



DELAWARE TOWNSHIP
COMMITTEE MINUTES
January 14, 2019 – 7:30 P.M.

Mayor Joseph Vocke called the regular meeting of the Delaware Township Committee to order on January 14, 2019 at 7:30 p.m., at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Route 604) in Sergeantsville, New Jersey.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

NOTICE REQUIREMENTS

Mayor Vocke read a statement noting the Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Hunterdon County Democrat, Trenton Times, Courier News, and Star Ledger, by posting at the Delaware Township Municipal Building, and by filing with the Township Clerk all on January 4, 2019.

ROLL CALL

Present: Daniel Kwasnik, James Waltman, Susan Lockwood, Charles Herman, Joseph Vocke
Absent: None

APPROVAL OF MINUTES FROM THE DECEMBER 20, 2018 SPECIAL TOWNSHIP COMMITTEE MEETING

Mr. Herman motioned to approve the minutes from the December 20, 2018 Special Township Committee Meeting. Mrs. Lockwood seconded the motion.

Roll Call Vote: Ayes – Lockwood, Herman, Vocke
 Nays - None
 Abstain: Kwasnik, Waltman
 Absent: None

APPROVAL OF MINUTES FROM JANUARY 3, 2019 REORGANIZATIONAL TOWNSHIP COMMITTEE MEETING

Mr. Herman motioned to approve the minutes from the January 3, 2019 Reorganizational Township Committee Meeting. Mrs. Lockwood seconded the motion.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
 Nays - None
 Abstain: None
 Absent: None

TOWNSHIP COMMITTEE REPORTS

Quarry Compliance Committee

Mr. Waltman stated that tonight on the agenda are two recommendations for the Township Committee to review on behalf of the Quarry Compliance Committee.

Open Space Committee

Mrs. Lockwood stated that the Open Space Committee has interviewed a few candidates for the Open Space Coordinator position and they will have a recommendation for the Township Committee by the next Township Committee meeting on January 28, 2019.

Newsletter

Mrs. Lockwood stated that the next newsletter will be coming out around March 1, 2019 and that the deadline for items for this publication will be January 31, 2019.

Energy Aggregation

Mrs. Lockwood reported that there was a follow-up meeting on the energy aggregation and the following recap was presented:

- All residents (except those who have a third party supplier, have placed their names on a DND list or who have an installed solar system) are automatically included in the town's Government Energy Aggregation program (GEA).
- Residents may opt out at any time without penalty.
- Residents who opt-out before the end of the 30 day opt-out period will not be included in the program.
- By State/BPU the GEA contract will be lower than the average utility "price-to-compare" under the current tariff, unless the town(s) decide that a price premium is acceptable for a renewable product. Goal would be to obtain greener product at a price lower than 'standard' utility supply product. The town(s) make the final decision on the specific product sought, and whether to award a contract, once the price proposal is received in response to the RFP. No obligation to award a contract.
- Rates are non-variable. There is no 'teaser' period.
- The utility will continue to provide the delivery of power and reliability. In the case of a power outage, a resident would still reach out to the utility to have power restored.
- Residents will still receive ONE bill for electricity, the third part supplier's energy cost will be included on the utility bill in place of the utility power supply line item.
- Residents who have budget billing (Equal Payment Plan) arrangements with the utility will still be able to obtain budget billing for power supply charges.
- There will be no effect on financial assistance (LIHEAP, etc.) received on utility bills.

Mrs. Lockwood stated that the towns considering the Co-Op are Delaware, Kingwood, Stockton, Frenchtown, Alexandria, West Amwell, Lambertville and Hopewell. Mrs. Lockwood stated that West Amwell and Lambertville currently have an agreement. Mrs. Lockwood stated that when the town(s) place a request for an RFP that the town(s) can request for more renewable energy up to 40%. Mrs. Lockwood stated that if we reduce the usage of natural gas then it becomes less cost effective for companies such as PennEast to keep adding more pipelines. Mrs. Lockwood stated that all town(s) that are in the co-op would have to agree to proceed with requesting the 40% reduction. Mrs. Lockwood stated that the rate would be locked in and the agreement would be for about a timeframe of 18 months to 2 years. Mrs. Lockwood stated that the consultant would do the out-reach and/or the Township can work with the consultant on notification to residents.

