



**DELAWARE TOWNSHIP**  
**COMMITTEE MINUTES**  
**March 11, 2019 – 7:30 P.M.**

---

Mayor Joseph Vocke called the regular meeting of the Delaware Township Committee to order on March 11, 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

**JCP&L DISCUSSION**

Mr. Stan Prater, JCP&L Area Manager, presented a review of the February 25<sup>th</sup> wind storm. Mr. Prater stated that most of the outages were tree related outages and all customers were restored by February 27, 2019 at 9:00 p.m. Mr. Prater stated that larger outages are always completed first and smaller outages are prioritized. Mr. Prater stated that multiple outages on County Rt. 523 were due to four Century Link poles coming down. Mr. Prater stated that Century Link came out on February 26, 2019 to install four new poles. Mr. Prater stated that these customers were back up on February 27, 2019. Mr. Prater stated that a voltage regulator came down on County Rt. 523 and leaked oil. Mr. Prater stated that JCP&L's environmental team was dispatched to the site to mitigate that situation.

Mrs. Lockwood asked why does it take so long to restore the power? Mrs. Lockwood stated that she was just in Buffalo, NY this weekend and a 60 MPH wind storm took place and all power was restored within 6 hours. Mrs. Lockwood stated that JCP&L has done a great job with the tree trimming but needs to have linemen ready to go when a storm hits. Mrs. Lockwood stated that there were JCP&L employees waiting for instructions, which did not happen. Mrs. Lockwood stated that the main problem seems that when JCP&L always has to wait for additional crews to come from out of state and this is why the power does not get restored for days. Mrs. Lockwood stated that there are not enough JCP&L employees on the ground ready to make the repairs needed.

Mr. Prater stated that in order to keep the NJ rates down it is necessary to limit the amount of employees waiting around in case a storm comes. Mr. Prater stated that there were crews ready but due to the high winds the crews had to wait for the storm and winds to diminish before they could begin the restoration process.

Mrs. Lockwood stated that the communication on outages has not improved. The website does not update and inform the residents when their power will be restored. Mrs. Lockwood stated that this has been an issue for 20 years and this has not improved.

Mr. Herman stated that there seem to be a lot of workers here but they were not doing anything. Mr. Herman stated that they were sitting in trucks waiting for instructions and directions. Mr. Herman stated that there were two pickup trucks with supervisors sitting on both ends of County

Rt. 523 for days waiting for direction. Mr. Herman stated that he appreciated JCP&L keeping NJ rates low but as a customer seeing these employees just sitting for days waiting is a waste of resources. Mr. Herman stated that when he spoke with Mr. Prater 48 hours into the outages, Mr. Prater stated he was not aware of the County Rt. 523 outages. Mr. Herman asked how it was possible for Mr. Prater to not be aware of this situation when JCP&L had two supervisors at this location. Mr. Herman stated that the JCP&L communication seems to fail every time. Mr. Herman stated that County Rt. 523 was closed for 72 hours and that this is a main artery for Delaware Township and emergency services. Mr. Herman stated that there was a significant house fire in Delaware Township that was close to County Rt. 523. Mr. Herman stated that two volunteer fire departments had to work around two detours on the main access roads of the township and this became a real issue. Mr. Herman stated that the fire departments will be forwarding a report that states they had to wait 90 minutes to get a power truck crew to cut the power to this house. Mr. Herman does not understand how this could be when there were JCP&L crews located all over the Township. Mr. Herman stated that this is a prime example of the lack of JCP&L communication. Mr. Herman stated that because of these detours larger trucks were being rerouted and there is now significant damage to a local bridge.

Mr. Prater stated that he was not aware of the closure but JCP&L was aware of the closure. Mr. Prater stated that JCP&L made the Hunterdon County OEM aware of the closure in their report and County Rt. 523 was on the list. Mr. Prater stated that the men in the pickup trucks are public protector employees and the crews fixing the outages are a separate team. Mr. Prater stated that due to the extensive damage on County Rt. 523 this work took longer than it normally would to complete. Mr. Prater stated that JCP&L should have handled County Rt. 523 better and he does not disagree on this issue. Mr. Prater stated that communication will need to be improved so that this does not happen again.

Mr. Waltman asked what the average lifespan is for a telephone pole? Mr. Waltman asked does JCP&L own all the telephone poles?

