

- 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.
- Consent Agenda Motion by Tipton, seconded by Yamrock and carried unanimously by roll call vote to approve the following items on the consent agenda:
- Municipal Attorney Written Report
-Mayor Tipton asked about COAH. It was determined this would be discussed in executive since it is potential litigation.
- A draft developers agreement was created by Katrina and Gene for review.
- Motion by Tipton, seconded by Yamrock to approve the Developers Agreement drafted by Ms. Campbell and Mr. Weber as revised. Roll Call: Ayes: Cornely, Tipton, Yamrock. Nays: None
- Al Ruby and the Shanzlin Waters property is being preserved. Al Ruby is closing soon. Shanzlin requested next years closing. Ms. Campbell recommended amending the contract to state the Township is not being held responsible if closing does not occur at a later date.
- Motion by Tipton to agree that the closing can occur next year to the extent that the state, county both allow it wait and that the property owners would be responsible for any additional costs that may occur because of their request. Seconded by Yamock. Roll Call: Ayes: Cornely, Yamrock, Tipton.
- Municipal Engineer's Written Reports
-Requests direction to the water line repair on Railroad Ave. The situation has changed. Aqua stated they are only overlaying the trench repairs, not the entire the road. Gene said it doesn't make sense just to repair the trenches then have our DPW try to do a part of the road. It makes sense to allow Aqua to do the asphalt base in the trenches and ask Aqua to pay the value of the top course that they would cover. The Township will then do the work. Gene's estimate is \$14,160 that Aqua would owe the Township. It was the consensus of the Committee to coordinate the work this way.
- Old Business Mayor Tipton advised the agenda order would be changed to hear Harmony Sand and Gravel's application and public hearing at this time.
- 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
2014-
2015

Representing HS&G was Scott Wilhelm and Ron Panacucci. Mayor Tipton indicated that this is a continued continuation of several months. Mr. Weber has issued a report dated May 5, 2015. Mr. Tipton indicated that a bond for \$1,000,000.00 was received today. Mr. Weber's summary included that at the last meeting that the bonding for the haul road restoration was discussed and basically it was estimated that the amount required to do the restoration in the future was \$373,000. The applicant indicated that based on their financial situation the most that they could have would be another \$214,000.00 which would bring the total bond on the site to the one million dollars. The committee was concerned that because of the difference of what he estimated and what they were able to provide that there is a short fall and leaves the township exposed if there was a default and the committee directed Mr. Weber to meet with Mr. Panacucci to prepare a schedule as to how the Pit 2 restoration work would progress and in a sequential manner with the idea that as that work progresses the amount necessary for that bond is dropped down. Mr. Panacucci has submitted a copy. Mr. Weber indicated that the report indicated that Pit 2 should be restored by the end of November and it shows that based on the draw down that by mid-July the shortfall should be eliminated. Mr. Weber said the committee would have to decided if they agree to this scenario. Mr. Panacucci state that \$373,000 should be \$337,000. The shortfall is about \$123,000. Mr. Panacucci stated that he broke the grading that is going to be done into 3 phases. The southern have of the east slope will be completed, move on to the northern half and do the north side. He broke the quantities out for each area. Mr. Hummer will do the best he can trying to do it with this plan. It might have to be adjusted as work is done, he did base it to work with the cut and fill material that is there first, the next piece is to do with the borrow that has to occur. Soil will have to be trucked in from another area. Estimated 9 trips per day to bring in material. Work has not started yet but material is being prepped now. Once work is started it can proceed on a continuous basis because the material will be stock piled and ready to go to be trucked in. Mr. Tipton asked if a way to get updates was discussed. Mr. Panacucci stated that weekly or bi-weekly updates can be provided on the amount of time spend and the materials that have been moved. It was agreed that bi-weekly reports will be provided. Mr. Tipton asked the committee what their thoughts were. Mr. Cornely stated as long as they are going to start work on it, it's going in the right direction. Mr. Tipton asked if there was anything left open for the operating permits. Mr. Weber stated that the noise study was left open. Mr. Tipton asked if both permits can be voted on at the same time. Ms. Campbell said she didn't see why not. Mr. Tipton said that it the same issues that are holding them both up.

