



## **DELAWARE TOWNSHIP** **COMMITTEE MINUTES** **July 15 2019 – 7:30 P.M.**

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Mayor Joseph Vocke called the regular meeting of the Delaware Township Committee to order on July 15, 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, Joe Vocke  
Absent: None

### **APPROVAL OF MINUTES FROM JUNE 24, 2019 TOWNSHIP COMMITTEE MEETING**

Mr. Herman motioned to approve the minutes from the June 24, 2019 Township Committee Meeting. Mr. Waltman seconded the motion.

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

### **TOWNSHIP COMMITTEE REPORTS**

#### **Newsletter**

Mrs. Lockwood reported the September Newsletter deadline will be July 31, 2019 and the newsletter will be mailed out by September 1, 2019.

#### **Recreation Commission**

Mr. Herman stated the Great Crate Race was well attended and the sponsorships and the amount of volunteers has increased which has made this event become a great success. Mr. Herman thanked all the Sponsors and Volunteers for making this a great event.

Mr. Herman stated the Summer Recreation program is currently running and will conclude on July 26, 2019. Mr. Herman thanked the Sergeantsville Volunteer Fire Department for their quick response to assist in a medical emergency at the Summer Recreation Program today. Mr. Herman happily reported the child is doing fine and the cause of the medical emergency was from a prior injury.

#### **DPW**

Mr. Kwasnik stated the DPW staff did a great job at getting the roadway and the area for the Great Crate Race ready for the event.

Mr. Kwasnik stated stone was temporarily placed down by DPW in the road area that was washing away on Locktown Sergeantsville Road. Mr. Kwasnik stated the Environmental Commission walked Locktown Sergeantsville Road to view the areas on the water way and the Environmental Commission will be discussing solutions to help with a more permanent repair for this road issue.

Mr. Kwasnik reported the limbs on Reading Road have been removed by the DPW.

Mr. Herman reported the Zentek Road drainage project should be completed by July 17, 2019. Mr. Herman stated that Mr. Roseberry will conduct a final inspection once the project is complete.

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

No public comments were made.

**RESOLUTION 2019-63** –

**TOWNSHIP OF DELAWARE**  
**RESOLUTION # 2019-63**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND TERMINATION OF DEVELOPERS AGREEMENT WITH BELLSFLOWER FARM, LLC BLOCK 39, LOTS 19, 19.01, 19.02, 19.03, 19.04, 19.05, 19.06, 19.07, 19.08, 19.09 AND 19.13; AND BLOCK 39.01, LOTS 19.10, 19.11 AND 19.12**

**WHEREAS**, Bellsflower Farm, LLC, a limited liability company of the State of New Jersey ("Owner"), obtained preliminary and final major residential subdivision approval for a residential development to be known as "Sergeants Greene" on a 99+/- acre property known as Block 39, Lot 19 in the Township, which approval was granted by the Delaware Township Planning Board and memorialized in Resolution #2004-13 on November 16, 2004 (preliminary approval) and in Resolution #2007-1 on April 3, 2007 (final approval), hereinafter collectively referred to as the "Subdivision Approval"; and

**WHEREAS**, the Subdivision Approval created thirteen lots (twelve residential building lots and one open space lot) shown as Block 39, 19.01, 19.02, 19.03, 19.04, 19.05, 19.06, 19.07, 19.08 19.09, Block 39, Lot 19.13 (formerly shown as Lot 19) and Block 39.01 (formerly a portion of Block 39) 19.10, 19.11 and 19.12 on the final subdivision map entitled "Final Plat for Sergeants Greene Block 39, Lot 19" prepared by Bohren and Bohren Associates, Inc. and filed on December 26, 2013 in the Hunterdon County Clerk's Office as Filed Map # 201312260000370690 (hereinafter referred to as the "Filed Map"); and

**WHEREAS**, as a condition of the Subdivision Approval, the Owner entered into a Developer Agreement with the Township of Delaware dated December 26, 2007 and a First Amendment to same dated March 31, 2011 (hereinafter the "Developer's Agreement"); and

**WHEREAS**, as a part of the Developer's Agreement, Owner posted certain performance guarantees with the Township in the form of a personal guaranty and first mortgage to the Township of Delaware on the aforesaid subdivided property, which mortgage was recorded in Hunterdon County Clerk's Office on December 26, 2013 in Deed Book 3809, Page 38; and

**WHEREAS**, although the Filed Map was recorded, the Owner did not proceed with the development of the property which was the subject of the Subdivision Approval and determined instead to permanently preserve the property through the New Jersey State Farmland Preservation Program as administered by the NJ State Agriculture Development Committee ("SADC") pursuant to N.J.S.A. 4:1C-11, et seq. As a condition of the conveyance, the Grantor has abandoned the Subdivision Approval and simultaneously with the abandonment of such Subdivision Approval will merge all the lots created thereby into one lot to be known as Block 39, Lot 19. A copy of the proposed Deed of Consolidation is on file with the Township Clerk's office and is about to be recorded with the Hunterdon County Clerk's office. In conjunction therewith, the Owner has requested the Township to extinguish, vacate and release certain interests that were previously dedicated to the Township through the Subdivision Approval and to terminate the Developers' Agreement and release the performance guarantees posted with the Township; and

**WHEREAS**, the Planning and Zoning Offices have completed and accounting and have

confirmed that all outstanding fees associated with the Subdivision Approval have been paid, no fees are outstanding to any professionals or due the Township.

