

**HARMONY TOWNSHIP COMMITTEE**  
**REORGANIZATION/REGULAR MEETING**

**January 7, 2025 @ 6:00 p.m.**

**A G E N D A**

**CALL TO ORDER BY MUNICIPAL CLERK**

**OPEN PUBLIC MEETINGS  
STATEMENT**

**PLEDGE OF ALLEGIANCE**

**EXECUTIVE SESSION: Personnel Issues**

**\*\*REORGANIZATION MEETING\*\***

Swearing in of Committeeman Elect for 2025-2027; Brian Tipton  
-Oath of Office

**ROLL CALL:**

Call for Nominations for Appointment of Mayor  
-Oath of Office

**(Meeting gets turned over to the Mayor at this time)**

Call for Nominations for Appointment of Deputy Mayor  
-Oath of Office

Motion to Approve Resolutions R:25-1 through R:25-10

- R:25-1 Committee Appointments by Resolution
- R:25-2 Resolution Establishing Rate of Interest to be charged for Non-payment of Taxes
- R:25-3 Resolution Establishing a Cash Management Plan
- R:25-4 Resolution Designating Newspapers to Receive Notices of Meetings of Township
- R:25-5 Resolution Designating Meeting Dates and Times
- R:25-6 2025 Temporary Budget Adoption
- R:25-7 Resolution Tax Assessor is authorized to file petitions, notices and other documents regarding the assessing of roll-back taxes
- R:25-8 Resolution Authorizing the Tax Assessor of the Township of Harmony 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
- R:25-9 Resolution Authorizing Non-Fair and Open Contracts Awards for Professional Services
- R:25-10 PACO Appointment

**\*\*REGULAR MEETING BUSINESS\*\***

**CONSENT AGENDA:**

MOTION TO APPROVE THE CONSENT AGENDA WHICH INCLUDES THE FOLLOWING WHEN AVAILABLE

Reports: Attorney Report Engineer Report  
Zoning Report Minutes: December 3, 2024

Raffles: R:25-1; BHS Project Graduation 2/26/25 @ Tipton's Tavern

**CORRESPONDENCE:**

**NEW BUSINESS:**

1. Schedule budget meeting
2. Townwide Clean Up Dates – Week of May 12-17 (Monday-Saturday)
3. Townwide Yard Sale Dates – Weekend of May 9-11 (Fri, Sat, Sun)

**OLD BUSINESS:**

1. Zoning Officer Position

**VOUCHERS:** Approve payment of Vouchers

**(CONTINUE WITH HARMONY TOWNSHIP BOARD OF HEALTH REORGANIZATION)**

## **HARMONY TOWNSHIP BOARD OF HEALTH REORGANIZATION**

**CALL FOR A MOTION TO APPOINT:** -Chairman  
-Vice-Chairman  
-Secretary

### **BOARD OF HEALTH CONSENT AGENDA:**

Resolutions:

- R:BOH2025-1; Resolution Designating Newspapers to Receive Notices of Meetings
- R:BOH2025-2; Resolution in Regard to Regular Meeting Dates

### **BOARD OF HEALTH NEW BUSINESS:**

- Approval of 2025 Food Handlers Licenses for:
  - Phillipsburg Area Senior Center
  - Harkers Hollow Uniontown Grill
  - A&A Liquor, LLC
  - Apgar's Cider Press
  - Harmony Township Volunteer Fire Company
  - The Angry Chourico BBQ
  - Harmony Township BOE
  - Tipton's Tavern
  - Little Ridge Vineyards
  - WCFE
  - The Hutch

### **PUBLIC COMMENTS:**

### **ADJOURN**

Motion to adjourn

### **NOTICE**

**\* This Agenda is subject to change by order of the Harmony Township Committee before, and / or during the scheduled meeting \***

RESOLUTION NO. 25-1  
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 beginning on January 1, 2025 and expiring on December 31<sup>st</sup> of the end of the term year as indicated, 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
Bryce Good	Public Officer	1 Year
OPEN	Zoning Officer	1 Year
Igor Bykov	Municipal Attorney	1 Year
Bryce Good	Municipal Engineer	1 Year
Stan Shrek	Municipal Planner	1 Year
Brian Tipton	Solid Waste Advisory Council	1 Year
John D. Draikiwicz	Bond Counsel	1 Year
Kelley D. Smith	Recycling Coordinator/ Clean Communities Coordinator	1 Year

Elaine Hartung	Historical Preservation Commission	4 year
Steven Siegel	Municipal Prosecutor (professional services pursuant to N.J.S.A. 40A:11-5)	1 Year
Scott M. Wilhelm, Esq.	Public Defender	1 Year
Brian Tipton	Class I Land Use Board Member	1 year
OPEN	Class II Land Use Board Member	1 year
Richard Cornely	Class III Land Use Board Member	1 year
David Beers	Class IV Land Use Board Member	4 years

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 7, 2025.

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Kelley D. Smith  
Municipal Clerk

**HARMONY TOWNSHIP  
WARREN COUNTY, NEW JERSEY  
RESOLUTION NO. 25-2**

**RESOLUTION ADOPTED AT MEETING ASSEMBLED BY  
THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
HARMONY ON JANUARY 7, 2025 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, 2025 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 7, 2025.

\_\_\_\_\_  
Kelley D. Smith  
Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 25-3

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 ensure 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 ACCOUNTYS 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:

Valley National Bank, Belvidere, NJ

Fulton Bank, Oxford, NJ

State of New Jersey Cash Management Fund



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 30<sup>th</sup> and December 31<sup>st</sup> 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 ensure 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 31<sup>st</sup> of each year and at other such times required by the auditors.

#### VIII MAXIMUM 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.

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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 7, 2025.

\_\_\_\_\_  
Kelley D. Smith  
Municipal Clerk

**R:25-4**

**Harmony Township**

**Warren County, New Jersey**

**RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND  
STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES  
OF MEETINGS**

**WHEREAS**, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Harmony; and

**WHEREAS**, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Harmony, County of Warren, and State of New Jersey:

- 1) The EXPRESS-TIMES WARREN COUNTY NJ ZONE is hereby designated as the official newspaper of the Township of Harmony to receive all notices of meetings as required under the Open Public Meetings Act.
- 2) The STAR-LEDGER is hereby designated as the secondary newspaper which also has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

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 adopted by the Harmony Township Committee at a meeting held on January 7, 2025.