Mr. Tipton made a motion to approve the 2014 and 2015 operating permits with the condition that the reclamation plan is followed with bi-weekly updates to Mr. Weber and the noise study requirement is waived.

Ms. Campbell stated that the bond expires December 31, 2015. Another bond will have to be in place before the expiration. She also pointed out that there is a 60 day written notice clause in the bond so the Township would be notified if the bond was being cancelled and would have enough time to meet. If the bond was cancelled Harmony Sand and Gravel would have to cease operations at that time.

Seconded by Cornely. Roll Call: Ayes: Yamrock, Cornely, Tipton.

Public Comment: Kelley Smith, Star D Farm, asked about the reclamation. Will Mr. Weber be going out to do site inspections or will it be by telephone. Mr. Weber said he will check on progress and not to do

an extensive inspection, but to do some actual inspections. Mrs. Smith requested that her counsel be updated on the progress that is provided. Mr. Tipton said that the reports be emailed to Mr. Weber that this is probably the best way. Mr. Wilhelm suggested that Mr. Hummer and Mr. Weber have communicated via cell phone in the past and he suggested that they do that. If Mr. Weber wants to communicate via email to the committee that's fine and to the property owner that's fine, he doesn't want Mr. Hummer communicating with anyone other than Mr. Weber. Mr. Tipton said as long as it turns into an email that's fine. Mrs. Smith stated that Mr. Wilhelm had spoken with her counsel Ms. Nicholson earlier this evening and he was supposed to be put something on record about the bond but she wasn't sure what it was. Mr. Wilhelm stated that was what Ms. Campbell expressed about bond canceling and that operations would have to cease if a bond was not in place.

Mrs. Yamrock asked Mr. Weber if he will be going to the site at least once a month to see what progress is being done. Mr. Weber said he would anticipate once a week, he would see how it goes, if it's necessary or not.

At this time, Municipal Clerk, Kelley Smith resumed as recording secretary.

Consent
Agenda:
Continued

Road Department Supervisor Written Report

Warren County Health Department Written Report

The Zoning Officer Mr. Fritts and property lease Mr. Richard Crouse were present to discuss the property Mr. Crouse rents from the Township for farming purposes. Mr. Fritts indicated he visited the site last week and visited the neighbor who had an issue with a corner post being knocked down and some trees adjacent to their property. Mr. Fritts called Mr. Crouse and Mr. Crouse was going to go talk to the neighbor because as of that date he had not done that. Mr. Fritts took a ride around and discovered the corner that Mr. Crouse broke through onto the township leased property. There is an old road that goes down into Harmony Station. He knocked down a pretty wide piece of fence row and the trees were pushed to the side and the neighbor discovered that there was a corner post there and it was bent a little and a metal stake with a ribbon on it that should be driven back down and the stake should be put back up within 5-10 feet onto the neighbors property in terms of the trees. As far as the other trees they are in the ROW of the old road. Mr. Fritts said he doesn't know who has the rights to that old road but it's typically how somebody clears fence rows so the product (corn) can be grown. Mr. Fritts said the neighbor also complained about pushing dirt piles onto their property and he said he found 1-2 spots that could possibly be on the property and the other one was when the original road was knocked in down by Harmony Station Road when Mr. Crouse put stone on the road about a year ago. Mr. Fritts didn't see any evidence of a pole that could have been there. There is a round pole maybe about 10 feet off the fence line but without a true surveyor you wouldn't know exactly where the line is. This happened over a year ago. Mr. Fritts said the neighbor was not happy with the corner post that got hit and they knocked some trees over on their property. Mr. Crouse, the neighbor, presented his case at this time. Mr. Crouse introduced himself at this time to Mr. Crouse. Mr. Crouse said that Mr. Fritts is correct that the post in the northwest corner was run over by a heavy excavator. His question is with that type of equipment and the pushing that was being done, how realistic is that marker any longer? He stated he also took down some trees and other markers, there were quite a few markers around the pole at that time. He