Mr. Herman suggested a presentation be scheduled with the Consultant, this would allow for residents and Township Committee members to be able to ask any questions.

Mrs. Lockwood will contact the representative and schedule the presentation.

Recreation Commission

Mr. Herman announced that the Recreation Commission will be having a Special Meeting on Saturday, January 26, 2019 at 8:30 a.m. breakfast and 9:00 a.m. meeting. Mr. Herman stated that the purpose of the meeting is for the community to give input on events and programs that they would like to have the Recreation Commission to sponsor for 2019.

DPW

Mr. Herman, Mr. Kwasnik and the Road Department met to review expectation for 2019. Mr. Herman stated that Mr. Trstensky will be meeting with Mrs. McDaniel to discuss the finances that will be required for the road improvements for 2019.

Finance

Mr. Waltman, Mr. Herman and Mrs. McDaniel had a meeting to discuss finances for 2019. Mr. Herman stated that all financial items are officially now in the new computerized financial system.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

Mr. Chuck Cline stated that a gentleman came to the Pipeline Sub-Committee meeting and presented the Energy Aggregation Program. Mr. Cline stated that having them come to present at a town-wide meeting is a great idea.

RESOLUTION 2019-14 –

DELAWARE TOWNSHIP
RESOLUTION #2019-14

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2019 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$4,125,497, and

WHEREAS, 26.25% of the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,082,943,

NOW THEREFORE BE IT RESOLVED, by the Committee of Delaware Township, in the County of Hunterdon, State of New Jersey, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief financial officer for her records:

ADMINISTRATIVE & EXEC. S/W	25,000.00
TOWNSHIP COMMITTEE S/W	5,500.00
ADMINISTRATIVE & EXECUTIVE OE	5,000.00
FINANCE/AUDIT S/W	38,000.00
FINANCE/AUDIT OE	1,000.00
ASSESSOR S/W	14,000.00
ASSESSOR OE	500.00
TAX COLLECTOR S/W	14,000.00
TAX COLLECTOR O/E	900.00
LEGAL SERVICES OE	8,000.00
ENGINEERING SERVICES OE	5,000.00
PUR OF OFFICE EQUIP/MAINT OE	7,000.00
DATA PROCESSING SERVICE OE	6,000.00
CENTRAL POSTAGE/LEGAL ADV OE	5,500.00
SHADE TREE COMMISSION O/E	200.00
PLANNING BOARD S/W	4,500.00
PLANNING BOARD OE	100.00

ZONING/FIRE SUBCODE OFF S & W	5,000.00
ZONING/FIRE SUBCODE OFFICIAL	500.00
BOARD OF ADJUSTMENT S/W	5,000.00
BOARD OF ADJUSTMENT OE	4,000.00
ENVIRONMENTAL COMMISSION S/W	750.00
ENVIRONMENTAL COMMISSION OE	200.00
CONSTRUCTION/BLDG.INSP.S & W	17,000.00
CONSTRUCTION/BLDG.INSP.OE	2,000.00
PLUMBING INSPECTOR S/W	7,000.00
ELECTRICAL INSPECTOR S & W	9,000.00
INSURANCE OE	220,000.00
PROSECUTOR SALARY & WAGE	6,700.00
POLICE S/W	275,000.00
POLICE OE	16,000.00
EMERGENCY MANAGEMENT S & W	5,500.00
EMERGENCY MANAGEMENT OE	550.00
DILTS FARM S & W	3,200.00
DILTS FARM O/E	2,500.00
BUILDINGS & GROUNDS S/W	3,200.00
BUILDINGS & GROUNDS OE	10,000.00
ROADS S/W	174,193.00
ROADS OE	60,000.00
BOARD OF HEALTH S/W	5,200.00
BOARD OF HEALTH OE	2,500.00
RECREATION OE	1,500.00
PET LICENSING S/W	2,500.00
UNCLASSIFIED UTILITIES OE	30,000.00
DCRP	1,100.00
SOCIAL SECURITY SYSTEM OE	45,000.00
PUBLIC DEFENDER O/E	650.00
MUNICIPAL COURT S/W	22,000.00
MUNICIPAL COURT OE	5,000.00

Tax Collection Revenue 1,082,943.00

ATTEST:

Jodi McKinney, Clerk

Joseph Vocke, Mayor

CERTIFICATION

I, Jodi McKinney, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2019-14 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on January 14, 2019.

