

Meeting The Regular Meeting of the Harmony Township Committee was called to order by Mayor Tipton. Mr. Tipton 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 Mayor.

Roll Call Present Mayor Tipton, Deputy Mayor Yamrock and Committeeman Cornely.

Old Business Mayor Tipton advised the agenda order would be changed to hear Harmony Sand and Gravel's application and public hearing first.

Municipal Clerk Kelley Smith stepped down at this time due to a conflict. Assistant Courtney Morrow assumed the role of recording secretary at this time.

HS&G Mayor Tipton indicated that there is the 2014 and 2015 applications to be heard. At this time Mayor Tipton asked Attorney Campbell and Engineer Weber to give a review of where they are from the last time they met about 2 months ago. Attorney Campbell stated there were 2 remaining issues since the last time we met. The bonding and the slopes which since that meeting HS&G has conceded that they would do the slopes as requested by the Township and Mr. Weber said that the plans were submitted to do the slopes the way the Township had requested so that issue as far as Attorney Campbell and Engineer Weber are concerned is resolved. Attorney Campbell said the only issue remaining is the bonding. Since the last meeting she had spoken with Counsel for both sides and the overriding issue is how much needs to be bonded in order to protect the Township. She said originally the Township had come up with a number to restore the property in its current state but Mr. Weber and her went back and talked about it and said that might not be the right approach to go about it, the right approach would be if the Township is forced to restore the property how would the Township do it and what would it cost. It was the opinion of Mr. Weber that the Township would restore it by lowering the profile of the haul road by 10 feet which would provide materials which would lower the cost while still providing a haul road that is accessible which the Smith's would use to get to their property. Ideally that's not what they want and that's not what their litigation is about but we're not dealing with what's right, who owns what part of the haul road, who owns anything, we're just saying if there was no one left to restore either of these properties, the Township had to restore the property how would they do it? They would do it by lowering the haul road. Mr. Weber was able to do the calculations easily because prior plans submitted by HS&G showed the profile of the haul road being lowered by 10 feet so he was able to do the calculations. Basically what it amounts to, she thinks there may have been some discrepancy, she said the amount was \$373,000 but she thinks it may be a typo and it is \$337,000. That is over and above what is already in place and would require HS&G to put up, according to the paperwork they submitted to the Township from their insurance company approximately \$250,000 in additional cash collateral. Ms. Campbell stated that she understands they don't want to put up but it's much better than what the number was before. In addition it's Mr. Weber's opinion if HS&G follows the schedule they put forth to the

Township and the work that they say will be done by the end of 2015, if they do that much work by the end of 2015, the amount that is being asked to be put up for a bond will no longer be necessary. Basically, yes they have to put up extra cash collateral but it's in their own hands as to how long it will be put up because the faster they get the work done they promised in 2015 the bond that is currently in place will be sufficient to cover what's left. It is the opinion of Attorney Campbell and Engineer Weber that the Township would be protected by requiring the additional \$337,000 bond in addition to what is already in place to cover worst case scenario of the Township had to restore the property. Mr. Weber stated everything else in his report were pretty standard conditions that were proposed. The only thing he would recommend as a condition is that the applicant submit on a weekly or bi-weekly basis on progress they are making with respect to the restoration that is committed to be done by December 10, 2015. A summary of man hours/machine hours so they know they are making an honest attempt at restoration. It was the consensus of the Committee and applicant that bi-weekly reports would be sufficient. Mayor Tipton asked Mr. Wilhelm, representing HS&G, if he had any comments on what was stated. Mr. Wilhelm said he thinks Ms. Campbell covered it accurately since they were last here. He said they did meet in person and had a number of discussions and he knows she spoke with the adjacent property owner. He also stated they had an opportunity to look at Mr. Weber's calculations and they don't have anything on that it really comes down to financial capabilities. They brought with them today Mr. Mark Grandanetti who is the representative of the insurance broker for HS&G so he can answer any specific questions about the bonding process. Mr. Wilhelm stated the way 'I' understand it is, I know that Mr. Hummer has put up \$250,000 of his own money, not HS&G money, of his own after tax dollars to have the bond at \$786,000. To get another bond of \$337,000 Mr. Grandanetti, in speaking with the bonding company, they would be looking for another \$225,000. They have to take into consideration not only this property but his operation in White Township also, so that would be \$475,000 in cash. They will not take anything other than cash, they don't want any equipment. HS&G doesn't maintain a lot of cash, they put their money back into the business, they have a lot of older equipment so right now we are in a difficult spot trying to figure out how we are going to come up with that. Mr. Grandanetti is here to answer any specific questions as it relates to the position of the bonding company. Mayor Tipton asked Attorney Campbell if she had any questions regarding bonding options. Attorney Campbell stated she thinks it is clear from the email he had sent that it was cash. She did meet in Scott's office to go over their assets and things, but at that point, they had gotten the letter that said cash only so it's just a matter of cash. It doesn't matter what assets they have, how they are encumbered or anything like that, it's that they have to come up with \$225,000. What she tried to relay is she doesn't know if there is any other way and that the amount of time that money is out of their pocket and put up in a bond is in their hands. Its how long until they get this work done. They promised to get it done by December, maybe they can get it done a little sooner, and maybe getting it done a little soon gets their money back. Ms. Campbell said I know that requires them to find it in the first place but the company is saying that's all they'll take so that's their only option. Mayor Tipton stated it seems like a lot of cash for a relatively small bond. He stated he does some of this work elsewhere and maybe the question is for Mr. Grandanetti. Mr. Grandanetti stated that it's not unusual for there to be collateral on this type of bond because the bond becomes an issue when the mining is complete so the problem with this class of bond there is no term limit to them. In the New Jersey there's been term limits with municipalities with the bonds where they can underwrite the contractor on an annual basis and then reevaluate them. They've had lower amount bonds in the past and