said he was never approached about that marker. The southwest marker is completely gone. When he purchased the property a few years ago he was able to locate all the markers, he cannot locate that southwest marker any longer. There is also an area between his property and the field that has obviously been dug out and some of the dirt has been put up on the property. It is not a large pile of dirt but a good 3 foot grade taken out and it is his contention that the marker may have very well been in that area. To add to it, as you look at the property and go from the southwest to the east corner, he has cut into the fence row because the size of his equipment. He questions if the size of that roadway has been extended onto his property at this point without markers and the ability to see it is difficult to ascertain that. On the western part their concern is a lot of the trees were pushed aside to make room for the crops, he believes that he has pushed trees that were on their property that they intended to profit from including the walnuts. A lot of the trees were pushed over onto their property far enough that he had to clear some off of his fence that he has put up, about 20-25 feet inside the property marker. He said they didn't go all the way out to the property line with the fence because they wanted a buffer zone. Mr. Crouse stated he met with Mrs. Crouse today. He saw where the corner marker on the northwest side was down, he found it today, the corner marker itself, there was a metal post that Mr. Fritts had seen that was a marker for a marker. The corner marker is a pin that is driven into the ground. The pin was slightly tilted to the left. He straightened it up and pounded it back in straight. The hole was not moved. He took the fence post that was a marker for a marker, the pin, he stood it up and put rocks around it as a temporary fix. Mrs. Crouse saw this today with Mr. Crouse. Mr. Crouse stated the southwest corner he believes was in the roadway that was always there for the access for that farm as the main roadway that comes off of Harmony Station. If there was a pipe in the road he never saw it and he had put some gravel down to improve the driveway because it had big ruts in it. He said he did the work himself and he never saw it and he wouldn't of covered. Mr. Crouse said it was not in the roadway. Their property line was in line with the lower fence row and it should have been on the outside of the westerly line and that area has been dug out by a machine since last summer some time because he saw it when walking his property. He remembered seeing the marker, it's not the roadway, it's the westerly portion that has been dug out. Mr. Crouse said his main contention at this time is he doesn't have valid markers anymore. He said as Mr. Fritts recommended he should put fence posts up which he intends to do but he can't put it up if he doesn't have a valid marker to work off of. He said he had the original survey from the prior owners that he was able to locate the pins. He estimates it from 1976. Katrina said she can get a copy of the townships survey from the county since it was just preserved a few years ago. Mr. Tipton would like Mr. Crouse and Mr. Crouse to work it out themselves. Mr. Crouse cannot agree that the machine did not move the whole marker and just moving it back doesn't justify it. Mr. Crouse would like to know that it is accurate. Mr. Crouse said he did reach out to Mr. Crouse at the time their equipment was there. He spoke with an employee and asked Mr. Crouse to come to their house to discuss. Mr. Fritts asked Mr. Crouse how he determined the angle on the northwest side. Mr. Crouse said he knew where the property line was and he wanted to go inside plus he didn't want to have to clear a lot of the trees at that time. Mr. Fritts said if he had a 25 ft. offset as he said, is that existing fence 25 ft. on the inside of the property line. Mr. Crouse said it may vary and he just went on the inside of his line. It would not work to just go 25 ft on the outside of the fence to establish the property line. Mr. Tipton said the primary issue is Mr. Crouse wants to be certain where his property line is because he is claiming the existing ones are questionable. Ms. Campbell said luckily there are copies of a survey within the last 10 years that are very accurate.

Mr. Cornely suggested getting a copy of the most recent survey, Mr. Fritts to go out with the survey to see if he can figure out where the properly lines are or should be and see where we should go from there. Mr. Tipton said let's start there, his preference is to work it out together and with Mr. Fritts assistance. Ms. Campbell said if Mr. Fritts can't do it Mr. Weber's office has the equipment to find the pins. Mr. Tipton asked for a report next month if necessary.