Mr. Prater stated that the average life span for a telephone pole is between 30 and 40 years. Mr. Prater stated that there is a program that is run through the OSMOS company that evaluates all telephone poles every ten years for integrity and damage. Mr. Prater stated that if poles need to be replaced they are red tagged and replaced within six months. Mr. Prater stated that JCP&L does not own all the poles and has a mutual agreement with the other utilities for running JCP&L equipment and wires. Mr. Prater stated that there is a mutual agreement with the other utilities when a pole needs to be replaced. Mr. Prater stated that during an emergency JCP&L does have the authority to replace poles that other utilities own if the other utilities are not able to replace them in a timely manner. Mr. Prater stated that JCP&L then bills that utility for the telephone pole and labor.

Mr. Vocke stated that the area around Sandy Ridge Road always seems to get hit the hardest and has power outages on a frequent basis. Mr. Vocke asked if there is a way to improve this area.

Mr. Prater stated that there is a reliability program that is currently waiting for BPU approval that would be installed in this area of Delaware Township to help with the power outages. Mr. Prater is hoping that this program will get final approval by June of 2019. Mr. Prater stated that if the Township is writing a letter to BPU, the Township mention the need for this program to be approved as soon as possible so this can be installed faster in this area of the Township.

Mrs. Lockwood asked how many line repair employees are actually located in New Jersey and how many customers does JCP&L serve.

Mr. Prater stated that he estimates there are 300+ line support employees and that there are over 1.1 million customers.

Mr. Waltman stated that Mr. Prater reported that there were a lot of lines down due to tree limbs. Mr. Waltman asked if there will be additional tree work being completed throughout the Township.

Mr. Prater stated that JCP&L has a program that is done every four years that reviews Township trees in the right of way. Mr. Prater stated that the issue is when a resident has a tree that is not in the right of way and does not give the utility the permission to remove these trees.

Mr. Herman stated the Township receives calls about dangerous trees and he will forward this information on to Mr. Prater.

Mr. Prater stated that he appreciates this and also will contact the Township about residents that will not give authorization for tree removal.

### **APPROVAL OF MINUTES FROM FEBRUARY 25, 2019 TOWNSHIP COMMITTEE MEETING**

Mr. Herman motioned to approve the minutes from the February 25, 2019 Township Committee Meeting. Mrs. Lockwood seconded the motion.

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

### **TOWNSHIP COMMITTEE REPORTS**

#### **DPW**

Mr. Kwasnik stated that there is still a need for a P/T snow removal person. Mr. Kwasnik stated if there is anyone who is interested they should contact Mr. Trstensky at the Department of Public Works. Mr. Kwasnik stated that an insurance claim was submitted for the DPW pickup truck that was severely damaged by a falling tree.

#### **Finance**

Mr. Herman reported that the Finance Committee met with Mrs. McDaniel to review the 2019 Budget and that the process is moving along quickly due to Mrs. McDaniel's input and the new system. Mr. Herman stated that the Budget is ready to be introduced at the March 25, 2019 Township Committee meeting. Mr. Herman stated that the Township received the State funding numbers today, and Mrs. McDaniel has imputed these official figures. Mr. Herman stated that it is looking like there will be a one (1) cent increase in Delaware Township taxes. Mr. Herman stated that this will provide a significant increase to the Capital Improvement fund.

Mr. Waltman stated that this includes the work needed down at Dilt's park with the Emerald Ash Borer infestation, ash tree removal and repairs to the trail. Mr. Waltman stated that the increase in the surplus fund will help Delaware Township to receive a better bond rating. Mr. Waltman explained that the underwriters that issue the bonds like to see that the Township has at least one million dollars in reserve when they issue the Township bonds. Mr. Waltman stated the more a Township has in reserve the better the bond rating and the Township will receive a lower interest rate.

Mr. Herman stated that the Finance Committee and/or Mrs. McDaniel met with all the Committees, Departments and outside agencies to review their needs in the budget. Mr. Herman stated that this was a very thorough process this year. Mr. Herman stated that Mrs. McDaniel or the Finance Committee is available to any of the Township Committee members to answer any questions on the Budget before the introduction on March 25, 2019.

