

Regular The Regular Meeting of the Harmony Township Committee was called to order by the Mayor. The Mayor 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 Express-Times and Star Ledger 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 Tipton, Yamrock, Cornely

Budget Motion by Yamrock, seconded by Cornely and carried by all in favor to open public hearing and consideration for the 2022 Budget.

There were no public comments

Motion by Yamrock, seconded by Cornely and carried by all in favor to close public hearing and consideration for the 2022 Budget.

Motion by Yamrock, seconded by Cornely and carried unanimously by roll call to adopt the 2022 budget as appended to these minutes.

Roll Call: Ayes: Tipton, Cornely, Yamrock Nays: none

Consent Agenda Motion by Yamrock, seconded by Cornely and carried unanimously by roll call to approve the consent agenda that included the following items:
Roll Call: Ayes: Tipton, Yamrock, Cornely Nays: none

Reports Attorney, Engineer and Zoning
Engineer Finelli reported Fox Farm Road is almost completed. Ridge Road DOT grant project is under design now. The grant opportunity window is open now for 2023 applications. Mr. Finelli suggested applying now after coordinating with Randy Hoffman on the roads to consider. Mr. Cornely stated he recommends doing Marble Hill Road.

Motion by Cornely, seconded by Yamrock to authorize Finelli Consulting to proceed with the 2023 DOT Road Grant application.

Minutes April 5, 2022

Resolution **RESOLUTION #22-19
RESOLUTION OF THE TOWNSHIP OF HARMONY,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER OF TAX SALE CERTIFICATE #21
00001 ON BLOCK 8 LOT 10.**

WHEREAS, at the Harmony Township Municipal Tax Sale held November 5, 2021, a lien was sold on Block 8 Lot 10, also known as 3089 Belvidere Road for 2020 taxes; and

WHEREAS, this lien known as Tax Sale Certificate No 21-00001 was sold to FIG CUST FIGNJ19LLC & SEC PTY for a premium of \$16,700.00; and

WHEREAS, the property owner, made the full payment on Certificate No 21-00001 in the amount of \$8,592.36 and,

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Harmony hereby authorizes the Chief Financial Officer to issue a check in the amount of \$25,292.36 for the redemption of Tax Sale Certificate #21-00001 and the Premium to:

FIG CUST FIGNJ19LLC & SEC PTY
PO BOX 54226
NEW ORLEANS, LA 70154

DATED: May 3, 2022

I, Kelley Smith, 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 Harmony Township Committee at a meeting held on May 3, 2022.

Kelley Smith, Clerk

Correspondence

1. Township of Blairstown; Resolution to Support Designation of Delaware Water Gap as a National Park
2. GoGov; would like to schedule an online demonstration of our Citizen Request & Citizen Notification Software
3. NJDOT; accepting applications for Fiscal Year 2023 State Aid Programs
4. Jennifer Porter, Esq.; Land Use Board Legal Notice
5. The Board of County Commissioners of the County of Warren; Resolution in Opposition to the Designation of the Delaware Water Gap National Recreation Area as a National Park without specific details as to the impact to the Warren County Region

New Business

1. Discussed Lack of Broadband in Warren County as requested by the County. Some areas in Harmony could use updated services. Kelley will contact the County Commissioners to advise them.
2. Notice of Public Hearing on Warren County Transportation Plan was acknowledged.
3. Motion by Yamrock, seconded by Cornely and carried unanimously by roll call to adopt R:22-18.
Roll Call: Ayes: Tipton, Yamrock, Cornely Nays: none

R:22-18

RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY ACKNOWLEDGING THE PROPER REASSESSMENT CLASSIFICATION OF A 15.5 Acre PORTION BLOCK 7, LOT 11, HARMONY TOWNSHIP; ACCEPTING REIMBURSEMENT FOR PAST TAXES ACTUALLY DUE; AND DIRECTING THE MUNICIPAL TAX ASSESSOR TO CORRECT THE TAX RECORDS BY APPROPRIATELY ASSESSING THE SUBJECT