Jodi McKinney, Clerk

Mr. Herman motioned to approve Resolution #2019-14. Mrs. Lockwood seconded the motion, and the members approved the motion by roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

RESOLUTION #2019-15-

DELAWARE TOWNSHIP
RESOLUTION #2019-15

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt services requirements for the coming fiscal year providing such a resolution is not made earlier than the last ten days of the preceding fiscal year, and

WHEREAS, the date of this resolution is subsequent to that date, and

WHEREAS, Principal and interest will be due on various dates from January 1, 2019 to December 31, 2019, inclusive, on sundry bonds issued and outstanding,

NOW THEREFORE BE IT RESOLVED, by the Committee of Delaware Township, in the County of Hunterdon, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2019 to December 31, 2019 inclusive:

DEBT SERVICE – CURRENT FUND

Payment of Bonds	\$145,000.00
Interest on Bonds	\$102,007.00

DEBT SERVICE – OPEN SPACE

Payment of Bonds	\$312,000.00
Interest on Bonds	\$106,561.00

ATTEST:

Jodi McKinney, Clerk

Joseph Vocke, Mayor

CERTIFICATION

I, Jodi McKinney, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2019 -15 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on January 14, 2019.

Jodi McKinney, Clerk

Mr. Herman motioned to approve Resolution #2019-15. Mrs. Lockwood seconded the motion, and the members approved the motion by roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

RESOLUTION #2019-16-

DELAWARE TOWNSHIP
RESOLUTION #2019-16

WHEREAS, the Delaware Township Tax Collector held a tax sale on September 17, 2014; and

WHEREAS, at said sale Tax Sale Certificate #2014-003 for property known as Block 36 Lot 29 – 567 Rosemont Ringoes Rd, Assessed Owner: Darling, Gordon E c/o Superior Ind. was sold to US Bank Cust. for PC 5 Sterling Ntl, and

WHEREAS, this property was sold at sheriff sale on September 26, 2018 and the lien holder is requesting that the premium be returned; and

WHEREAS, the tax collector has received the new deed and believes this TSC #2014-003 was redeemed through the sheriff sale;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to refund the premium of \$16,000.00 to: US Bank Cust for PC5 Sterling Ntl, 50 S 16th St, Suite 2050, Philadelphia, PA 19102;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Joseph Vocke, Mayor

Jodi McKinney, RMC
Township Clerk

Danene L. Gooding, CTC
Tax Collector

CERTIFICATION

I, Jodi McKinney, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2019-16 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on January 14, 2019.

Jodi McKinney, Clerk

Mrs. Lockwood motioned to approve Resolution #2019-16. Mr. Herman seconded the motion, and the members approved the motion by roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

AUTHORIZATION FOR SIGNATURE OF LETTER WITH CONDITIONS FROM NJ HISTORIC PRESERVATION OFFICE FOR SIDEWALK PROJECT.

Mr. Herman motioned to authorize Mayor Joseph Vocke to sign the letter to accept the conditions outlined in the November 28, 2018 letter from the Department of Environmental Protection, Natural & Historic Resources State Historic Preservation Office regarding the Sergeantsville Sidewalk project. Mr. Waltman seconded the motion, and members approved by and all in favor vote.

Mrs. Lockwood abstained from the vote.

AUTHORIZATION FOR THE APPOINTMENT OF MICHAEL MULLIN AS THE DELAWARE TOWNSHIP ZONING OFFICER.

Mrs. Lockwood motioned to appoint Mr. Michael Mullin as the Delaware Township Zoning Officer for 2019. Mr. Herman seconded the motion, and the members unanimously approved by a roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

AUTHORIZATION TO ACKNOWLEDGE THAT AN ATTORNEY REVIEW WAS CONDUCTED ON RESOLUTION #2018-109 AS WAS REQUESTED BY DELAWARE TOWNSHIP COMMITTEE.

Mr. Herman motioned to acknowledge that the Township Attorney reviewed the maintenance bond for Hale Built for the Higgins Farm Road, Green Farm Lane, and Jurgensen Road Improvement project. Mrs. Lockwood seconded the motion, and the members unanimously approved the motion by and all in favor vote.

AUTHORIZATION FOR THE ACCEPTANCE OF THE LEAVE OF ABSENCE FOR MEDICAL PURPOSES FOR THE CLEANING PERSON. DISCUSS TEMPORARY CLEANING OPTIONS.

