



DELAWARE TOWNSHIP **COMMITTEE MINUTES** **April 8, 2019 – 7:30 P.M.**

Mayor Joseph Vocke called the regular meeting of the Delaware Township Committee to order on April 8, 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 MARCH 25, 2019 TOWNSHIP COMMITTEE MEETING

Mr. Herman motioned to approve the minutes from the March 25, 2019 Township Committee Meeting. Mr. Waltman seconded the motion.

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

TOWNSHIP COMMITTEE REPORTS

DPW

Mr. Kwasnik and Mr. Herman met to review a tentative road plan and a timeline for the road resurfacing of Zentek Road and Sanford Road. Mr. Kwasnik stated the tar and chip roads were reviewed and a time line was discussed. Mr. Kwasnik stated the Township can join the Morris County Co-op and this would be the most cost effective way to obtain the material needed for these projects. Mr. Kwasnik stated the road work will begin at the end of June once the schools close for the Summer. Mr. Kwasnik reported work will begin on the trails at Dilts Park in the next few weeks. Mr. Kwasnik stated he will be attending the NJDOT meeting on April 23, 2019 from 6:00 p.m. until 8:00 p.m. at the Stockton Fire House to review the drainage and improvement project for Rt. 29.

Mr. Herman stated the Township Engineer is currently preparing the bid for the drainage project for Zentek Road and the bid specifications should be going out this week.

Pedestrian Safety Committee

Mr. Herman stated the Township received a six-month extension on the Sidewalk project grant. Mr. Herman will contact the Township Engineer to begin the process of obtaining the easements needed to begin the construction of the sidewalk project.

DTMUA

Mr. Herman announced there are two open positions for the DTMUA and residents that are interested please contact the Township Committee to apply.

Recreation Commission

Mr. Herman stated the Recreation Commission was given a presentation by an Eagle Scout. Mr. Herman stated the Eagle Scout would like to develop a Bocce Ball court at Dilts Park. Mr. Herman stated the Eagle Scout will be presenting this project to the Township Committee and Mr. Trstensky will be evaluating the best area for the Bocce Ball court at Dilts Park.

Police Department

Mrs. Lockwood stated Chief Cane is formalizing a background check process for the Summer Recreation program.

Energy Aggregation Program

Mrs. Lockwood stated the Energy Aggregation Committee will be meeting on April 24, 2019 at 7:00 p.m.

Newsletter Committee

Mrs. Lockwood stated the newsletter deadline will be April 26, 2019 and the newsletter will be published on June 1, 2019.

Shade Tree Committee

Mrs. Lockwood stated the Shade Tree Committee will be meeting on April 9, 2019 at 6:30 p.m. at Dilts Park to evaluate the Ash Trees and review the status of the tree removal.

DTAA

Mr. Waltman stated the DTAA appreciated that the DPW sectioned off Field B and would like to know when Field B is being reseeded. Mr. Herman will speak to Mr. Trstensky about the fertilization and reseeding of Field B.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

No comments were made.

ORDINANCE 2019-04 FIRST READING

DELAWARE TOWNSHIP **ORDINANCE NO. 2019-04**

AN ORDINANCE OF THE TOWNSHIP DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT AN ELECTRIC AGGREGATION PROGRAM

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to **N.J.S.A.** 48:3-93.1 et seq. and **N.J.A.C.** 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Township is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Township of Delaware (“Township”); and

WHEREAS, the Township hereby finds that it is in the best interests of residential and non-residential ratepayers for the Township to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Delaware in the County of Hunterdon and the State of New Jersey, duly assembled in public session, as follows:

1. The Township publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, **N.J.S.A.** 48:3-91.3 to -98, and implementing regulations.

2. The Township will utilize approved vendors, Commercial Utility Consultants, Inc. and its subcontractor Concord Engineering Group dba Concord Energy Services pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire.

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.

4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

ATTEST:

Joseph Vocke, Mayor

Jodi McKinney, RMC
Township Clerk

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held on April 8, 2019. It will be considered on second reading for final adoption at a regular meeting to be held on April 29, 2019 beginning at 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

Mrs. Lockwood motioned to approve Ordinance #2019-04 on first reading, and Mr. Herman seconded the motion for first reading by roll call vote.

Mr. Cline asked what towns are involved in the Energy Aggregation Co-op?

Mrs. Lockwood stated Lambertville, Hopewell Township, Frenchtown, Kingwood, Delaware Township and possibly Stockton. Mrs. Lockwood stated Lambertville has passed this ordinance and the others are in the process.