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Kelley D. Smith

Municipal Clerk

**HARMONY TOWNSHIP  
WARREN COUNTY, NEW JERSEY  
RESOLUTION NO. 25-5**

**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 10<sup>th</sup> 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 in-person and via Zoom. PLEASE NOTE, in the event that the equipment being utilized to facilitate the zoom meeting malfunctions, the meeting will proceed as an ‘in person’ meeting only. Instructions for joining the meeting can be found at [harmonytwp-nj.gov](http://harmonytwp-nj.gov). All Meetings will commence at 6:00 p.m., prevailing time, on the following dates in the year 2025 unless otherwise noted:

January	7 (Tues.) @ 5:00pm	July	1 (Tues.)
February	4 (Tues.)	August	5 (Tues.)
March	4 (Tues.)	September	2 (Tues.)
April	1 (Tues.)	October	7 (Tues.)
May	6 (Tues.)	November	4 (Tues.)
June	3 (Tues.)	December	2 (Tues.)

2. This Resolution shall take effect immediately.

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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 7, 2025.

Kelley D. Smith, RMC  
Municipal Clerk



Harmony Township  
Warren County, NJ  
R:25-6  
**TEMPORARY BUDGET**

**WHEREAS**, Title 40A:4-19 known as the Local Budget Law, provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2024 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided, and;

**WHEREAS**, the total appropriations in the 2024 budget, less appropriations made for the Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance) and Deferred Charges are as follows:

General Fund: \$2,405,479.88

AND;

**WHEREAS**, 26.25% of the total appropriations in the 2024 budget, less the appropriations made for Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance), and Deferred Charges are as follows,

General Fund: \$631,438.47

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Harmony, County of Warren that the 2025 temporary appropriations be made in the amount of \$631,438.47 for the General Fund and that a certified copy of this resolution be transmitted to the Chief Financial Officer for recordkeeping.

CERTIFICATION

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 7, 2025.

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Kelley D. Smith  
Municipal Clerk

RESOLUTION  
HARMONY TOWNSHIP, WARREN COUNTY  
**R:25-7**

**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 7, 2025.

**WITNESS**, my hand and seal of the Township of Harmony on this 7<sup>th</sup> day of January, 2025.

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Kelley Smith, Municipal Clerk

RESOLUTION  
HARMONY TOWNSHIP, WARREN COUNTY  
**R:25-8**

**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 7, 2025.

**WITNESS**, my hand and seal of the Township of Harmony, on this 7<sup>th</sup> day of January 2025.

\_\_\_\_\_  
Kelley Smith, Municipal Clerk

**HARMONY TOWNSHIP  
WARREN COUNTY, NEW JERSEY  
R:25-9**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN 2025**

**WHEREAS**, the Harmony Township Committee has a need to acquire professional services as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is 1 year; and

**WHEREAS**, the following professionals have submitted contracts for services as indicated:

- Municipal Attorney; Igor Bykov of the firm Lavery, Selvaggi, Abromitis & Cohen
- Municipal Engineer; Bryce Good of the firm UTRS
- Municipal Planner; Van Cleef Engineering
- Municipal Bond Counsel; John Draikawitz of the firm Gibbons P.C.
- Municipal Auditor; Nisivoccia, LLC

**WHEREAS**, each professional, has completed and submitted a Business Entity Disclosure Certification which certified that they, have not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

**WHEREAS**, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned bond counsel services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Harmony authorizes the Mayor and Clerk of the Township of Harmony to enter into a contract with the professionals as described herein on and on behalf of the Township of Harmony for 1 year; for the calendar year 2025 and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be printed once in a legally designated publication.

**CERTIFICATION**

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, Warren County, New Jersey is a true and correct copy of a Resolution approved by the Township Committee of the Township of Harmony at a regular meeting held on January 7, 2025.

Kelley D. Smith, Municipal Clerk/Administrator

**HARMONY TOWNSHIP  
WARREN COUNTY, NEW JERSEY  
R:25-10**

**Appointing Resolution  
Public Agency Compliance Officer**

**WHEREAS**, The Township of Harmony (hereinafter "Public Agency") in accordance with N.J.A.C. 17:27-3.5 that each agency shall designate a Public Agency Compliance Officer; and

**WHEREAS**, the appointment is required to be submitted to the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts and Audit Unit, EEO Monitoring Program; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of The Township of Harmony, in the County of Warren and State of New Jersey, as follows:

1. The Township of Harmony hereby designates Kelley D. Smith, as its Public Agency Compliance Officer;
2. A copy of this resolution will be sent to the Division of Purchase & Property, Contract Compliance Audit Unit, EEO Monitoring Program.

**CERTIFICATION**

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Harmony at a regular meeting held on January 7, 2025.

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Kelley D. Smith  
Municipal Clerk

MICHAEL B. LAVERY  
MICHAEL S. SELVAGGI<sup>1</sup>  
LAWRENCE P. COHEN<sup>2</sup>  
KATHERINE E. INGRASSIA<sup>3</sup>  
JAMES F. MOSCAGIURI  
RICHARD W. WENNER<sup>4</sup>  
WILLIAM H. PANDOS<sup>5</sup>  
PAUL D. MITCHELL  
WADE T. BALDWIN  
IGOR V. BYKOV  
JOSEPH D. GREER  
NICHOLAS C. DeFURIA

<sup>1</sup>CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A CIVIL TRIAL ATTORNEY  
<sup>2</sup>MEMBER OF NJ AND PA BAR  
<sup>3</sup>MEMBER OF NJ AND NY BAR

LAW OFFICES  
**LAVERY, SELVAGGI & COHEN**

A PROFESSIONAL CORPORATION

1001 ROUTE 517

HACKETTSTOWN, NEW JERSEY 07840

(908) 852-2600

FAX (908) 852-8225

WWW.LSACLAW.COM

23 CATTANO AVENUE  
AT CHANCERY SQUARE  
MORRISTOWN, NJ 07960  
Telephone (973) 285-1281  
Facsimile (973) 285-0271

OF COUNSEL:

JAMES A. COURTER

JOEL A. KOBERT

SENDER'S DIRECT EMAIL

[IBYKOV@LSACLAW.COM](mailto:IBYKOV@LSACLAW.COM)

**MEMO**

TO: Harmony Township Committee  
FROM: Igor V. Bykov, Esq.  
DATE: January 3, 2025  
RE: Attorney's Report | January 7, 2025, Harmony Township Committee Meeting

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I hope everybody had a merry holiday season and welcomed the New Year well.