they've been able to get away with the collateral because of their financial position and their experience, there experience with the surety company. It's that the bond amounts have gotten higher and they've had to go to higher levels in the company for approval, it's just requirements of that class of bond, but they've been higher, he's seen where they've asked for higher amounts of collateral. Attorney Campbell said, there is only one thing she can think of, there is one bond in place and that bond is fine, it's this additional \$337,000 that we need and based upon the work HS&G is supposed to do by the end of the year, is it possible they can get a bond for \$337,000 for a year. Mr. Grandanetti said its one bond that would be amended to be increased, and they look at their whole bonding capacity. This type of bond is usually like a complimentary type of bond, it's not the type of bond that companies chase after, it's a kind of bond that contractors who do a lot of business, a lot of other types of bonds that generate revenue for a company that they would do this type of a bond for usually much larger companies, so this is maybe not as big of a risk for them because they have other financial obligations with the contractor but in this case these are the only bonds we really do with HS&G. They use some bid bonds from time to time but they are supply bonds, they deliver supplies to municipalities and the obligation is complete so this is just a little bit of a different animal. Mayor Tipton asked if there was any proposal that they are making in between \$0 and \$337,000. Mr. Wilhelm asked for a few moments to answer, but just wanted to say they went one step further, Mr. Hummer went to a bank of his that we works with to talk to them about what collateral they might need, or be willing to take, for them to give him a letter of credit that would satisfy the bonding company and the bank is pretty much in the same position they don't want the equipment if he defaults, so they did explore that. Mayor Tipton asked Mr. Wilhelm to take a few minutes to see what they can do and are willing to say they can do before any final decisions are made on this.

At this juncture the Committee continued onto other business while Mr. Wilhelm met with Mr. Hummer and his representatives.

Kelley Smith, Municipal Clerk, returned to the position of recording secretary at this time.

Consent Motion by Tipton, seconded by Cornely and carried unanimously by
Agenda roll call vote to approve the following items on the consent agenda:

Municipal Attorney Written Report

-Attorney Campbell recommended passing Resolution R:15-20

-Merrill Creek Tax appeal trial moved to June.

Municipal Engineer's Written Reports

-Consensus by the Committee to have the engineer follow up with Aqua Water by letter.

Road Department Supervisor Written Report

Warren County Health Department Written Report

Minutes of March 3, 2015

Resolutions:

**TOWNSHIP OF HARMONY
COUNTY OF WARREN
STATE OF NEW JERSEY**

A RESOLUTION

R:15-18

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Harmony has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Harmony meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Harmony that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be

forwarded to the Director of the Division of Local Government Services.

Motion: Yamrock
Second: Cornely
Committee Polled: All

CERTIFICATION

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Harmony at a meeting held on April 7, 2015.

Witness my hand and the SEAL of the Township of Harmony.

