad just redid the one at Harmony Station. It’s newly paved and new signs were up. Gene said for the record he spoke with Jim Fox about it. One was at Harmony Terrace that was in question. He has been doing limited maintenance to it. Mayor Tipton asked why we are doing repairs to one, and Norfolk Southern is doing repairs to other. Mr. Cornely recommended sending them a letter stating we have clearly found that they own them. Their original request is asking who owns the property that they cross. Mr. Fritts thinks the email request is asking if the road area is a private or public road and we know that Harmony Station is all private up to and leading to the crossing. So if they are private roads, then they only have to post it a certain way, if they are public roads they probably have to put gates, flashing signs, etc. The consensus was that it appears that the Township has no ownership, has not maintained them, so they are private roads. Rick Cornely was going to talk to Jim Fox about it and the maintaining of the private roads. Plowing will continue where it is being done presently. It was decided that the Township should not be touching the railroad crossings because of potential litigations.</p>
Vouchers	<p>Motion by Yamrock, seconded by Cornely to approve the vouchers as recommended for payment by the CFO. Roll Call: Ayes: Cornely, Yamrock, Tipton. Nays: None.</p>
Fire Chief Vehicle	<p>An additional donation of \$10,000.00 to be used as a down payment was previously approved for a Harmony Township fire chief vehicle. The remainder will be considered for approval at a later date. Mrs. Yamrock indicated to the Committee and public in attendance why the vehicle is needed and in what capacity it will be used by the Fire Chief.</p>
Budget Meeting	<p>Discussion on scheduling a budget meeting was held. It was the consensus to schedule the meeting on January 26th at 5.</p>
Adjourn	<p>Motion by Cornely, seconded by Yamrock to adjourn the meeting at this time. The motion was carried unanimously by all in favor.</p>

Kelley Smith, Municipal Clerk

Courtney Morrow, Office Asst.