This report is relatively short, as the end-of-year period, coupled with the holidays, did not precipitate much activity.

**I. COAH**

The only major item to remind the Committee of is the January 31, 2025, COAH deadline. I want to thank the Committee, the Township's Planner and Clerk for the brief virtual meeting that occurred at the end of December to strategize a plan moving forward. Our office will continue to work with Elliot Godwin and Stan Schrek to ensure that the Township's interests are protected and that the relevant requirements are met.

For the Committee's convenience, I am attaching a memo prepared by Dana Gizis of our office that outlines the upcoming deadlines related to the Township's Fourth Round Obligations for affordable housing. Please review and advise if any questions remain outstanding.

**II. Service Electric**

The Board of Public Utilities, having received Service Electric's application for Renewal Municipal Consent Application, indicated that certain pages were missing from the Application. In turn, Mr. Martin Rothfelder provided both the Township and Stephanie Katz of the BPU with an amended Application. The renewed application was received right before the Christmas Holiday.

I will be contacting both Mr. Rothfelder and Michael Starner of Service Electric to set up a (presumably virtual) meeting wherein the Township can discuss any issues in service provided by the Company, as well as request any additional service and/or information that would benefit the Municipality.

## MEMORANDUM

**TO:** Harmony Township Committee  
**FROM:** Dana Gizis  
**RE:** Fourth Round Affordable Housing Timeline

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Below is a timeline of the statutory deadlines imposed by the new statute.

### 1. **January 31, 2025**

Pursuant to N.J.S.A. 52:27D-304.1(f)(1)(a):

a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2 (C.52 :27D-304.2 and C.52 :27D-304.3) by resolution, which shall describe the basis for the municipality's determination and bind the municipality to adopt a housing element and fair share plan pursuant to paragraph (2) of this subsection based on this determination as may be adjusted by the program as set forth in this subsection.

The Township can accept the DCA numbers, or they can choose to adopt a number other than the DCA number. In either event, the numbers must meet the statutory criteria set forth in sections 5 and 7 of the statute. Regardless of the numbers utilized, the Township **MUST** adopt their obligation numbers via a binding resolution by **January 31, 2025**. After adoption of this binding resolution, the municipality **MUST** file an action regarding the resolution with the program no later than 48 hours after adoption. It appears the action must be filed regardless of whether the Township is adopting the DCA numbers or its own. The "Program" refers to the Affordable Housing Dispute Resolution Program ("AJDRP") which consists of Mount Laurel judges.

After adopting the binding resolution and filing with the Program, the resolution and filing date, **MUST** be published on the Program's publicly accessible internet website. The municipality **MUST** also publish the resolution on its internet website. If the municipality does not meet this deadline, it **WILL LOSE IT'S IMMUNITY** from exclusionary zoning litigation until such time as the municipality is determined to have come into compliance.

### 2. **FEBRUARY 28, 2025**

A determination of the municipality's Present and Prospective obligation may be established before a county-level housing judge as part of any resulting declaratory judgment action, or through exclusionary zoning litigation. Exclusionary zoning litigation is a challenge to the Township's fair share plan, housing element, or ordinances/resolutions implementing same. Those lawsuits are based on alleged noncompliance with the Fair Housing Act or the Mount Laurel Doctrine. They include but are not limited to litigation seeking a builder's remedy.

If the municipality meets the January 31, 2025, deadline, then the municipality's determination of its obligation shall be established by default and shall have a presumption of validity beginning

March 1, 2025. However, said determination can be challenged by an interested party by February 28, 2025.

After adoption of the binding resolution, but prior to March 1, 2025 (no later than the last day of February 2025), any interested party may file a challenge to a municipality's adopted numbers with the Program. For example, an interested party could be a builder or Fair Share Housing Center, among others. The municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7 of P.L.2024, c.2 (C.52 :27D-304.2 and C.52 :27D-304.3). Anyone challenging a municipality's adopted numbers must also state with particularity how the municipal calculation fails to comply with sections 6 and 7 of the statute. They must include their own calculation of the fair share obligations which complies with the statute.

### 3. MARCH 1, 2025

If there are no filed challenges to the municipality's adopted numbers, then the municipal numbers shall be the established number by default on **March 1, 2025**.

### 4. MARCH 31, 2025

If a challenge is made against the Township's adopted numbers, the AHDRP must make a decision by **March 31, 2025**. The standard to be applied is an objective assessment standard. In making its decision, the AHDRP may include the following:

1. The municipality's determination of its Present and Prospective need obligation did not facially comply with the requirements of section 6 and 7 of the statute and, thus, the municipality's immunity shall be revoked.
2. An adjustment of the municipality's determination of its Present and Prospective need obligation to comply with the requirements of section 6 and 7 of the statute without revoking the municipality's immunity.
3. Rejection of the challenge and affirmation of the municipality's determination.

The decision must be provided to the municipality and all parties no later than March 31, 2025, and concurrently be posted on the Program's website.

The Administrative Director of the courts shall establish procedures for any further appellate review.

### 5. JUNE 30, 2025

The Township **MUST** adopt a Housing Element and Fair Share Plan ("HEFSP") and propose drafts of the appropriate zoning and other ordinances and resolutions to implement its Present and Prospective obligation on or before **June 30, 2025**. The municipality shall, within 48 hours of



adoption or by June 30, 2025, whichever is sooner, file the HEFSP and draft zoning and other ordinances and resolutions with the Program as part of the action initiated, (See January 31, 2025, deadline), through the program's internet website. If the municipality does not do so by June 30, 2025, it **SHALL lose its immunity** from exclusionary zoning litigation until such time as it is in compliance. This **SHALL** be open to review through the declaratory judgment process established in the statute.

As part of its HEFSP, the municipality **SHALL** include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations as established by prior court approval, or approval by the council. It must also determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations. If a prior round obligation remains unfulfilled, or a municipality never received an approval from the court or the council for any prior round, the municipality shall address such unfulfilled prior round obligation in its HEFSP.