**PROPERTY AS “INDUSTRIAL” PROPERTY FOR
TAX YEARS 2002 - 2021**

WHEREAS, the Farmland Assessment Act of 1964, P.L. 1964, c. 48 (the “**Act**”) provides for certain qualifies properties to be assessed as “farmland” for purposes of reducing the tax assessment of those qualifying properties; and

WHEREAS, at least a 15.5 acre portion of Block 7, Lot 11 in Harmony Township (the “**Property**”) was assessed as “farmland” pursuant to the Act from 2002 - 2021; and

WHEREAS, the Property is the site of a former industrial gravel and sand mining operation; and

WHEREAS, as a result of the former industrial gravel and sand mining operation, the Property was contaminated with various chemicals and other contaminants as a result of the industrial use of the Property; and

WHEREAS, the Property is property classified as an industrial “brownfield” pursuant to relevant state law; and

WHEREAS, notwithstanding that the Property is an industrial “brownfield,” at least a portion of the Property has been “farmland” assessed since at least 2002 and through 2021; and

WHEREAS, it has been brought to the Committee’s attention that the “farmland” assessment of the Property for years 2002 to 2021 should have been assessed as a browns field based on then existing conditions, given the Property’s historic use and present “brownfield” status; and

WHEREAS, the owner of the property, or his designee, desires to reimburse the Township for the delta between what was paid by the owner of the property during the period that the Property was assessed as “farmland;” and

WHEREAS, the Township desires to accept such reimbursement; and

WHEREAS, the Township desires to direct the municipal tax assessor to correct the Township’s tax records to reflect that the Property should not have qualified as “farmland” assessed for the period of 2002 to 2021

NOW, THEREFORE, BE IT RESOLVED by the Committee as follows:

1. The Property is not “farmland” and should not have qualified for “farmland” assessment status at any time during the period of 2002 to 2021.
2. The municipal tax assessor is hereby directed to correct the Township’s tax records to reflect that the Property should have been assessed as “industrial” property for the period of 2002 to 2021.
3. The Township is authorized to accept reimbursement of the taxes due for the period of 2002 to 2021 representing the delta between what was paid by the owner of the property during that time period and what should have been paid if

the property was appropriately assessed as “industrial” property.

4. The Township agrees that the amount of the reimbursement is \$75,000.00. for which payment has already been tendered to the Township.
5. The Township Clerk shall provide a certified copy of this Resolution to all parties of interest.
6. This Resolution shall take effect immediately.

CERTIFICATION

I, Kelley Smith, 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 at a regular meeting held on May 3, 2022.

Kelley Smith, RMC/CPM
Municipal Clerk/Administrator

Old
Business

1. Shandor’s Junkyard permit renewal was considered. Mr. Finelli reported on the inspection. Attorney Campbell indicated that a report was made by Finelli Engineering and here were a few items outstanding and she sent a letter asking that they be addressed. Since then she has received a revised application which the document is ok, not exactly what she was looking for but close enough. The inspection side still has some problems so Mr. Finelli can address them. Mr. Finelli stated they documented a few issues per the inspection and last months meeting and a reinspection was done this morning. There are still a few vehicles parked in the field where it is clear there are no vehicles to be parked there. Last month there was one car but as of today there was a tractor and a rollback truck there. That appears to be the only out of compliance issue at this time. Judy Riddle and Jeffrey Riddle were present on behalf of the junkyard. Mr. Shandor stated that is his rollback and he drives it everyday. It was parked out there because there have been several trees that have fallen on the property and he doesn’t want his rollback to get hit. Attorney Campbell stated it can’t be parked out there, nothing is supposed to be parked out there. Mr. Riddle stated it is his property and the vehicle is registered and insured. Ms. Campbell stated as part of the junk yard permit they cannot put anything in that field. Ms. Riddle asked where can they put them. Ms. Campbell stated inside the fence. Ms. Riddle stated there is no room. There is supposed to be 5 cars allowed that aren’t registered allowed. Mr. Finelli and Ms. Campbell said that they are allow out front. Ms. Riddle and Mr. Riddle explained the demolition derby car and how they are built. She stated they have been building them for 40 years and the car out in front of the garage is a demolition derby car which is a hobby they have been doing for 40 years. They supply most of the cars to the Warren County fair for the derbies. The neighbors and kids in Harmony all build their cars there. If it wasn’t done there these cars would be all over Harmony. Mr. Riddle stated the other pictures are their personal vehicles which are all registered. There was one car for sale. Mayor Tipton asked Mr. Finelli what are the rules. Mr. Finelli said no cars in the field has been a standing condition that the Township Committee from many years ago and that stipulation was part of the approval process to grant the license and it has carried forward. Ms. Riddle said building derby cars was never an issue. Mr. Riddle said they also have a State Dealers license. Ms.