Kelley Smith
Municipal Clerk

Certification of Approved Budget

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A.40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Dated: April 1, 2015

BY: _____
Dawn Stanchina
Chief Financial Officer

Harmony Township
Warren County, New Jersey
R:15-19

A Resolution Adopting A Procurement Card Program To Be Used For The Acquisition Of Certain Goods And Services When The Traditional Procurement Process Is Not Accepted By The Vendor Or When The Process Can Be Expedited With The Use of A Procurement Card

Whereas, N.J.S.A. 40A:5-16 authorizes a local unit to acquire minor purchases of goods and services without requiring a certification of the party claiming payment as otherwise required by law; and

Whereas, the Local Finance Board adopted rules pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.) that provide for procedures to be followed by local units in order to permit said purchases; and

Whereas, said rules require the Chief Financial Officer to promulgate policies and procedures governing the use of P-Cards.

Be It Hereby Resolved, by the Committee of the Township of Harmony, that pursuant to N.J.A.C. 50:30-9a.1 ET SEQ., the Procurement Card Program prepared by the Chief Financial Officer of the Township of Harmony is hereby approved and adopted.

Be It Further Resolved, that the Township Committee directs the officials(s) charged with implementing the plan to do so in accordance with the provisions of said plan.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony do hereby certify that the above to be a true copy of a resolution adopted by the Township Committee of Harmony on April 7, 2015.

Kelley D. Smith, Municipal Clerk

Harmony Township
Warren County, New Jersey
R:15-20

A RESOLUTION AUTHORIZING IN REM FORECLOSURE
PROCEEDINGS

WHEREAS, the Township of Harmony holds a Tax Certificate more specifically set forth in the annexed Tax Foreclosure List, which pertains to property within Harmony Township; and

WHEREAS, the Township Committee of Harmony Township has determined that said Tax Certificate shall be foreclosed by summary proceedings in rem.

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

That the Tax Certificate, as shown on the annexed Tax Foreclosure List, now held by the Township of Harmony be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29, et. seq., as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

ATTEST:

TOWNSHIP OF HARMONY
TOWNSHIP COMMITTEE

KELLEY D. SMITH, RMC

BRIAN TIPTON, MAYOR

DATED: _____

I, Kelley D. Smith, Registered Municipal Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Township Committee of Harmony Township at a meeting held on April 7, 2015.

KELLEY D. SMITH, RMC

SEAL

TOWNSHIP OF HARMONY TAX FORECLOSURE LIST

(Attachment to Resolution No. R:15-20)

Certificate #	Block / Lot	Assessed to (Name on current tax duplicate)	Address	Amount to redeem as of April 1 2015
1955-68	42.01/17 (formerly 42/17)	Renninger TTL c/o J. Berlet	4546 Steeple Chase Dr., Easton, PA	\$17,352.7

TOWNSHIP OF HARMONY
COUNTY OF WARREN

**A RESOLUTION TO OBTAIN 2014 RECYCLING TONNAGE GRANT
ALLOCATION**

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

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

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

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

WHEREAS, a resolution authorizing this municipality to apply for the 2014 recycling tonnage grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Harmony Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

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

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

ATTEST:

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 by roll call vote held on April 7, 2015.

Kelley D. Smith
Municipal Clerk

Correspondence:

- WCSCD; Expiration Notice for the Trans-Mix Quarry Erosion and Sediment Control Plan – Municipal Clerk will follow up
- Basketball Court Ribbon Cutting; Request from Alison Stahl to have a ribbon cutting ceremony for the new basketball court at the recreation fields on Saturday May 2nd at 2p - Approved
- SWAC; April 2, 2015 agenda and minutes of February 5, 2015 meeting- Mayor to follow up on representative
- Freeholder Ed Smith; Letter to NJ Highlands Council regarding RMP comments – Letter supporting Mr. Smith’s letter was sent
- New Jersey General Assembly; Assemblyman Auth Introduced a Bill into the New Jersey General Assembly, this Bill; The Transparent Tax Act of 2015 – Harmony Township to consider in May.