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

**SECTION 1.** The preambles recited above are made a part of this Resolution as if fully set forth herein and the Township Committee authorizes the termination of the Developers Agreement made with Bellsflower Farm, LLC, together with the release of the performance guarantee posted with the Township, which was given in the form of a personal guaranty and a first mortgage securing the property which was the subject of the Subdivision Approval.

**SECTION 2.** The Township Attorney, Mayor, Deputy Mayor and Clerk are hereby authorized to take all necessary steps to prepare and execute the propose appropriate instruments necessary to discharge the mortgage held by the Township, terminate the Developers Agreement and cancel the personal guaranty posted by Bellsflower Farm, LLC, 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 3.** This resolution shall become effective immediately.

ATTEST:

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

\_\_\_\_\_  
Jodi McKinney, RMC  
Township Clerk  
July 15, 2019

Mr. Herman motioned to approve Resolution #2019-63. 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  
Absent/Abstain – None

**RESOLUTION 2019-64** –

**DELAWARE TOWNSHIP**  
**RESOLUTION #2019-64**

A Resolution of Support for the NJDOT Route 29 Road Project Beginning at Alexauken Creek and Ending at Washington Road.

**WHEREAS**, the Director of the Department of Public Works and the Officer in Charge of the Police Department has requested that Delaware Township, in the County of Hunterdon, in the State of New Jersey, adopt a resolution in support of the proposed N.J. Department of Transportation's Concept Development Study dated May 2015; and

**WHEREAS**, the purpose and need of this project is to address the pavement deficiencies along NJ Route 29, MP 19.8-24.5, MP 27.4-30.4 and MP 33.7-34.3, while containing surface runoff to prevent further pavement deterioration; and

**WHEREAS**, the project's concept development study evaluated the option for repairing and rehabilitating the pavement facility while also improving the roadway drainage network. This will include the installation of inlets/pipes to capture and store runoff while conveying flow to the existing outfall locations along the D&R Canal. ADA compliance will be achieved by remediating substandard sidewalk connections, curbing, curb ramp locations and crosswalk striping. Incidental roadway improvements include the remediation of substandard guiderail, refreshed signing and corridor striping, in-kind replacement of centerline rumble strips and

raised pavement markings. Additionally, two structures within the project limits require rehabilitation and/or remediation. Substandard cross-slopes, super elevation, vertical curves, and minimum grades will be corrected within the footprint of the existing corridor, without significant impacts to right-of-way, driveways, or existing cultural and environmental features.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Delaware Township hereby supports the NJDOT Route 29 Road Project.

ATTEST:

\_\_\_\_\_  
Jodi McKinney, RMC  
Township Clerk  
June 24, 2019

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

Mr. Herman motioned to approve Resolution #2019-64. 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  
Absent/Abstain – None

**RESOLUTION 2019-65** –

**DELAWARE TOWNSHIP**  
**RESOLUTION #2019-65**

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey has due to the need for two-part time Summer Mower position at the Delaware Township Public Works Department.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that the 2019 hourly salary for Harrison William Harbourt and Dale William Haberle for the positions of Part Time Seasonal Mower at an hourly salary of \$15.00 per hour.

**PART TIME SEASONAL MOWER**

Harrison William Harbourt (effective 07-01-2019)	\$15.00/HOURLY
Dale William Haberle (effective 07-15-2019)	\$15.00/HOURLY

ATTEST:

\_\_\_\_\_  
Jodi McKinney, RMC  
Municipal Clerk  
July 15, 2019

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

Mr. Herman motioned to approve Resolution #2019-65. 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  
Absent/Abstain – None

**RESOLUTION 2019-66** –

**DELAWARE TOWNSHIP**  
**RESOLUTION #2019-66**

WHEREAS, the Delaware Township Tax Collector held a tax sale on June 11, 2019; and

**WHEREAS**, at said sale Tax Sale Certificate #2019-004 for property known as Block 40 Lot 12– 456 Rosemont Ringoes Road, Assessed Owner: Murray, William L & Alisa C was sold to Light Properties LLC, and

**WHEREAS**, a request to redeem TSC#2019-004 was made from Chase Bank; and

**WHEREAS**, payment has been received by the Tax Collector for redemption of TSC #2019-004 in the amount of \$10,087.04;

**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 issue redemption monies of \$10,087.04 and also refund the premium of \$13,000.00 to: Light Properties LLC;

**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,  
Township Clerk  
July 15, 2019

\_\_\_\_\_  
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 #2019-66 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on July 15, 2019.