Minutes of April 4, 2015

Resolutions:

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 15-21

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Harmony, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$13,050.00 which is now available from State of New Jersey –“Van Nest-Hoff-Vannatta Farmstead Long-Range Plan” in the amount of \$13,050.00.

BE IT FURTHER RESOLVED, that the like sum of \$13,050.00 is hereby appropriated under the caption “Van Nest-Hoff-Vannatta Farmstead Long-Range Plan” and

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey –“Van Nest-Hoff-Vannatta Farmstead Long-Range Plan”.

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 May 5, 2015.

Kelley D. Smith
Municipal Clerk

Harmony Township
Warren County, NJ

R:15-22

A RESOLUTION SUPPORTING THE TRANSPARENT TAX ACT OF
2015

WHEREAS, Assembly Bill No. A-4235 supplementing chapter 4 of Title 54, R.S.54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and

WHEREAS, A-4235 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets; and

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Harmony, in the County of Warren, in the State of New Jersey, hereby supports Assembly Bill A-4235 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority Leader of the NJ State Assembly, the President of the NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, and Morris County municipalities.

I, Kelley Smith, Municipal Clerk of the Township of Harmony, Warren County, New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body at a duly authorized meeting held on May 5, 2015.

Kelley D. Smith
Municipal Clerk

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
R:15-23

A RESOLUTION AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER OF THE TOWNSHIP OF
HARMONY, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, at the Harmony Township Municipal Tax Sale held on October 16, 2013 , a lien was sold on Block 8 Lot 10, also known as 3089 Belvidere Road in Harmony Township, for 2012 delinquent taxes and,

WHEREAS, this lien, known as Tax Sale Certificate #2013-005 was sold to FWDSL & ASSOCIATES for a premium of \$6,000.00 and,

WHEREAS, PLS Title & Settlement Services, title company for property owners, has satisfied the redemption amount on Certificate #2013-005 in the amount of \$4,738.97 and,

NOW, THEREFORE, BE IT RESOLVED on this 5th day of May, 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$10,738.97 for the redemption of Tax Sale Certificate #2013-005 and Premium to:

FWDSL & ASSOCIATES LP
5 COLD HILL ROAD SOUTH SUITE 11
MENDHAM, NJ 07945

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 May 5, 2015 at the Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey.

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

Kelley D. Smith

Bisco Drainage Engineer Duveneck was present. Mr. Cornely updated the committee on the situation. There were some issues between the neighbors about the work that was done by the Township. Mr. Cornely said the project needs to get done, everything has been purchased. Mr. Duveneck stated he spoke with the homeowner down the stream and assured him that when the work started he would be on site explain where things would be and how the water was going to be redirected from his property. Mr. Fox will contact Mr. Duveneck when the work is to start.

Salt Shed Mr. Cornely and Engineer Duveneck are starting to look at costs that will be associated in building a salt shed to get our DPW site in compliance with the DEP. Mr. Duveneck the most expensive and least maintenance is about between \$80,000-\$100,000. They will come up with 3 alternatives and recommend to the committee.

Correspondence:

- Request by Jason Curreri; Field Name Request on Behalf of Nathaniel Haggerty
Mr. Curreri will follow up with a resolution for adoption naming one of the recreation fields after Nathan Haggerty
- Letter from Highlands Council; Thank you for Supporting Freeholder Smith's comments
- State of NJDOT; Announcement of Grant Funding for Millbrook Road in the amount of \$125,000
- Letter from Highlands Council; Regional Master Plan Conformance
- NJBA; Information regarding the NJ Supreme Court Decision regarding Mt. Laurel Matter

- Warren County Public Safety Department; Notice of Regional Warren and Hunterdon County FEMA FMA Grant Opportunity. Meeting will be held at Harmony's Municipal Building May 13th at 7pm for qualified residents
- State of NJDOT; Ridge Road Section 1 application for funding denied

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

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

Kelley D. Smith, Municipal Clerk