New Business 2015 Shandor’s Junkyard License; Mr. Weber reviewed his comments as reported. He did speak with the DEP and noted that there were still outstanding violations to be resolved. Mr. Weber stated with regards to the junkyard, the only comment he had is there are a couple of cars in front of the fence. According to the ordinance they are supposed to remain behind the fence. Along River Road there are a couple of cars that should be removed. It is up to the Committee. Mrs. Yamrock said she didn’t think they were that big of a deal. Mayor Tipton asked Mr. Shandor if the cars were still there. Mr. Shandor offered some comments to the Committee and recommended that they look around the rest of the Township for violations. Mayor Tipton asked Mr. Shandor to keep the cars behind the fence in accordance with the ordinance.

Motion by Mayor Tipton, seconded by Yamrock to approve the 2015 Junkyard application providing the applicant tries to keep the cars behind the fence. Roll Call: Ayes: Cornely, Yamrock, Tipton. Nays: none.

Proclamation

2015 Older American Month Proclamation
Motion by Tipton, seconded by Cornely and carried unanimously to adopt the following proclamation:

**OLDER AMERICANS MONTH
MAY 2015
P R O C L A M A T I O N
OFFICE OF THE MAYOR**

WHEREAS,
Harmony Township is committed to helping
all residents live
longer, healthier lives; and

WHEREAS,
the older residents of Harmony Township
have made countless
contributions and sacrifices to ensure a better
life for our future
generations; and

WHEREAS,
injury prevention, safety awareness, and
health promotion are
vital in helping our older residents remain
healthy and active
throughout their lives; and

WHEREAS,
Harmony Township encourages and supports
all efforts that help
our older residents take control of their
health, safety and well
being.

**NOW, THEREFORE BE IT
RESOLVED,**
that I, Brian Tipton, Mayor of the Township
of Harmony, do hereby proclaim May 2015 as
Older Americans Month in the Township of
Harmony. Residents of all ages are
encouraged to take time this month to
recognize our older citizens as vital
contributors who enhance every aspect of our
community.

IN WITNESS WHEREOF,
I have hereunto set my hand and seal this 1st
day of April in the Year of our Lord, 2014.

Brian Tipton, Mayor
Harmony Township

HS&G Kelley Smith, Municipal Clerk, stepped down at this time due to a
Continued conflict. Courtney Morrow took over as recording secretary at this time.

Mr. Wilhelm indicated they had an opportunity to speak, and he said as everyone knows this has been a bad winter so it's been hard to get much done so far and obviously a lot of the reclamation is weather dependent, so while it is in HS&G hands it's not completely in their hands. He stated they had an opportunity to speak and he just wanted to reiterate a point he made before is that in addition to the bonding company not wanting any of their hard assets and only wanting cash, the bonding company will not even allow HS&G to tap it's line of credit to get cash because that would be another debt of the company and obviously they would have another creditor just like the bonding company is a creditor so again everything has to come out of Mr. Hummer's pocket with after tax dollars. With that said, in speaking with Mr. Hummer and Mr. Grandanetti they will propose the ability by next meeting to come up with another \$214,000 to amend the bond to an even one million dollars. Mr. Grandanetti, not being Ohio Casualty Company himself, estimates this is going to cost Mr. Hummer