**6. AUGUST 31, 2025**

Once filed, an interested party may file a response on or before August 31, 2025, alleging the municipality's fair share plan and housing element are not in compliance with the Fair Housing Act or Mount Laurel doctrine. An allegation shall not include a claim that a site on real property proposed by the interested party is a better site than a site in the plan, but rather shall be based on whether the HEFSP as proposed is compliant with the Fair Housing Act or the Mount Laurel doctrine. A challenge shall specify with particularity which sites or elements of the municipal fair share plan do not comply with the Fair Housing Act or the Mount Laurel doctrine, and the basis for alleging such non-compliance. In resolving the challenge, the program shall apply an objective assessment standard to determine whether or not the municipality's HEFSP is compliant with the Fair Housing Act and the Mount Laurel Doctrine.

**7. SEPTEMBER 1, 2025**

If a municipality's fair share plan and housing element is not challenged on or before August 31, 2025, then the Program shall apply an objective standard to conduct a limited review of the fair share plan and housing element for consistency and to determine whether it enables the municipality to satisfy the fair share obligation, applies compliant mechanisms, meets the threshold requirements for rental and family units, does not exceed limits on other unit or category types, and is compliant with the Fair Housing Act and the Mount Laurel doctrine. The Program shall issue a compliance certification unless these objective standards are not met. A compliance certification shall be accompanied by a written report that shall set forth the basis of the issuance of the certification.

**8. DECEMBER 31, 2025**

The Program shall facilitate communication between the municipality and any interested parties for a challenge and provide the municipality until December 31, 2025, to commit to revising its fair share plan and housing element in compliance with the changes requested in the challenge, or

provide an explanation as to why it will not make all of the requested changes, or both. Upon resolution of a challenge, the Program shall issue compliance certification, conditioned on the municipality's commitment, as necessary, to revise its fair share plan and housing element in accordance with the resolution of the challenge. The Program may also terminate immunity if it finds that the municipality has not come into compliance at any point in the process.

If by December 31, 2025, the municipality and any interested party that filed a response have resolved the issues raised in the response through agreement or withdrawal of the filing, then the Program shall review the fair share plan and housing element for consistency and to determine whether it is compliant with the Fair Housing Act and the Mount Laurel doctrine and issue a compliance certification unless these objective standards are not met.

**9. MARCH 15, 2026**

The deadline for the Township to amend its HEFSP and adopt the implementing ordinances and resolutions which shall comport with the any changes from the Program is March 15, 2026. These implementing ordinances and resolutions shall include all those necessary to implement the HEFSP. After adopting the ordinances and resolutions, the municipality shall immediately file the same with the Program through its website. Failure to meet the March 15<sup>th</sup> deadline shall result in the municipality losing immunity from exclusionary zoning litigation.

A municipality involved in a continuing dispute over the issuance of compliance certification may adopt a binding resolution by March 15, 2026, to commit to adopting the implementing ordinances and resolutions following resolution of the dispute, with necessary adjustments to reflect the resolution of the dispute. Please note these deadline dates will change for the Fifth Round.

NOTE: This memorandum is not exhaustive of the deadlines and procedures contained in the statute, but rather is a roadmap of the most relevant and impending deadlines.



**TO:** Mayor Brian Tipton and Township Committee Members **VIA EMAIL ONLY**  
**FROM:** Bryce D. Good, P.E., CPESC  
**DATE:** January 3, 2025  
**RE:** **Harmony Township Engineer's Report for the January 7, 2025 Committee Meeting**  
*FCE No. 10951.MU.0033*

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### HARMONY SAND AND GRAVEL QUARRY

- Our office has notified HS&G and RMS Environmental by email, dated August 14, 2023 of the requirement to perform the additional soil testing recommended by Slack Environmental. They were also reminded of the requirement for testing of the water Pit 2. Results have not yet been received.
- There has been some recent activity at Pit 2 associated with the grading of the slopes. Fill has been brought in and spread throughout. We are in the process of coordinating with HS&G relative to slope compliance although the areas surrounding the Pit appear to meet the slope requirements. Topsoiling and seeding still need to be placed. I will attempt to get a timeframe from them for this outstanding work.
- Very recently, we were advised of material being delivered to the site and distributed in certain areas. We were not advised by HS&G or Earth Efficient of any fill activity going forward. We reached out to Earth Efficient and had one of our inspectors visit the site and talk to one of the equipment operators. We voiced our displeasure over the lack of notification and the need for certification for the material being delivered which was believed to be topsoil. As of the date of this report we have not been supplied with this information but have been advised that it will be forthcoming. We will continue to coordinate with both Earth Efficient and HS&G regarding this material and the work being conducted at the site.
- During the month of August, there has been an increase in the level of activity at the HS&G site. Per the topsoil deliveries and placement as referenced above, we have received quite a bit of information from Earth Efficient and HS&G's contractor, HardRock Trucking. We have received lab data regarding the topsoil which was delivered to the site. We are currently evaluating said data.
- Based upon the increase in the level of activity, we scheduled a field meeting with Rich Hummer and representatives of his contractors. A field meeting was held on 8/21/24 where we discussed the recent work done at Pit 2 and other work that was still outstanding in an effort to complete the reclamation of Pit 2. We are presently waiting for the water testing results to be forwarded to our office, which we understand has been completed and found to be satisfactory.
- The final stages of work at the site are approaching with HS&G's intent to complete the site clean-up, final landscaping, and the seeding for stabilization of the slopes in the next couple of months. We will continue to monitor the activity at the site.