Mrs. Lockwood stated the Energy Aggregation Committee chose Concord to be the

representative for the Co-op. Mrs. Lockwood stated Concord represents other Hunterdon County Municipalities and the Freeholders are using them for the Municipal Energy program. Mrs. Lockwood stated Hopewell will be the lead of the co-op but Hopewell will not be able to make any decisions without all the Municipalities agreeing. Mrs. Lockwood stated this co-op is being formed to go out and specifically bid for energy. Mrs. Lockwood stated the goal is to have a green component added and to reduce the energy cost to residents. Mrs. Lockwood stated the bid must come in lower than what JCP&L is currently charging or the Township would not be able to accept the bid. Mrs. Lockwood stated JCP&L does not generate their own energy and they purchase energy for their customers. Mrs. Lockwood stated this Energy Co-op will be doing the same process JCP&L does to purchase energy. Mrs. Lockwood stated this is an opt out program and the rate is locked in for 12 months to 18 months. Mrs. Lockwood stated a notification process and public education section will be conducted so that all residents will be well informed on the process.

Mr. Herman stated the higher the Green component goes the less likely the Township will be able to save the residents money.

Mrs. Lockwood stated this could possibly happen and if this does happen the Township would have to reject the bid.

Mr. Herman suggested the consultant be present at the April 29, 2019 meeting for the Public Hearing on the ordinance to help answer any questions the public might have.

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

RESOLUTION 2019-34 –

DELAWARE TOWNSHIP
RESOLUTION #2019-34

TRANSFER OF 2018 RECREATION RESERVE

WHEREAS, the Township Committee appropriated \$11,500.00 in the 2018 budget for other expenses related to the Board of Recreation Commissioners; and

WHEREAS, there remains \$1,312.50 in reserve; and

WHEREAS, the members of the Township Committee discussed at the March 25, 2019 Committee meeting that the unspent appropriation should be transfer to the Recreation Trust; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that it hereby approves a transfer in the amount of \$1,312.50 from the Current Account to the Recreation Trust.

ATTEST:

Joseph Vocke, Mayor

Jodi McKinney
Township Clerk
April 8, 2019

Mr. Herman motioned to open a discussion on Resolution #2019-34. Mr. Waltman 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

DELAWARE TOWNSHIP
RESOLUTION #2019-35

SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Delaware has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Delaware that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ATTEST:

Jodi McKinney, RMC

Joseph Vocke, Mayor

Township Clerk
April 8, 2019

It is hereby certified that the Approved Budget complies with the requirements of the law and approval is given pursuant to N.J.S.A.40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Dated: April 8, 2019

Diane McDaniel, CFO
Chief Financial Officer

Approved:

Mr. Herman motioned to open a discussion on Resolution #2019-35. 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

RESOLUTION 2019-36 –

DELAWARE TOWNSHIP
RESOLUTION #2019-36

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO BECOME A MEMBER FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Delaware Township desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to become a member of the MCCPC for the period of October 1, 2016 through September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey as follows:

1. The Township Committee of the Township of Delaware hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is to become a member of the MCCPC for a period from October 1, 2016 through September 30, 2021.
2. The Delaware Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Delaware Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

ATTEST:

Jodi McKinney, RMC
Township Clerk
April 8, 2019

Joseph Vocke, Mayor

CERTIFICATION

I, Jodi McKinney, Clerk of the Township of Delaware, hereby certify the foregoing to be a true copy of a Resolution adopted by the Delaware Township Committee at a duly convened meeting held on April 8, 2019.

Jodi McKinney, RMC

Mr. Herman motioned to open a discussion on Resolution #2019-36. Mr. Waltman 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

RESOLUTION 2019-37 – MOTION DEFEATED

DELAWARE TOWNSHIP
RESOLUTION #2019-37

**Resolution in Support of Path to Progress Recommendations made by New Jersey
Economic and Fiscal Policy Workgroup**

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, municipalities cannot address other major cost drivers, such as career-end sick leave payouts in excess of \$100,000, without relief from State government; and

WHEREAS, the State must bring pension and health care costs under control before they crowd out all other important spending needs, such as reinvestment in NJ Transit, making higher education more affordable and properly funding state aid to school districts to hold down property taxes.

NOW, THEREFORE BE IT RESOLVED that Delaware Township, Hunterdon County expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblywoman Verlina Reynolds-Jackson, Assemblyman Andrew Zwicker, Assemblyman John DiMaio, Assemblyman Anthony Verrelli, Assemblyman Roy Freiman, Assemblyman Erik Peterson, Senator Cory Booker and Senator Menendez, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of State of New Jersey, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

ATTEST:

Jodi McKinney, RMC
Township Clerk
April 8, 2019

Joseph Vocke, Mayor

Mr. Herman motioned to open a discussion on Resolution #2019-37. Mrs. Lockwood seconded the motion.

The Township Committee discussed the Resolution and the Township Committee unanimously defeated the Resolution by Roll call vote.