\$125,000 in cash which he will have to take a mortgage on his home in order to do. Mr. Wilhelm stated that all we've got for you. Attorney Campbell asked is there any work that HS&G can do within the next 30 days that would help lower their bond. Mr. Wilhelm stated Mr. Hummer is prepared to do as much work as he can and to employ somebody else to help him do it. It's depending on the ground, he advises him now that there is still a lot of frost in the ground because spring not here yet, it is weather dependent in a great part. Attorney Campbell recommended that Mr. Weber meet with them, if council is going to entertain this, and make a timetable in order to get rid of that extra \$100,000 some value as quickly as possible, by making goals on whatever property there is work to be done on, and Mr. Weber can speak better to that and figure out what the easiest work that can be done as soon as possible so that way there is no deficiency, that is the bond amount. Mr. Wilhelm stated, I understand this is Harmony Township and you really don't care about White Township but he does have with the bonding company a bond there for approximately \$360,000 so he's already over \$1 million in bonding himself, the \$786,000 plus the \$360,000 so he is really doing all he possibly can. Mayor Tipton asked if there were any questions or comments on that. Mr. Weber said as he sees it the Committee has a couple of options, an offer for a reduced bond amount, not do anything, or deny the permit. Mayor Tipton opened up to the public. Debra Nicholson, representing Star D Farm, asked if they were just addressing the bond issue not the other issues in Gene's report. Mayor Tipton indicated from what Gene stated about his report that most of the other issues were just "house cleaning" conditions. Ms. Nicholson said there was a question on fulfilling the ordinance requirement requiring a noise study. She said being reasonable and practical would be a limited noise study as it pertains to the rock crushing activities she thinks would be the appropriate balance to reach because that appears to be where the decibel of noise might be outside of what the ordinance permits so just that activities in those reports and it can be done on an informal basis but she thinks that is an important feature to address. There was also, she believes, the application was signed and certified but when she got a copy of it, and that being a critical part of completeness to consider the application. Mayor Tipton asked the professionals and Courtney. Attorney Campbell indicated the application itself is signed, and there are several pages of the application that some were signed. Mayor Tipton asked if this is being requested to be carried another month because of one missing signature, Ms. Nicholson stated the irony is profound right now because this particular applicant showed up at the Land Use Board meeting and because 'we' didn't have a certified signature on one piece of paper required her client to come back a whole month later, so she's pointing this out that Mr. Wilhelm made an enormous deal with the assistance of Mr. Aaroe at the time on something procedurally. Ms. Nicholson wanted to know why the plan wasn't certified, and if that could be immediately addressed. Attorney Campbell stated it looked the application itself was signed by the applicant it's the page that the Engineer signs and certifies that isn't done and if Ron wants to sign it right now. Mr. Weber said there is actually a page in there that says "plot plan" and it says that 'I certify that the accompanying plot plan contains the following information, Professional Engineering and Land Surveying Certification' theoretically this page would be for signature by Engineer. Mr. Panicucci stated the drawings are all signed. Mr. Weber concurred and thinks it meets the intent of what's being done here. Ms. Nicholson stated the issue of the bond, you now have a reduced calculation and you have the municipal engineering and the municipal attorney advising what the calculation is of what this community needs to protect the community and tax payers that are all here, and that's the whole purpose for a bond. The fact that many years ago somebody wasn't paying attention and now

calculations are updated and the information is before you. As empathetic as you want to be you have a legal obligation. Perhaps if the circumstance was that there was no work going on because there'd be a delay in soil mining permit being renewed and all of the efforts went to addressing the situation on 'our' side of the property that would be the compromise and things would get done real quickly and then the bonding amount would change but to authorize a license at this point without bonding when you have heard your own professionals say that this is the amount of bond that we need to protect the tax payers of this community and this town, I don't see how you can act otherwise as much as you may want to when it comes to your legal duty in the positions that you serve as Mayor and Council, I believe you've got to impose the full bond requirement or not issue the soil license for this year. Mayor Tipton asked if there have been any complaints on noise from HS&G. Courtney indicated no. Neither Rick nor Diane had either. Mayor Tipton indicated they have not required this in the past because they have not received any complaints. If there was an issue they would have the study done. He also said as far as the signature on the application, he doesn't know how it matters depending on how they act on it as to whether the meeting gets carried yet again but he thinks as Gene indicated in the spirit of intent barring the signature and certification of the engineer that a sign off of the plans that he had did that. Mayor Tipton said he understands what counsel is stating about what our professionals have said is the right compromise number, we have been talking about compromise for many months on how to evolve this very unique situation that had we go back 10 years from now he thinks things would be handled a little differently but we are where we are, the applicant is where it is, the litigation is where it is, if they are going to agree to accept yet a further modified number from the \$337,000 to \$214,000 he would just want to know that it's going to be in place almost immediately. Mayor Tipton stated he didn't know if he wanted to approve any thing tonight without knowing if it can be in place. But to be in place not for another meeting to talk about it and figure it out but so the next time we're sitting here we know it's going to be posted. Attorney Campbell said that would be up to how quickly they can get the cash and how quickly they can issue the bond. Mayor Tipton said we keep doing this, we keep going back and forth. A lot more progress was made than usual in the last 30 days or 60 days, but as much as it may not be full protection, \$214,000 is a whole lot closer to where we want to be and if Gene can sketch out a game plan with HS&G on bridging that gap we can have it bridged by June/July then the window of exposure is only a few months as opposed to a whole year. Mr. Wilhelm stated all he can say is Mr. Grandanetti may not be Ohio Casualty, but just being the broker is confident, that they can have it secured by the next meeting but he is not the final decision maker. Attorney Campbell said it was mentioned in order to come up with that cash Mr. Hummer would have to borrow that against his house, would that require refinance, is that going to take long to get that. Mr. Wilhelm said in speaking with Mr. Hummer they are confident he can have it. We're offering what we reasonably believe we can produce. Mayor Tipton asked the Committee if there were any comments. Mrs. Yamrock said she thinks what Attorney Campbell said if it comes down to the Township's problem, we need the \$337,000, then we are going to be out \$123,000 dollars. Mrs. Yamrock hopes everything can be worked out, it's been gone over 3 times and said if it came down to the Township are we going to come up with \$123,000. Mrs. Yamrock stated it is an odd situation, her other thought is if he has to refinance the house why couldn't it be for the \$337,000 because if you refinance a house you can get it. Mayor Tipton asked Mr. Wilhelm if there was more that can be done. Mr. Wilhelm stated 'no', Mr. Grandanetti, again, not being Ohio Casualty, anticipates \$125,000 in cash would be needed and Mr. Hummer can obtain that promptly. Mr. Cornely stated this has been going on for quite some time, he thinks they have