- Some additional topsoil has been received at the site. Our office has been in contact with the applicant's engineer regarding the need for receipt of a final grading plan and the water testing results. As of the date of this report, we have not received that information.
- **Our office has recently contacted representatives from HS&G regarding the outstanding items referenced above. We have spoken with Ron Panicucci, PE, who confirmed that the water test results would be forthcoming. We recently received a water testing report from RMS Environmental, but the report goes back to December, 2023. We will be reviewing same and providing a response to HS&G. Additionally, we will be requesting a more current report from HS&G. We believe that Igor has also been in contact with their Attorney, Scott Wilhelm, regarding the final few items that remain outstanding.**

#### **SHANDOR'S USED AUTO PARTS / JUNKYARD LICENSE**

##### **(No Change from last month)**

- Shandor's 2023 Junkyard License application has not been received as of February 3, 2023.
- The 2023 Shandor Junkyard License Application was received via email from K. Smith on March 1, 2023. Our office will be providing a review of the application for the April 4, 2023 Committee meeting.
- We have been advised by K. Smith that an additional application fee in the amount of \$650 is due from the applicant prior to consideration of the 2023 Junkyard License. The applicant was notified by letter and G. Weber contacted Mr. Riddle by phone on March 27, 2023 regarding the fee. A report on the 2023 license application has been provided by our office under separate cover.
- A draft Resolution for approval of the 2023 junkyard license has been prepared by our office and submitted to K. Smith for possible adoption at the May 2, 2023 Committee meeting. The Committee should ensure that all fees and taxes have been paid along with the owner's consent to file the application.
- The approval resolution for the Junkyard License was adopted by the Committee at the May 2, 2023 meeting.
- The 2024 Junkyard License Application was received. Our office is conducting a site inspection of the facility on April 5, 2024. We hope to be providing a report to the Township Committee in advance of the April 11<sup>th</sup> Committee meeting.
- The 2024 Junkyard License Application was discussed and approved at the April 11, 2024 TC meeting. The Resolution was approved at the May 7, 2024 TC meeting.

#### **Ridge Road Section 2 (2022 NJDOT Grant Project)**

- The Township was notified by the State that they received a grant in the amount of \$131,600 for the resurfacing of Ridge Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. A shortened section of Ridge Road was also presented in the budget memo for the Township to evaluate and discuss. Obviously, Kathleen will need to be involved in these discussions from an overall budgeting perspective for 2022.



- Based upon the Budget Memo referenced above, it is our understanding that the Township is evaluating some options for proceeding with this project. The Township will need to advise our office regarding how they would like to proceed with this project for 2022 based upon the fairly significant shortfall of Grant monies (\$131,600.00 vs. the estimated cost of the project).
- The Township has decided to proceed with the full length of roadway. FCE is in the process of surveying the road and creating the base mapping.
- FCE has completed the field survey work and is in the process of developing the base mapping for the project.
- Base mapping has been created, however in response to the Asphalt Price adjustment and Fuel price adjustment FCE is waiting for confirmation on the limits of work.
- As per the escalated costs associated with projects of this type which were evident in conjunction with the Fox Farm Road, Section 2 project, the TWP. Committee has decided not to proceed with Ridge Road, Section 2 this year. We will continue to monitor the cost increases and advise the Committee accordingly.
- FCE is in the process of preparing the bid documents for receipt of bids associated with the pipework portion of the project for potential construction over the winter months.
- FCE has completed the plans for the pipework and will be meeting with the DPW to review the project before requesting bids.
- FCE has requested and received 3 bids for the pipework. All 3 bids have come in well over the bid threshold. We have attached the 3 proposals and associated estimates to this report. Based upon the fact that we do not have an estimate under the bid threshold, the project will need to be publicly bid.
- FCE has put out “to Bid” the drainage work which was previously out “for quotes”, but needed to be Bid as it did not fall under the Bid threshold. Twelve contractors picked up the Bid and the Bid Opening occurred on February 2. A recommendation letter will be forwarded to the Township, under separate cover.
- The Drainage work was awarded to ADS Contractors LLC, at the February 7, 2023 Committee meeting. They have executed the contract and are preparing the balance of the paperwork required. As per our most recent conversation with ADS, they plan to start the work in April.
- The roadway construction plans for Section 2 are nearly complete and will be forwarded to the NJDOT very soon.
- A preconstruction meeting was held on March 27 for the drainage improvement project. Construction is scheduled to begin sometime in mid-April.
- The roadway construction plans will go to the NJDOT during the first week of April.
- The drainage improvement project has been completed. Please see the invoice (under separate cover) for the payment due the Contractor, ADS.



- The roadway construction plans have been sent to the NJDOT.
- The drainage improvements have been completed. However, the contractor has been contacted to repair a sink hole that has developed near two of the inlets.
- The NJDOT has approved the plans and has authorized the Township to go to bid. The Resolution of Award (R:23-20) has been sent to the Township and should be executed at the June 6, 2023 TC meeting in order for the paving to be scheduled thru the Co-Op.
- The contractor, ADS, has returned to the project and has made the necessary repairs to the previously installed drainage improvements.
- A new Resolution of Award needs to be passed at the August 8, 2023 meeting as the Morris County Co-Op Awarded the District 3 Paving Bid to Tilcon for the remainder of the year. A pre-con meeting was held Monday July 31, 2023. Since the drainage repairs are complete, paving of Section 2 will be scheduled. We are anticipating that the roadway paving work will be completed in the very near future (prior to the end of August).
- Milling was completed on August 29, 2023 and paving is scheduled for September 1<sup>st</sup> and 5<sup>th</sup>.
- We have requested the drainage work contractor (ADS) to return to the job site and repair the lawn which was damaged. A 1 year maintenance bond will be required of ADS.
- The 1-yr maintenance bond was received from ADS. ADS is scheduled to return to repair the lawn area, but we do not have a firm commitment date at this time.
- Paving was completed on September 6, 2023. Center line striping was also completed but we are waiting for the striping contractor to return and paint a Stop Bar at the Swamp Road intersection. We are also waiting for the results of pavement coring/testing.
- ADS returned and repaired the lawn area.
- The coring results have been received and have resulted in a 2% penalty based upon not meeting the air voids requirement. A 2% penalty will be assessed to Tilcon for this line item.
- This project is now complete. We still need a final inspection from DOT, but are waiting for Section 3 to be complete so we can schedule both Inspections concurrently.
- FCE has requested a final inspection from the DOT.
- **The project passed final inspection and FCE is working at submitting the final close out documents to DOT.**

#### **Ridge Road Section 3 (2023 NJDOT Grant Project)**

- The Township was notified by the State that they received a grant in the amount of \$160,630 for the resurfacing of Ridge Road, Section 3. A Budget Memo was prepared and discussed at the December 6<sup>th</sup>, 2022 TC meeting. No action was taken at the December 6<sup>th</sup> meeting. With the total of both State grants (\$292,230.) for Sections 2 and 3 and input from Kathleen, the Township



authorized our office to proceed with both Sections 2 & 3 at the January 10, 2023 meeting. We will continue to keep the Township apprised as we move forward with this project.