#### **Stockton Fire Department**

Mr. Herman stated that Stockton Fire Department requested \$50,000.00 for the next three years and \$40,000.00 for the fourth year in addition to Delaware Township's regular yearly donation for the purchase of fire equipment. Mr. Herman stated that the Finance Committee has informed Stockton Fire Company that this is a bond expense item and the Township would need to

complete a bond process. Mr. Herman informed Stockton Fire Department that this process is not going to be able to be completed before the Township has to approve the 2019 Budget.

### **Open Space**

Mrs. Lockwood stated that Open Space Committee and Open Space Coordinator wanted to inform the Township Committee that applications will be submitted for funding to Green Acres. Mrs. Lockwood stated that the deadline for these applications will be March 25, 2019. Mrs. Lockwood stated that there will be four properties that will be submitted for the Green Acre funding. Mrs. Lockwood stated that NJ Conservation Foundation would like to partner with Delaware Township on three of these properties. Mrs. Lockwood stated that there are two vacancies on the Open Space Committee and if anyone is interested please contact Katherine Fullerton, Open Space Coordinator.

### **Energy Aggregation Program**

Mrs. Lockwood stated that there are many local municipalities interested in joining in the Energy Aggregation resident co-op. Mrs. Lockwood stated that Clinton Township is involved in an Energy Aggregation resident co-op currently and research is being done to see if this new group of Municipalities would be able to join this existing co-op.

Mrs. Lockwood reported that the Freeholders approved a resolution to create an Energy Aggregation co-op for Municipalities to join to help save on energy costs for Township Municipal Buildings since they are not permitted to be part of the resident Energy Aggregation co-ops.

### **Quarry Compliance Committee**

Mr. Waltman stated that the QCC met last week and Mr. Chrobak from Trap Rock Industry indicated that they will not be operating in 2019. Mr. Waltman stated that Mrs. Katz confirmed that the Quarry is in compliance with all the required applications, fees and permits. Mr. Waltman stated that the QCC will be sending a formal recommendation to the Township Committee to waive the two yearly inspections for 2019.

### **MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY**

No comments were made.

### **ORDINANCE 2019-02- SECOND READING**

#### **TOWNSHIP OF DELAWARE** **ORDINANCE NO. 2019-02**

#### **AN ORDINANCE OF THE TOWNSHIP OF DELAWARE IN HUNTERDON COUNTY, NEW JERSEY, TO PROVIDE FOR THE ACCEPTANCE OF A CONSERVATION EASEMENT DEDICATED ON A PORTION OF BLOCK 17, LOT 49.01 IN THE TOWNSHIP FROM JOHN AND NINA PELLEGRINO**

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey as follows:

**SECTION 1.** The Township of Delaware does hereby accept the dedication of a conservation easement over a portion of Block 17, Lot 49.01 on the official Tax Map of the Township of Delaware, granted to the Township by the property owners John Pellegrino and Nina Pellegrino (hereinafter "Owner/Developer"), as more particularly set forth in the metes and bounds description set forth within the easement document which is on file in the office of the Delaware Township Clerk at the municipal building, 570 Rosemont-Ringoes Road, Sergeantsville, N.J. and may be inspected there during regular business hours.

The purpose of the conservation easement is to preserve the land encumbered by it in an undisturbed natural state as a stormwater management measure in accordance with applicable Township ordinances and State law. The easement confers upon the Township no rights of title or use of the lands within the conservation area and is not intended to grant the public any rights of access or use. The easement and

acceptance thereof does grant the Township the right to inspect and otherwise enforce the restrictions imposed by the conservation easement over the easement area and the Township accepts the dedication under those circumstances.

**SECTION 2.** This easement is being acquired pursuant to N.J.S.A. 40A:12-3,4 and 5 *et seq*, as well as any other applicable law. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 3.** The Mayor, Deputy Mayor, Township Clerk, Township Engineer and/or Township Attorney, as applicable, are hereby authorized and directed to take all reasonable, necessary and lawful steps necessary to effectuate the purposes of this ordinance, including the execution of the Conservation Easement, together with any and all necessary documents in the manner and subject to the terms and conditions specified above, subject to the Township Attorney's approval of the form and substance of said documents. This grant includes the authority to make non-material changes to the terms described herein as may be necessary to satisfy legal requirements.