made a lot of efforts, he'd like to give them the opportunity to go ahead and get the bond. He's got a lot of confidence in HS&G ability to be able to grade the property down, he knows what's involved, he knows Dave VanHorn can handle it, question is can they get started on it soon enough. That's the real big issue, it has to get done. Attorney Campbell suggested maybe something the Committee wants to consider is, she thinks, no matter what \$214,000 is the least that they are going to have to put in place so perhaps if the Committee wants to put this off one month next meeting they have to come with that bond in place and have met with Gene. This way when the Committee is voting to approve with a condition that (x-y-z) be done by (a-b-c) you'll actually know what those dates are. Right now you're just saying if they can get this work done to bridge the gap, this way, when you're voting and putting a condition and acting on it maybe you'll feel more comfortable if you know exactly what the conditions are and what that time frame is. You may still not feel comfortable if it's not today, you might not feel comfortable at all. It's going to take until next meeting to get the bond in place so you're not delaying anything. Mayor Tipton stated he liked that better. Mr. Wilhelm stated they don't have any objection to Rich speaking with Ron, and Ron and Gene laying a monthly plan weather permitting on what they expect can reasonably get done and make that a condition. Mrs. Yamrock asked if the bi-weekly reports would be done. Mayor Tipton stated the concern he had is he wants the \$337,000 too, but he feels we're in a predicament where he'd rather have a smaller gap than a larger gap by saying 'no we're going to shut you down, we're going to make you get the \$337,000 which we know you can't make and if you don't then you're shut down and then we are going to get stuck with a larger problem'. That's his concern and he thinks they all go our money on the table at this point and it's not the perfect situation and this appears the best thing they can do hopefully for a short period of time before adequate protection is in place. Mayor Tipton's recommendation is they do as Counsel said and hopefully they are back here with a bond in place of \$214,000 and he would like to see that ahead of time if possible so they are not talking about it the night of the meeting. Mr. Wilhelm acknowledged that and Mr. Panicucci indicated a weather permitting plan and April is wet. Getting started may be slow but July and August might be easier to get things done. Mayor Tipton stated he wants a realistic schedule, not something they can't complete and build in the protections you need. Mayor Tipton stated at this point the public hearing will continue hopefully one last time to the May 5th meeting at 7:00 p.m. without further notice.

- Vouchers Motion by Yamrock, seconded by Comely to approve payment of bills submitted by the CFO at this time. Roll Call: Ayes: Tipton, Cornely, Yamrock

- Salt Shed Mr. Cornely indicated that Nevitt Duveneck has been working on the salt shed. There are two conditions to consider, 1) to be able to hold enough salt for a season and 2) it has to be moved away from the stream and he has been discussing it with the DEP.

- Road Mr. Cornely recommended doing a little bit more on the roads than in the past couple years. He will coordinate the work with Jim Fox and make recommendations.

- Bisco Property Mr. Cornely is going to get moving on the drainage issue near the Bisco property. He will follow up on that project to make it complete.