- The roadway construction plans for Section 3 are nearly complete and will be forwarded to the NJDOT very soon.
- A field meeting was held on site on March 17 to finalize guiderail requirements on the County structures. The roadway construction plans will go to the NJDOT during the first week of April.
- The roadway construction plans have been sent to the NJDOT.
- The NJDOT has approved the plans and has authorized the Township to go to bid. The Resolution of Award (R:23-21) has been sent to the Township and should be executed at the June 6, 2023 TC meeting in order for the paving to be scheduled thru the Co-Op.
- A new Resolution of Award needs to be passed at the August 8, 2023 meeting as the Morris County Co-Op Awarded the District 3 Paving Bid to Tilcon for the remainder of the year. A pre-con meeting was held Monday July 31, 2023. Since the drainage repairs are complete, paving of Section 3 will be scheduled. We are anticipating that the roadway paving work will be completed in the very near future (prior to the end of August).
- Milling was completed on August 29, 2023 and paving is scheduled for September 1<sup>st</sup> and 5<sup>th</sup>.
- Paving was completed on September 5, 2023. Center line striping was also completed but we are waiting for them to come back and paint a Stop Bar at the Roxburg Hill Road intersection.
- We have received a quote from KDP Developers, Inc for the repair work on Ridge Road. Please reference correspondence sent under separate cover.
- RSS will be out to upgrade the Guiderail as required. We are waiting for the results of pavement coring/testing.
- We are waiting for confirmation when RSS will return to complete the upgrade of the Guiderail as required. At the October 3, 2023 TC meeting, KDP was awarded a contract for \$149,200.00 for the Ridge Road improvements resulting from the July storm damage. As soon as the Guiderail work is completed, they will be mobilizing to do the required repair work at the subject location.
- The coring results have been received and have resulted in a 2% penalty for one of the lots in Section 3 based upon not meeting the air voids requirement. A 2% penalty will be assessed to Tilcon for this line item.
- We have contacted RSS several times but still do not have a date when the necessary guiderail will be installed. As you know, the roadway work and storm damaged section of Ridge Road cannot be repaired until the guiderail is installed.
- We recently have been contacted by RSS and they have scheduled the work for the week of January 15<sup>th</sup>. We anticipate that KDP will be able to schedule their work on the Ridge Road repairs immediately subsequent to the completion of the guiderail.



- As of the date of this report, RSS is working on the Guiderail and the work should be completed by weeks end. We are expecting KDP to begin their work shortly.
- RSS has completed the guiderail work.
- As discussed with the Township Committee at the March 5<sup>th</sup> Committee meeting, KDP is now able to perform the repair work as the balance of the Ridge Road Section 3 project (through the 2023 NJDOT Grant) has been completed. We are working on scheduling and the coordination of the work with KDP.
- A Meeting with KDP took place on April 30<sup>th</sup>. They are slated to begin work the week of May 6<sup>th</sup>. If the Township cannot do the traffic Control, KDP will need to provide.
- KDP has completed the bank stabilization work. They have a few punch list items to complete. Our office has contacted the Morris Co. CO-OP contractor, Riverview Paving, to schedule the paving work, but as of the date of this report, no date has been confirmed.
- KDP has completed all work, their invoice is on the bill list to be paid in full. Riverview Paving has not returned our calls to set up a date for paving.
- Riverview Paving continues to fail in returning our calls to set up a date for the paving.
- Riverview Paving has finally called us back and given us a tentative paving date of late September to early October.
- We have recently been given a tentative paving date of October 17<sup>th</sup>.
- Riverview paved the final area of the roadway on October 17, 2024. Striping has been requested and should be completed very soon.
- Striping was completed and a final inspection from the NJDOT has been requested.
- **The project passed final inspection and FCE is working at submitting the final close out documents to DOT.**

#### **MS4 Municipal Separate Storm Sewer System General Permit**

- The Township received a July 1, 2022 letter from NJDEP indicating that the Township is being reassigned as a Tier A Municipality. It is currently and has been a Tier B. The letter explains that the main reason for the change is the level of pollutants which are found to be present within many of the streams and waterways within the Township. It is our understanding that all Tier B Townships within the County and many around the State are being upgraded to Tier A. The upgrade imposes more responsibilities on the Township to conform to its NJDEP General Stormwater Permit, including, but not limited to, additional responsibilities for the DPW, preparation of Township wide storm sewer outfall maps, preparation of a Stormwater Pollution Prevention Plan (SPPP), etc. At this point we are not certain whether this decision can be appealed. We will continue to monitor the “situation” and keep you informed. For your information and interest, please take note that all of the Municipalities we represent in Warren County that were originally designated as Tier B, have all been upgraded to Tier A.





- On August 24<sup>th</sup>, Gene Weber and I attended a virtual meeting hosted by the NJDEP for the Township MS4 Tier B Reassignment. Further instructions, schedule, and Grant availability will be provided to the Township in the near future. We will continue to advise the Township as the Reassignment process moves forward.
- A copy of the Township's 2023 MS4 General Stormwater Permit was received from NJDEP last week. The permit, effective January 1, 2023, has re-assigned Harmony Township as a Tier A municipality. Our office will be preparing a memo to the Committee summarizing changes from the previous 2018 Tier B Permit and documenting additional responsibilities placed upon the Township.
- FCE provided a memo, dated February 14, 2023 to the Committee listing additional Township responsibilities under its new Tier "A" designation and MS4 Permit. There is substantial work required to comply with the new permit. I am happy to report that we have been advised by NJDEP that grants of up to \$75,000 will be available through the end of 2023. With the Committee's authorization, our office will obtain the grant information and prepare the Grant application.
- A grant application in the amount of \$75,000 was submitted to NJDEP on March 9, 2023.
- The Township was approved for a \$75,000 NJDEP grant. Our office intends to provide the Committee with a budget estimate for completion of the tasks which are required pursuant to the new 2023 MS4 Permit.
- Our office began preparation of a draft Stormwater Pollution Prevention Plan (SPPP) as required by the new MS4 Permit and provided the draft to R. Hoffman to provide information which is required to be contained within the plan. Also, we believe the CFO has already received an initial grant payment of \$25,000 from the state.
- The Highlands Council has just advised that funding is being made available to aid in compliance with the new MS4 requirements. Our office will keep you advised as more details become available.
- Unless directed to the contrary by the Committee, our office will be preparing a request for additional funds from the Highlands Council.
- The Letter to the Highlands Council Requesting additional funds has been forwarded to the Township in order for the Township to send it to the Highlands Council. The required Ordinances have been sent to the Township for a first Reading in January. The DEP has scheduled the required site inspection for December 6, 2023.
- The Highlands Council has received the request for additional funds and requested additional information, we are preparing the reply and it will be sent out in the near future. The SPPP plan has been submitted to the State, we are waiting for final acceptance of the plan.
- FCE is working with the DPW to respond to the Highlands Council. The DEP has sent additional comments on the SPPP plan which will be addressed by our office.