Mr. Herman motioned to authorize the acceptance of the leave of absence for medical purposes for the Delaware Township Cleaning person. Mr. Waltman seconded the motion, and the members unanimously approved the motion by and all in favor vote.

Mr. Herman motioned to authorize the temporary hiring of a cleaning person through June 1, 2019 or until the Delaware Township Cleaning person is cleared medically to return to employment. Mr. Waltman seconded the motion, and the members unanimously approved by a roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

The Personnel Committee will create a temporary cleaning person job posting to conclude by June 1, 2019 or until the Delaware Township Cleaning person is cleared medically to return to employment.

The DPW Commissioners will discuss a temporary cleaning schedule with the Department of Public Works.

AUTHORIZE THE RESIGNATION OF JACK GASKILL AS COORDINATOR OF THE FARMER'S MARKET

Mrs. Lockwood motioned to regretfully accept the resignation of Mr. Jack Gaskill as the coordinator of the farmer's market. Mr. Herman seconded the motion, the members unanimously approved the motion by an all in favor vote.

AUTHORIZATION TO WAIVE OR CONDUCT THE QUARRY INSPECTION REQUIREMENT FOR 2018 & ANNUAL SUBMISSIONS REVIEW

Mr. Herman motioned to waive the Trap Rock Quarry inspections for April and October 2018. Mr. Waltman seconded the motion, and the members unanimously approved the motion by and all in favor vote.

Mrs. Kathy Katz reviewed the Quarry Compliance Committee recommendations for Trap Rock Industries Annual Quarry License with the Township Committee.

Recommendations from the OCC

Condition 2 of the 2012 License Approval required that Trap Rock Industries' must notify the Township by March 31, 2013 of their intent to submit the Flood Hazard Area Control (FHAC) permit application or discuss an alternate to the berm that was required in the Settlement Agreement between the Township and Trap Rock Industries. Ms. Katz provided a timeline that the QCC has prepared that indicates the history of the requirements for the FHAC permit application since the requirement to submit the FHAC permit application dates back to 2008.

As part of the Annual Quarry License Submittal Requirements Forms from 2013 through 2017, Trap Rock Industries indicated that they had been working with the Utility Transportation Contractor's Association and the NJ Concrete and Aggregate Association for several years in an

attempt to get the NJDEP to streamline the FHAC regulations, specifically including revisions that would make the relocation of the drainage feature at the Lambertville Quarry more readily approvable.

The NJDEP had drafted proposed FHAC regulations in June 2015. At the March 4, 2016 QCC meeting, Mike Crowley from Trap Rock Industries indicated Trap Rock Industries had been hopeful that the proposed regulations would provide relief to the permit requirements for quarries. However, Mr. Crowley indicated that the proposed FHAC regulations do not provide the relief that they were hoping for. The NJDEP adopted the FHAC regulations in June 2016.

At the February 24, 2017 QCC meeting, George Conway from Trap Rock Industries indicated that all the motors have been removed from the rock crushers and he does not foresee the quarry resuming full operations until sometime after 2020. Mr. Conway indicated that at this time Trap Rock Industries does not want to proceed with the FHAC permit application. Mr. Conway indicated he does not know what the future holds, not only for the operations at the quarry, but also what changes the NJDEP may make to the FHAC regulations. Therefore, it is not prudent to apply for Trap Rock Industries to proceed with applying for the permit. Mr. Conway indicated Trap Rock Industries would like to defer the requirement to submit the FHAC permit until the time that full operations at the quarry resume.

Mr. Conway later advised the QCC members in a February 27, 2017 email that Trap Rock is reviewing the FHAC permit application issues with its professional advisors and engineers, and thus Trap Rock reserves its right to alter or revise its position related to this issue.

Mr. Conway later advised the QCC members in a March 28, 2017 email that Trap Rock Industries' FHAC permit application has been cancelled.

The QCC feels that deferring the submission of the FHAC permit application until Trap Rock Industries resumes full operations is a reasonable request given that condition 6 of the 2012 license approval requires that Trap Rock Industries submit a Letter of Interpretation and Flood Hazard Area Applicability Determination prior to any expansion of quarrying activities in the easterly direction, east of the upper haul road, including clearing of trees, removal of overburden soil or relocation of the haul road. Therefore, Trap Rock Industries is not able to expand their operations in this direction (area of the regulated drainage feature and wetlands – see attached figure) until they obtain the necessary permit from the NJDEP.