- Dowel Property Mayor Tipton met with a potential user of the Dowel property. Mayor Tipton is not promoting the business he was contacted by 2 potential business people. One was to reopen the Harmony Speedway in its

existing spot, limited use, 10-12 races per year. Information is being exchanged, Mayor Tipton likes this idea and would be a good use of the property in the redevelopment zone. The other contact was by a developer looking to do something more involved. It's called Tri-State Motor Sports Park. They are looking for a location somewhere in Warren County, not just in Harmony. Mayor Tipton has trying to stay active with Warren County's economic development council and the Freeholders who brought this to his attention. Mayor Tipton met with the representative and they are looking for 200 acres and they looked at the site. They are interested but Mayor Tipton doesn't know if it's a good fit because it would be more of an active use on a regular basis. An executive summary was provided for the Committee to review. The developer wanted to know if it's something they want to listen to. Mrs. Yamrock said she thinks it's a good idea to get some business back into Harmony and if it was positioned correctly and put a time limit on the operating hours. It was the consensus to have the Mayor have the developer reach out to each Committee member to discuss the ideas.

- Community Day Mrs. Yamrock announced Community Day as June 6th at the Warren County Fairgrounds.
- Meeting Times Mrs. Yamrock asked if the meetings could be moved back to the 7:00 start time due to a conflict with her place of employment's hours.
- Motion by Tipton, seconded by Cornely and carried by roll call vote to move the remainder of the 2015 meetings to commence at 7:00 p.m.
Ayes: Yamrock, Cornely, Tipton
- Public Comment Gail Raub stated that tonight she thought it was 6'clock and found out it was 6'oclock by looking at the meetings. She asked if it could be better indicated on the website.
- Municipal Clerk, Kelley Smith resumed as recording secretary at this time.
- John Chisamore asked if the road department ever prunes any trees. Mr. Cornely indicated they do on occasion, and if there is a problem. Mr. Chisamore reported that he saw one place that was pruned and he feels there are a lot of other sites that needed to be done but this happened to be where the individual just moved into the area and the trees got pruned and it seemed coincidental. Mr. Cornely indicated he didn't know about it. Mr. Chisamore said it was on Kober's junkyard. Mr. Chisamore asked how much does Harmony Township get paid for plowing private driveways. Mr. Cornely said they don't and asked whose driveway was done. Mr. Chisamore stated Kober's junkyard with the mason dump. Mr. Cornely will follow up. Mr. Chisamore stated using the mason dump for plowing the road is trashing the truck and wasting taxpayer's money. He feels a lot of the road department guys in all the municipalities they do whatever they feel like doing, and he's not saying they are the police department over the road department, but your supervisor is getting good money. Nobody sits around and watches your clerk all day long to see what she's doing. He should just do the job he's getting paid to do, it's a joke and disgusting he's getting paid what he gets paid and benefits and they just do what they want to do. He said just ride up to Kober's junkyard and see what's being done on taxpayers dollars. Mrs. Yamrock stated from what she understands he just moved up there and he was plowing to get out that's why he was plowing to get out.
- Revaluation Rich Motyka, Tax Assessor was present at this time. Mayor Tipton asked Mr. Motyka if the Township wanted to do a revaluation of tax assessments, how does that work. Mr. Motyka indicated the first thing to

do is to send the Township maps to Trenton to get approved by the Division of Taxation map department. This is about a 6 month process and he would estimate about \$5000 for this. Bids for contracts would have to be sent out. Cost is about \$125,000 and it takes about one year after the maps are approved for the process. The payment for this cost could be spread over 5 years. The last time it was done was 2002. He said where they stand today is that he's sure the houses could get inspected as things change, but on the flip side there are not a lot of tax appeals, the values have gone up and back down, so the overall values aren't too far from where they could be. At this point he doesn't think it needs to be done, he has talked with some of the tax commissioners, they weren't inclined to give Harmony an order soon but it's definitely coming down the road at some point. Mr. Motyka said the other thing involved is Merrill Creek and what do you do with that. The outcome of the trial may influence the decision of a revaluation. There were no other questions at this time.

Budget
2015 Motion by Tipton, seconded by Yamrock to open the public hearing on the 2015 operating budget. Roll Call: Ayes: Cornely, Tipton, Yamrock.

No comments were heard.

Motion by Tipton, seconded by Cornely to close the public hearing. Roll Call: Ayes: Yamrock, Tipton, Cornely.

There was no discussion on the budget by the Committee at this time.

Motion by Tipton, seconded by Yamrock to adopt the 2015 budget. Roll Call: Ayes: Cornely, Yamrock, Tipton.

Adjourn Motion by Tipton, seconded by Yamrock and carried unanimously to adjourn the meeting at this time.

Kelley D. Smith, Municipal Clerk