Riddle provided a copy of that license. Mayor Tipton said this has nothing to do with the junkyard it is only a dealers license and we have different conditions. Mayor Tipton said for many years it's been the same process every year. Ms. Riddle said it's someone different doing an inspection every year and they are not aware of the cars being taken apart are derby cars. Attorney Campbell stated that the demolition derby cars should be inside the fence too. The zoning officer has no way of knowing it is a demolition derby car or a junked car. Mr. Finelli added maybe it is time for some changes to what has been a long standing condition in conjunction with the renewal on what happens on the other side of the fence. If they want to run the business differently or if they can make a strong argument why cars should be allowed in the field as an example. Ms. Riddle stated when they are inspected they are usually speaking with her or her son so issues can be discussed before they have to come here. The demolition derby cars were debated. Mr. Finelli stated that these conditions have been on this junkyard for decades and these are the standards that the township has agreed to allow the operation of the junkyard. Mr. Finelli said if she now feels they cannot operate with those conditions or want to make a change it is the onest on her to make that request of the township committee who will evaluate it and either agree or disagree. Mr. Tipton stated he has never seen her here and nobody has every come to talk about the derby cars. Ms. Riddle said covid had restricted her from getting things taken care of in the past years, she did provide what she could to the municipal clerk, and tried to call the municipal attorney but could not get them to take her calls and they had the municipal clerk call them instead. Mrs. Yamrock stated when Mr. and Mrs. Shandor passed away she recommended to the committee that they should back off that year to let the estate get settled and they all agreed. Mrs. Yamrock stated there is a problem with the cars in the field and it looks like crap when you go down the road, if that's their property why not fence that in? Mr. Finelli said that should not be a problem.

2. Motion by Tipton, seconded by Yamrock and carried unanimously by roll call to introduce by Title Only; Ordinance O:22-1; Short Term Rentals
Roll Call: Ayes: Cornely, Tipton, Yamrock Nays: none

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
O:22-1

AN ORDINANCE OF THE TOWNSHIP OF HARMONY,
COUNTY OF WARREN, STATE OF NEW JERSEY
AMENDING SECTION 136 OF THE CODE OF THE
TOWNSHIP OF HARMONY TO REGULATE SHORT TERM
RENTALS

WHEREAS, the Township wishes to prohibit short term rentals of dwellings or dwelling units for a period of 60 days or less subject to certain exceptions; and

WHEREAS, it has come to the Township Committee's attention that incidents have occurred in the State of New Jersey where pools, dwellings and other similar spaces have been rented out for parties; and

WHEREAS, the Township wishes to prohibit pools, dwellings and other amenities from being rented within the Township;

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

SECTION 1.

Chapter 136. Short-Term Rentals
§136-1 Prohibited Conduct.

No person shall undertake, maintain, authorize, aid, facilitate, solicit, promote and advertise any rental or activity that violates any part of this article.

§136-2 Short Term Rental Restrictions.

- A. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, or rental of any dwelling or dwelling unit for a period of 60 days or less except for the following:
 - 1. “Use and occupancy” arrangements between the purchaser and seller of a dwelling, whereby the purchaser of the dwelling is temporarily occupying or renting the seller’s dwelling prior to closing on the purchase of the dwelling pursuant to the terms of a written contract or agreement

- B. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of any amenity, feature, or accessory that is appurtenant to or associated with any rental facility, rental unit, dwelling (including but not limited to, a duplex, multiple, or single-family) or residential structure is prohibited. “Amenity, feature, or accessory” shall include, but is not limited to, swimming pools, pool cabanas, accessory structures, hot tubs, decks, patios, yards and the like.