**SECTION 4.** This Ordinance shall become effective immediately upon final adoption and publication in accordance with the laws of the State of New Jersey. This Ordinance shall be recorded in the Hunterdon County Clerk's ordinance, along with the fully-signed conservation easement.

---

Joseph Vocke, Mayor

ATTEST:

---

Jodi McKinney, RMC  
Township Clerk  
February 25, 2019

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held on February 25, 2019. It will be considered on second reading for final adoption at a regular meeting to be held on March 11, 2019 beginning at 7:30 P.M. at Delaware Township Municipal Building, 570 Rosemont-Ringoes Rd., Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

Mr. Herman motioned to open the public hearing on Ordinance #2019-02 to the public, Mrs. Lockwood seconded the motion, and the members unanimously approved the motion by all in favor vote.

Mrs. Lockwood motioned to close the public hearing on Ordinance #2019-02 to the public, Mr. Herman seconded the motion, and the members unanimously approved the motion by all in favor vote.

Mr. Herman motioned to approve Ordinance #2019-02 on second reading, and Mrs. Lockwood seconded the motion for second reading by roll call vote.

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

**RESOLUTION 2019-22** –

**DELAWARE TOWNSHIP**  
**RESOLUTION #2019-22**

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that Delaware Township hereby endorses the submission of the current recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Certified Recycling Coordinator Kathleen Klink to ensure that the application is properly filed.

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

ATTEST:

\_\_\_\_\_  
Jodi McKinney, RMC, CMR  
Township Clerk  
March 11, 2019

\_\_\_\_\_  
Joseph Vocke, Mayor

**CERTIFICATION**

I HEREBY CERTIFY that the Delaware Township Committee approved Resolution #2019-22 at its March 11, 2019 meeting by unanimous vote.

\_\_\_\_\_  
Jodi McKinney, RMC, CMR  
Township Clerk

Mr. Herman motioned to open a discussion on Resolution #2019-22. 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  
Abstain – None

**DISCUSSION AND AUTHORIZATION FOR RIGHT OF WAY EASEMENT FOR 23 HAINES ROAD PRESERVATION**

Mrs. Klink stated that the recommendation from the Township Engineer is to take an additional easement in case the Township in the future needs to make improvements.

Mrs. Lockwood stated that every road already has an easement. Mrs. Lockwood stated that taking additional easement would be considered if the Township will be potentially widening the road in the future. Mrs. Lockwood stated that the Township has never asked for additional easement for preserved properties in the past.

Mr. Bob Hornby stated that the right of way easement is not consistent township wide. Mr. Hornby stated in his opinion it does not make sense to request an expansion of the easement in this specific area. Mr. Hornby stated that East Amwell has requested that the easement stay as it is currently stated. Mr. Hornby stated that the adjoining Rosenberg property does not have an expanded easement.

Mr. Herman authorized Mayor Joseph Vocke to sign the CADB letter stating that no additional easement is necessary on Block 45, Lot 3. Mrs. Lockwood seconded the motion, and the members unanimously approved the motion by all in favor vote.

**AUTHORIZE THE EXTENSION OF SHARED SERVICE AGREEMENT WITH STOCKTON BOROUGH FOR CONSTRUCTION CODE SERVICES 01/01/19 – 12/31/19**

Mr. Herman motioned to authorize the extension of the shared service agreement with Stockton Borough for Construction Code Services from January 1, 2019 through December 31, 2019. Mr. Waltman 2<sup>nd</sup> the motion, and the members unanimously approved the motion by all in favor vote.

**AUTHORIZE THE ACCEPTANCE OF THE RESIGNATION OF ROGER LOCANDRO FROM THE PLANNING BOARD**

Mr. Herman motioned to accept the resignation of Mr. Roger Locandro as a member of the Planning Board. Mr. Waltman seconded the motion, and the members unanimously approved the motion by all in favor vote.

**AUTHORIZATION THE RECOMMENDATION FROM THE BOARD OF HEALTH TO MOVE MICHAEL BOKASH TO A MEMBER POSITION AND JIM VENA TO ALTERNATE II POSITION**

Mr. Herman motioned to authorize Mr. Michael Bokach as a member and Mr. Jim Vena as an Alternate II member of the Board of Health. Mr. Kwasnik seconded the motion, and the members unanimously approved the motion by all in favor vote.