- The revised SPPP plan was sent to the DEP. The DEP has now approved the plan and thus the Township was approved for the remaining \$50,000 in grant money.
- The revised letter to the Highlands Council requesting additional Grant monies has been sent and we are awaiting their approval of same.
- The Annual Report was submitted on April 30, 2024.
- The additional Grant funds from the Highlands Council in the amount of \$32,000.00 were received by the Township on May 7<sup>th</sup>. These additional funds will assist the Township in supplementing the costs for compliance with the “new” MS4 regulations.
- FCE has started the survey work for the mapping requirements.
- FCE continues to perform the survey work for the mapping requirements.
- The Survey work required in conjunction with our MS4 Permit has been completed and FCE is presently working towards submissions to both the NJDEP and the Highlands.
- **FCE met with DPW to review completed mapping and have a second meeting set up to figure out plan to complete mapping.**

#### **2024 State Municipal Aid Applications (River Road)**

- Applications have been submitted for the 2024 State Municipal Aid Grants. The Township submitted an application for River Road and Marble Hill Road. Resolutions for the submission of the Grants have been sent to the Township to be passed at the July 11<sup>th</sup> TC meeting.
- The Resolutions were uploaded to PMRS before the July 31 deadline.
- NJDOT has sent out a Notice thru PMRS, that Harmony Township has received a Grant in the amount of \$136,782.00 for the River Road Resurfacing Project.
- Our office received authorization from the Township Committee at the December 5, 2023, TC Meeting, to proceed with the project. Please see the attached Budget Memo for the 2024 project.
- At this time, this project is on hold until more information is received from FEMA for the pipe replacement project which is located approximately in the middle of the section of River Road slated for improvements.
- A field meeting was held on the Garrison End of River Road to look at the drainage issues that need to be addressed. FCE will proceed with preparation of plans and specs for submittal to DOT for this section of River Road.
- FCE has completed the field survey work for the section of River Road to be resurfaced.
- We have been proceeding forward with the project design and the development of construction plans for the project.



- A final check of the plans with the DPW was conducted on July 23<sup>rd</sup>. The plans have been sent to the NJDOT for their final review prior to the project going to construction.
- We continue to wait for the NJDOT's approval of our plans and spec.'s which will put us in a position to go out to bid.
- The DOT has recently approved the plans and the project will be out to bid in November, 2024. The Bid Opening is set for November 21, 2024 so the contract for the project can potentially be awarded at the December 3, 2024 TC meeting.
- Only one contractor picked up the bid packages. Unfortunately, no one submitted a bid for the November 21, 2024 Bid opening. The Committee could choose to go out to bid again with the identical project, or we could try to solicit quotes for the drainage work only and hope that the quotes come in under the threshold, as allowed with a QPA. We could then proceed with doing the paving work through the Co -Op in the spring of 2025.
- **The committee chose to solicit quotes. FCE is revising the plans to reflect just the drainage work then quotes will be solicited.**

#### 2025 NJDOT Municipal Aid Applications

- Applications are now being accepted for the 2025 NJDOT Municipal Aid Grants. The Township may submit two applications. Last year the Township submitted applications for River Road and Marble Hill Road. Only half of River Road is going to be constructed this year. Therefore, I would suggest we submit applications for River Road Section 2 as our Number 1 application and Marble Hill Road as Number 2 for 2025.
- The applications were submitted. The Resolutions for the applications are on the agenda for the July meeting and must be uploaded to PMRS.
- The application and Resolutions have been accepted by the NJDOT.
- The Township received a grant for the Marble Hill Road Resurfacing Project in the amount of \$179,046.00. This was our #2 choice with River Road, Section 2, as our #1 choice. As of the date of this report, PMRS has not indicated whether the River Rd., Section 2, application has been awarded or denied. We hope to have an update for the December 3, 2024 Committee meeting.
- **DOT has denied the River Road Section 2 grant request. Please see the attached Budget memo for Marble Hill Road.**

#### River Road Culvert Replacement

- The Township has been working with FEMA to secure mitigation funding to replace the culvert. FCE has completed the survey work for the culvert replacement.
- Clarification is needed regarding whether or not this is an in-kind replacement or mitigation utilizing a larger pipe. FCE has begun the design for this project; it is important to note that the existing pipe does not convey the entire 100-yr storm.
- FCE is continuing to work on the bid plans and specs for this project. The same size pipe but HDPE will convey the 100-year storm.
- The project is presently out to bid with a bid opening date set for September 12, 2024.