- C. Notwithstanding anything to the contrary in the Township Code, it shall be unlawful for any person, including, but not limited to, an owner, lessor, sublessor with any possessory interest in any dwelling unit, to receive compensation of any kind for the use, occupancy, lease or rental, for any purpose and for any period of time, of property or portion of property for camping, glamping or recreational vehicle space.

§136-3 Regulations; fees and charges.

The Township Committee may promulgate regulations, which may include but are not limited to permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, or insurance requirements, to implement the

provisions of this article. No person shall fail to comply with any such regulation.

§136-4 Enforcement.

The provisions of this article shall be enforced by the Township Zoning Officer, Fire Department, Police Department and any other Township official or employee so designated by the Township Clerk/Administrator who all shall be authorized to issue summons or other appropriate civil violations or complaints for any violations of the terms and provisions of this article.

§136-5 Fines, violations and penalties.

1. Any person who is found or adjudicated to have violated any provision of this article shall be liable for a fine not to exceed \$1,000. Each day of any such violation after receiving written notice of same shall be a new and separate violation.
2. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Warren County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect after final passage and publication in accordance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on the first reading at the meeting of the Township Committee of the Township of Harmony held on May 3, 2022, 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 June 7, 2022, at 6:00 p.m. or as soon thereafter as the Township 3003 Belvidere Road, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Kelley Smith, Municipal Clerk

3. Motion by Yamrock, seconded by Cornely and carried unanimously by roll call to adopt Resolution R:22-17.

Roll Call: Ayes: Tipton, Cornely, Yamrock Nays: none

TOWNSHIP OF HARMONY

TOWNSHIP COMMITTEE

R:22-17

RESOLUTION OF MEMORIALIZATION HARMONY SAND AND GRAVEL 2022 QUARRYING PERMIT

Approved: April 5, 2022
Memorialized: May 3, 2022

WHEREAS, the Applicant, Harmony Sand and Gravel, Inc. (“Applicant”) submitted an Application for a renewal of its Quarry Permit pursuant to Chapter 128 of the Code of the Township of Harmony in January of 2022; and

WHEREAS, on April 5, 2022, Steven Gruenberg, Esq, attorney for Star D Farm submitted comments regarding the applicant’s plan; and

WHEREAS, the Township Committee determined the application to be complete and conducted a hearing on the application at the April 5, 2022 Committee meeting; and

WHEREAS, the application proposes the continuation of mining in the Front Pit and the continuation of the restoration of Pit 2 (on 3 sides only); and

WHEREAS, the application also includes mining the existing access/haul road upon installation of the new road; and

WHEREAS, the Township Committee wishes to memorialize the 2022 permit approval to create a formal record of all of the Paragraphs.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Harmony does hereby approve Harmony Sand & Gravel’s 2022 quarrying permit, subject to the following terms and Paragraphs:

1. All quarrying operations and restoration work shall be performed in accordance with plans entitled “2022 Mine License Renewal”, consisting of sixteen (16) sheets prepared by LAN Associates, Inc., dated January 24, 2022, as revised to March 31, 2022.
2. Relocation of the haul road shall be performed in accordance with plans entitled “Harmony Sand & Gravel, Inc., Proposed New Access Drive,” consisting of six (6) sheets, prepared by LAN Associates, Inc., dated May 7, 2020.
3. Based upon a site inspection conducted by the Township Engineer on February 23, 2022, there are some relatively small, isolated areas along the north side of the pit along the water line and higher up along the existing evergreen screen that exceed the 3:1 slope requirement. The applicant shall revise the three (3) cross-sections from Station 0+00 to 2+00 to be plotted at an expanded scale so that these areas can be better evaluated to ensure the 3:1 slopes are being met. Based upon the Engineer’s review of the revised cross sections as depicted on plans revised to March 31, 2022, the slopes along the north side of the pit exceed the maximum 3:1 slope. The slopes shall be re-graded by the applicant to not exceed 3:1.
4. The Committee previously approved the applicant’s request to import fill for the Pit 2 restoration in lieu of the applicant using on-site fill material for the restoration. The imported material shall be clean fill as defined by NJDEP and its testing, transportation and placement shall be in

accordance with the Materials Acceptance Plan prepared by Earth Efficient and approved by the Township Committee. Applicant to ensure that Earth Efficient copies Star D on all reports.