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

RESOLUTION 2019-38 –

DELAWARE TOWNSHIP
RESOLUTION #2019-38

WHEREAS, Delaware Township requires organizations that use Township facilities to complete a Facility Use Agreement and submit a Certificate of Insurance naming Delaware Township as an Additional Insured; and

WHEREAS, the Facility Use Agreement (“Agreement”) is a risk management document to assist Delaware Township at the time of a loss to transfer the risk to the user of the facility for its actions; and

WHEREAS, VFW Post No. 8390 requested a waiver from the insurance requirement for use of Township facilities for its meetings and patriotic activities; and

WHEREAS, the Township Committee approved similar requests in prior years starting in 2012 subject to the condition that a duly authorized officer of the VFW sign the Agreement and acknowledge compliance with all of the provisions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that it approves a Facility Use Agreement with VFW Post 8390 for use of Township facilities by VFW Post No. 8390 with a waiver of the insurance requirement, said use continuing to December 31, 2019 subject to the following conditions:

1. VFW Post No. 8390’s use may only continue if the insurance underwriting requirements to the Township are not in any way compromised or modified such that the Township is placed at risk for continued coverage or, alternately, continued coverage at competitive rates for premiums.

2. Use is limited to events related to meeting attendance, raffles, flag ceremonies, and patriotic activities of similar scope and manner as specifically listed in the Facility Use Agreement.
3. The duly authorized officer of VFW Post No. 8390 shall sign the Facility Use Agreement and acknowledge compliance with all other provisions of the Agreement during the Post's use of Township facilities.
4. Any future request for waiver of the insurance requirement as set forth in the Agreement shall be submitted in writing and shall be accompanied by an executed Agreement. The waiver request will be reviewed and approved subject to Items 1, 2 and 3 in this Resolution. In no case will submission of an executed Agreement be waived.

ATTEST:

 Jodi McKinney, RMC
 Township Clerk
 April 8, 2019

 Joseph Vocke, Mayor

Mr. Herman motioned to open a discussion on Resolution #2019-38. Mr. Waltman 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

AUTHORIZING RICHARD MACOMBER TO FILL THE OPEN ALTERNATE II ADVISOR POSITION ON THE PLANNING BOARD

Mrs. Lockwood motioned to authorize Mr. Richard Macomber to fill the Alternate II Advisor position on the Planning Board. Mr. Waltman seconded the motion, and the members unanimously approved the motion by all in favor vote.

AUTHORIZATION FOR SPECIAL EVENT APPLICATION FOR FLEMINGTON JEWISH COMMUNITY CENTER FARMLAND RIDE ON JUNE 23, 2019.

Mrs. Lockwood motioned to authorize the Special Event Application for Flemington Jewish Community Center Farmland Ride on June 23, 2019. Mr. Waltman seconded the motion, and the members unanimously approved the motion by all in favor vote.

AUTHORIZATION FOR SPECIAL EVENT APPLICATION FOR BRIDGE VELO, LLC BICYCLE RACE ON JUNE 15, 2019 AND JULY 13, 2019.

Mr. Waltman motioned to authorize the Special Event Application for Bridge Velo, LLC Bicycle Race June 15, 2019. Mr. Herman 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.

Mr. Waltman stated there will not be a need to continue monthly IT Sub-committee meetings. Mr. Waltman stated these meetings will be on an as needed basis.

MEETING OPEN TO THE PUBLIC

Mr. Bob Hornby stated during the last Shade Tree Committee meeting it was asked if while the work is being done on the Ash trees the Township place signs warning residents there are currently trees that are showing signs of the Ash Borer disease. Mr. Hornby asked if the signs

should be researched to determine if the Township insurance company and/or the Township Attorney feels there is a need to place signage at Dilts park warning of the Ash tree disease.

Mr. Hornby stated Lower Ferry Road has a significant crack in the middle where the pavement seams and the crack has gotten worse over the Winter.

Mr. Kwasnik stated he will contact Mr. Trstensky to report the issue and request a temporary repair.

Mr. Herman stated the Township is going to apply for a grant to resurface Lower Ferry in the 2020 since this is a road is used for the school traffic and busing of students.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mr. Herman would like the Township Committee member that is the liaison for the Delaware Township School to contact the school about the 8th Grade essay contest. The Township Committee discussed possible changing the requirements to attract more participation.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment for \$384,958.38 at the Regular Meeting of the Delaware Township Committee meeting held on April 8, 2019. Mr. Waltman motioned to approve payment of the bills on the bill list. Mr. Herman 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 April 8, 2019 vouchers be paid.

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

ADJOURNMENT

Members motioned, seconded, and members unanimously approved a motion to adjourn the meeting at 8:38 p.m.

Respectfully submitted,

Jodi McKinney, RMC
Township Clerk

Approved: (April 29, 2019)

Joseph Vocke, Mayor