**REVIEW OF MEETING DATES**

The Township Committee reviewed the meeting dates.

**MEETING OPEN TO THE PUBLIC**

Mr. Richard McComber reported that JCP&L replaced a telephone pole on Haines road and left 6 foot sections near his neighbor's driveway and have not returned to clean them up.

Mayor Vocke will contact Mr. Prater to report this issue.

Mr. Hornby stated that the County has changed the construction signs on County Rt. 523 stating that they will begin construction on April 1, 2019. Mr. Hornby asked if the Township received any plans for this project and if there is any update on detours.

Ms. Klink stated that these plans were delivered to the Township and the residents had many discussions about the project.

Mrs. Lockwood stated that the residents have been having drainage issues in this area on County Rt. 523.

**FINAL COMMENTS OF THE TOWNSHIP COMMITTEE**

Mr. Kwasnik requested the Township Committee go into a closed session.

Mr. Herman stated that there are two openings on the DTMUA and if anyone is interested to please contact Diane Rankin.

Mrs. Lockwood stated that a letter should go out to BPU stating our concerns and endorsing the new reliability program.

Mayor Vocke will send the letter to BPU stating concerns and supporting the new reliability program.

Mr. Herman stated that he will contact Mr. Trstensky to discuss the speed limit change on Sanford Road and Cover Bridge Road.

Mr. Herman stated that there was a significant legal bill for the month of January. Mr. Herman stated that other members from other sub-committees are contacting the Attorney directly. Mr. Herman suggested that an email go out to all Committee Chairpersons requesting that any legal questions be reviewed with the Mayor or the Township Clerk. Mr. Herman suggested that the Township Attorney not be contacted by any individual committee member or sub-committee directly without authorization from the Mayor or the Township Clerk. Mr. Herman stated that the Finance Committee request a letter be forwarded from the Mayor to the Township Attorney requesting notification if any item will take more than two hours of work.

Mrs. McKinney will send an email out to both the Township Attorney and the Sub-Committee Chairperson to clarify the procedure for contacting the Township Attorney.

Mayor Vocke will send a letter to the Township Attorney requesting notification for any legal work that will take more than two hours to complete.

#### **APPROVAL OF BILL LIST**

Members reviewed and approved the following vouchers for payment for \$95,067.17 at the Regular Meeting of the Delaware Township Committee meeting held on March 11, 2019. Mr. Herman motioned to approve payment of the bills on the bill list. Mr. Waltman 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 March 11, 2019 vouchers be paid.

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

Mr. Kwasnik requested an executive session to discuss residents Fire Safety Issues.

#### **EXECUTIVE SESSION –**

##### **RESOLUTION AUTHORIZING CLOSED SESSION** **DELAWARE TOWNSHIP COMMITTEE**

**BE IT RESOLVED** by the Township Committee of the Township of Delaware in Hunterdon County, New Jersey follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

2. The general nature of the subjects to be discussed in this session is as follows:

- TO DISCUSS STATE FIRE SAFETY INSPECTIONS

1. It is unknown precisely when, if ever, the matters discussed in this



session may be disclosed to the public; and matters involving personnel evaluations may not ever be released. Approval of any agreement with any bargaining unit shall only take place by action of the governing body in a public session.

ATTEST:

\_\_\_\_\_  
Jodi McKinney  
Township Clerk  
March 11, 2019

\_\_\_\_\_  
Joseph Vocke, Mayor

Mr. Kwasnik motioned to approve the foregoing resolution. Mr. Herman seconded the motion, and members unanimously approved the resolution by all in favor vote.

**RETURN TO OPEN SESSION**

Mayor Vocke announced that all items in executive shall remain in Executive Session.

Mr. Kwasnik motioned to return to open session. Mr. Herman seconded the motion, and members unanimously approved the motion by all in favor vote.

**ACTION TAKEN FROM EXECUTIVE SESSION, IF ANY**

No action was taken.

**ADJOURNMENT**

Members motioned, seconded, and unanimously approved a motion to adjourn the meeting at 9:02 p.m.

Respectfully submitted,

Jodi McKinney, RMC  
Township Clerk

Approved: (March 25, 2019)

\_\_\_\_\_  
Joseph Vocke, Mayor