5. Restoration of Pit 2 must be completed by December 31, 2022.
6. Based upon environmental concerns expressed by Steven Gruenberg on behalf of Star D Farm, the applicant shall perform, at their own expense, limited testing of the soils upon completion of the restoration of Pit 2. The testing shall be performed in accordance with the testing protocol established by the Township Engineer. The company hired by applicant to perform the tests must be approved by the Township Engineer. Applicant shall be required to perform any remediation required as result of those tests.
7. The current Performance Bond which the Township holds, in the amount of \$1,000,000 shall be reduced to \$750,000. The reduced bond amount has been established to cover the costs for the remaining slope restoration along the north side of Pit 2 as required in Paragraph 3, the interim restoration of the Front Pit, final landscaping and stabilization of Pit 2 and the interim restoration of the existing Haul Road.
8. As a result of the Committee's decision in 2019 to modify the restoration requirements in Pit 2 from the original 2016 parameters, the Committee, upon satisfactory completion of the restoration of Pit 2, will require the applicant to provide the Township with a Maintenance Bond in the amount of \$200,000 for a term of 10 years to provide funds for maintenance in the event unanticipated repairs or maintenance is required if water levels drop below the 253.0' elevation.
9. The applicant agrees that the expiration date on the Performance Bond shall be automatically extended in the event that restoration work is not completed by November 30, 2022.
10. As work progresses on the restoration of Pit 2 the applicant shall be permitted to seek the release of a portion of the Performance Bond. The applicant shall submit his request to the Township Engineer along with a quantity and cost estimate of the work which has been completed and any other information for review. The Township Engineer shall review the request and make an inspection of the site to determine the extent and suitability of the work which has been completed and shall prepare a report to the Committee with his recommendation.
11. In the event the required \$200,000 Maintenance Bond for Pit 2 as required in Paragraph 8 is to be included within the current Performance Bond, Harmony Sand and Gravel shall provide written confirmation from its surety that the additional bond requirement and potential additional scope of work required by the Township is covered under the existing bond. Regardless of the progress of reclamation, the Performance Bond shall not be reduced below \$200,000 unless an additional Maintenance Bond as required in Paragraph 8 above is provided to the Township.
12. The Township Engineer shall make periodic inspections of the Pit 2 restoration work to assess the progress being made and suitability of the work being accomplished. The applicant shall be required to maintain a sufficient balance in Harmony Sand and Gravel, Inc's escrow account cover the costs of the Township's professionals in its ongoing review and inspection of this work.
13. The applicant shall be required to submit a written monthly report to the Township Engineer in sufficient detail to document the progress of the Pit 2 restoration work. Star D shall be copied on the monthly reports submitted to the Township.
14. The Township Committee has considered the need for a noise study as required by the Quarrying Ordinance and determined that a noise study is not warranted and therefore not required.

15. The applicant shall be required to submit a current Mine Registration Certificate and current Certificates of Insurance from Harmony Sand & Gravel and from Earth Efficient which include the Township of Harmony, Finelli Consulting Engineers and Star D Farm as additional insureds.
16. The applicant shall continue to maintain earth berms along areas of the Front Pit, Pit 2 and along both sides of the Haul Road to provide protection against temporary steep slopes.
17. The applicant shall continue to meet and fulfill all obligations required by the Harmony Township Land Use Board as part of its original site plan approval and any subsequent approvals.

ATTEST:

Township of Harmony

 Katrina L. Campbell,
 Township Attorney

 Brian Tipton, Mayor

DATED:

I hereby certify that the above is a true copy of the Resolution adopted by the Harmony Township Committee at its meeting on April 5, 2022, and memorialized on May 3, 2022.

 Courtney Morrow, Deputy Clerk

Vouchers Motion by Yamrock, seconded by Cornely and carried unanimously by roll call to approve the vouchers.

Public
 Comment

Adjourn Motion by Yamrock, seconded by Cornely to adjourn the meeting at this time. The motion was carried unanimously by all in favor.

 Kelley Smith, Municipal Clerk