Therefore, the QCC recommends that the Township Committee require the following:

1. Trap Rock Industries shall submit to the Township Committee a date for the submission of the FHAC permit application within 180 days after resuming full operations of the quarry.

Full operations are defined as the resuming of the crushing operation, more extensive blasting of the rock face and the usual supporting ancillary operations (clearing of overburden etc).

Mr. Herman motioned to accept the Quarry Compliance Committees recommendations as stated in a memo dated December 19, 2018. Mr. Waltman seconded the motion, and the members unanimously approved the motion by and all in favor vote.

AUTHORIZATION FOR ATTORNEY DRAGAN TO REVIEW RECOMMENDATIONS FROM THE PLANNING BOARD AND CREATE THE HOME-BASED BUSINESS ORDINANCE

Mr. Herman motioned to authorize Attorney Dragan to create the Ordinance for home-based businesses. Mrs. Lockwood seconded the motion, and the members unanimously approved by a roll call vote.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

REVIEW OF MEETING DATES

The Township Committee reviewed the meeting dates.

MEETING OPEN TO THE PUBLIC

Mr. Chuck Cline stated that the first attorney bill for the Verizon lawsuit for the denial of the cell tower application was received and paid. Mr. Cline stated that Verizon will present their argument on February 15, 2019. Mr. Cline stated that our Attorney Goodell will then give our response to the argument in March. Mr. Cline stated that oral arguments before the Judge will be in May.

Mr. Cline stated that at the Board of Adjustment meeting a resident was contesting the decisions made by our Zoning Officer. Mr. Cline stated that there were four findings by the Zoning Officer, which the resident contested. The Zoning Officer was at the meeting and was able to explain the four findings. Mr. Cline stated that three out of the four findings were accepted by the Board of Adjustment and the fourth was reversed. Mr. Cline stated that there is an ordinance pending on the powers and duties of the Zoning Officer and Mr. Cline would like to have clarified if the Zoning Officer has the authority to enter a property without advanced notice to investigate a violation.

Mr. Wohl stated that the Zoning Officer can issue a violation and fines that could be heard in a Municipal Court but is not sure if the Zoning Officer would need to contact the property owner in advance of visiting the property.

Mr. Wohl thanked the Amwell ambulance and Officer James Dolbier for the quick response to a recent medical emergency.

Mr. Wohl stated that NJDEP sent a violation letter to a neighbor on Zentek Road about a disturbance of the C-2 stream. Mr. Wohl stated that the NJDEP posted signs along the stream.

Mr. Scott Belsky, 4 Higgins Farm Road, thanked the Township Committee for approving the pavement project on their road. Mr. Belsky presented the Township of Delaware with a ceramic red cardinal that will be hung in the Delaware Township municipal building.

Mr. Bob Hornby stated the Hunterdon County Freeholders have doubled the funding for the farmland preservation programs for 2019. Mr. Hornby stated that the County would like to get the word out that if any property owner is interested in preservation or has any applications in process please let them know about the increase in funds. Mr. Hornby asked that any homeowners that are interested in preservation please contact the Hunterdon County Agricultural Development office.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mr. Waltman stated that he attended a DTAA meeting and that a discussion was had about closing Field D for one season to reseed the field and give the field a chance for the grass to regrow. The Township Committee suggested that DTAA contact the Recreation Commission to verify the field closing and the DPW Commissioners will contact DPW about placing fencing around Field D to keep people off the field.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment in the amount of \$2,343,716.00 at the Regular Meeting of the Delaware Township Committee meeting held on January 14, 2019. Mr. Herman motioned to approve payment of the bills on the bill list. Mrs. Lockwood seconded the motion. Members approved the motion to pay the bills by roll call vote.

BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that the January 14, 2019 vouchers be paid.

Roll Call Vote: Ayes –Kwasnik, Waltman, Lockwood, Herman, Vocke
Nays - None
Absent – None

ADJOURNMENT

Members motioned, seconded, and unanimously approved a motion to adjourn the meeting at 8:46 p.m.

Respectfully submitted,

Jodi McKinney, RMC
Township Clerk

Approved: (January 28, 2019)

Joseph Vocke, Mayor