- This Project, as outlined in a separate correspondence from our office, should be awarded to Tom Bartha & Sons Excavating at the October 1<sup>st</sup> TC meeting.
- The pre-construction meeting was held for this project on October 23, 2024 and construction has commenced as of October 30, 2024. Due to the significant excavations that are required for this project, River Road was required to be Closed and will remain Closed until the new pipe is installed and backfilled. We do not anticipate that this will be any significant amount of time. Our office has been inspecting and coordinating the construction phase of the project with the contractor, Tom Bartha & Sons Excavating.
- This project is nearly 100% complete with the last portion of work for the contractor to complete is the guiderail installation which should be completed by the end of this week.
- **This project is complete and can be removed from future reports if the committee agrees.**

cc: Kelley Smith, Clerk, via email only  
Kathleen Reinalda, CFO, via email only  
Randy Hoffman, DPW, via email only  
Igor Bykov, Esq., via email only



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**FINELLI CONSULTING ENGINEERS, A DIVISION OF UTRS**

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**MEMORANDUM**

TO: Mayor Brian Tipton and Township Committee Members VIA EMAIL ONLY  
FROM: Donna Becker, P.E.  
DATE: January 3, 2025  
RE: Marble Hill Road Engineering Estimate (NJDOT 2025 Local Aid Funds)  
*FCE No. 10951.MU.0032M1*  
CC: Kelley Smith, Clerk, via email only  
Kathleen Reinalda, CFO via email only

As you know the Township received a 2025 grant in the amount of \$179,046 from NJDOT Local Aid for the resurfacing of Marble Hill Road beginning at the Township line and ending at Brainards Road (WC 621) and running a distance of approximately 2.4 miles. The Township's grant request was for \$445,000.

Assuming that the paving and striping is awarded through the Morris County Cooperative Pricing Council (MCCPC) the estimated costs for the project are as follows. Please note that these numbers reflect the 2024 prices as the 2025 MCCPC paving bid has not been awarded, yet.

Estimated Construction Costs \$437,391

**Engineering Budget**

Survey, Plan, & Specifications: \$ 7,500  
Project Administration: \$ 3,000  
Construction Observation & Testing: \$ 4,500

Total Estimated Costs \$452,391  
Grant Amount \$179,046  
Township Funds Required \$ 273,345



The Committee could “shorten” this project to lessen the shortfall, by just paving half the road a distance of approximately 1.2 miles. Assuming that the paving and striping is awarded through the MCCPC the estimated costs for this shortened project are as follows:

<u>Estimated Construction Costs</u>	\$218,695
<b>Engineering Budget</b>	
Survey, Plan, & Specifications:	\$ 6,000
Project Administration:	\$ 3,000
Construction Observation & Testing:	<u>\$ 3,000</u>
Total Estimated Costs	\$230,695
Grant Amount	<u>\$179,046</u>
Township Funds Required	\$51,649

We could shorten the project to whatever length works for the budget. The Township can apply for a second section of Marble Hill Road with the 2026 NJDOT Grant Application Program. Please note that the actual costs will most likely vary from the estimated costs referenced in the memo. This information is strictly intended to be utilized for municipal budgeting purposes.

**FINELLI CONSULTING ENGINEERS, A DIVISION OF UTRS**

205 Route 31 North  
Washington, New Jersey 07882  
(908) 835-9500

**ENGINEER'S ESTIMATE**

**PROJECT NAME:** MARBLE HILL ROAD  
**MUNICIPALITY:** HARMONY TOWNSHIP  
**COUNTY OF:** WARREN  
**PREPARED BY:** DMB

**DATE:** JUNE 2024  
**PROJECT NO.:** 10951.MU.0032  
**REVIEWED BY:** BDG  
**REVISED:** JANUARY 2025

ITEM NO	DESCRIPTION	APPROX.		UNIT PRICE	TOTAL
		QTY	UNIT		
1	HOT MIX ASPHALT 12.5-M-64 SURFACE COURSE, 2" THICK & LEVELING COURSE VARIABLE THK	3918	TN	\$78.50	\$307,599.42
2	GUIDERAIL	1646	LF	\$36.00	\$59,256.00
3	TANGENT END TREATMENT	12	EA	\$3,600.00	\$43,200.00
4	REMOVE EXISTING GUIDERAIL	1646	LF	\$6.00	\$9,876.00
5	BIKE SAFE TYPE 'B' GRATE	2	EA	\$500.00	\$1,000.00
6	TYPE 'N' ECO HEAD	2	EA	\$500.00	\$1,000.00
7	STRIPING, LONG LIFE EPOXY, 6" WIDE	50688	LF	\$0.305	\$15,459.84
	<b>TOTAL</b>				<b>\$437,391.26</b>

Note: costs based on 2024 MCCPC prices as 2025 bid not awarded, yet

RESOLUTION NO. R:BOH 2025-1

RESOLUTION BY THE BOARD OF HEALTH OF THE  
TOWNSHIP OF HARMONY, COUNTY OF WARREN,  
STATE OF NEW JERSEY DESIGNATING NEWSPAPERS  
TO RECEIVE NOTICES OF MEETINGS OF SAID BOARD

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 Board of Health of the Township of Harmony, County of Warren, State of New Jersey, as follows:

- 1) The EXPRESS-TIMES Warren County NJ Zone is hereby designated as the official newspaper of the Township of Harmony to receive all notices of meetings as required under the Open Public Meetings Act.
- 2) The STAR-LEDGER is hereby designated as the secondary newspaper which also has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

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I, Kelley D. Smith, Secretary of the Board of Health of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Health at its reorganization meeting held on January 7, 2025.

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Kelley D. Smith  
Secretary



RESOLUTION NO. R:BOH 2025-2

RESOLUTION BY THE BOARD OF HEALTH 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 Board of Health of the Township of Harmony, County of Warren and State of New Jersey, as follows:

- 1. The regular meetings of the Township Board of Health of the Township of Harmony, County of Warren, State of New Jersey, shall be held in-person and via Zoom when the Zoom virtual platform is working properly at the time of said meeting. If Zoom is not available the meeting will continue to be held in person only. Instructions for joining the meeting can be found at [harmonytwp-nj.gov](http://harmonytwp-nj.gov). All Board of Health meetings will commence at the conclusion of the Township Committees' regularly scheduled business meetings only if there is business to be heard on the following dates in the year 2025:

Table with 2 columns: Month and Date (Day of Week). Row 1: January 7 (Tues.) Reorganization/Regular Business at conclusion of Harmony Township Committee Meeting. Row 2: February 4 (Tues.) July 1 (Tues.) Row 3: March 4 (Tues.) August 5 (Tues.) Row 4: April 1 (Tues.) September 2 (Tues.) Row 5: May 6 (Tues.) October 7 (Tues.) Row 6: June 3 (Tues.) November 4 (Tues.) Row 7: December 2 (Tues.)

- 2. This Resolution shall take effect immediately.

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I, Kelley D. Smith, Secretary of the Board of Health of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Health at its reorganization meeting held on January 7, 2025.

Kelley D. Smith Secretary