\_\_\_\_\_  
Jodi McKinney, Clerk

Mrs. Lockwood motioned to approve Resolution #2019-66. 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  
Absent/Abstain – None

**REVIEW OF THE ENVIRONMENTAL COMMISSION RECOMMENDATION FOR AUTHORIZATION FOR TREE WORK TO BE CONDUCTED ON THE WHITE OAK TRAIL**

Mrs. Lockwood stated the Township had previously discussed tree work needed at Dilts Park and the Township did not put enough money in the Budget to cover this additional tree work and mowing of the White Oak Trail.

Ms. Klink stated that line item #114-215 in the Township budget only gives \$1,500.00 to cover tree removal.

Mr. Herman reviewed the two options with the Township Committee.

\$1,225.00 – direct removal of (4) trees

\$2,600.00-day rate for removal of 15 trees, including Ash Trees that are close to the trail.

The Township Finance Committee will review the finances with the Township Chief Financial Officer and report back to the Township Committee on financing the additional request.

Ms. Klink will research the cost of mowing the trail and what this additional cost would be.

### **REVIEW OF THE ENVIRONMENTAL COMMISSION RECOMMENDATION FOR AUTHORIZATION TO RESEARCH THE TOWNSHIP PROVIDING ONE GARBAGE AND RECYCLING RESIDENTIAL HAULER FOR TOWNSHIP RESIDENTS**

The Township Committee discussed the request from the Environmental Commission to research the possibility of the Township using one garbage hauler to collect garbage and recycling for Delaware Township residents.

Ms. Klink stated the request from the Environmental Commission is to research the providers for the service and possible cost. Ms. Klink stated the increase would be added to the resident's tax bill to cover the cost of garbage and recycling costs. Ms. Klink stated this would be one hauler in the Township to help reduce truck pollution.

Mrs. McKinney stated the Township would need to request the question be added as a referendum on the ballot to receive the voters' opinion and willingness to add the additional cost to the residents' tax bills. Mrs. McKinney stated that this service would have to go through the bid process in order for the provider to be chosen if the referendum passes.

Ms. Klink would like to place the question in the newsletter asking who residents are using (for trash pickup) and if they are happy with their service. Ms. Klink will review the information that would be needed and report back to the Environmental Commission and the Township Committee.

Mr. Herman motioned to authorize the Environmental Commission Secretary to do an expository investigation on the Township using one garbage and recycling hauler. Mrs. Lockwood seconded the motion, and members unanimously approved the motion by all in favor vote.

### **REVIEW OF MEETING DATES**

The Township Committee reviewed the meeting dates.

Ms. Klink announced a River Cleanup Day will be held on September 21, 2019 from 8:30 a.m. until 11:30 a.m. Ms. Klink stated the cleanup area of the river will be from Frenchtown and extend to below Lambertville. Ms. Klink stated it is approximately 18 miles. Ms. Klink stated volunteers will be needed for this event.

### **MEETING OPEN TO THE PUBLIC**

Ms. Klink asked if there was any information on the sidewalk repairs that were paved over along Rt. 523.

Mr. Herman stated the Historic Advisory Committee is working with the County Engineer on this issue.

Mr. Cline asked if there is any progress with the flooding that is occurring in the Rosemont area.

Mr. Herman stated he was not able to attend the Historic Advisory Committee meeting this month but that they were working on this issue with the County Engineer. Mr. Herman will receive an update and report back on the findings

### **FINAL COMMENTS OF THE TOWNSHIP COMMITTEE**

Mr. Herman stated the Recreation Commission would like to have fireworks at Dilts Park on September 7, 2019. Mr. Herman stated that the Recreation Commission is currently working on details for this event. Mr. Herman stated this will be on the August 15, 2019 Township Committee agenda for approval. Mr. Herman stated the Recreation Commission is also working on having a Community Block Party event.

Mr. Herman reported the Cellco decision was finalized and the Township has won the appeal.

Ms. Klink stated the Township won the decision and now Cellco has the chance to file a new appeal if they choose to. Ms. Klink stated that if another appeal is not filed and/or the appeal is not overturned then this decision will become a case that will help with other decisions in the future.

Mr. Herman stated the conditions at Dilt's Park have greatly improved. Mr. Herman stated the weeding and grass are looking great. Mr. Herman expressed concerns that the trails were scheduled to be worked on by June 3, 2019 and they have not been started. Mr. Herman stated his frustration that the Township Committee has asked that this project be completed for the last few years and this has still not been started.

The Township Committee discussed the outsourcing of this project or if the project is to remain in-house that it should be completed as soon as possible by DPW.

Mr. Waltman asked Ms. Klink about the status of the illegal kennel.

Ms. Klink stated the applicant has withdrawn the Kennel application and is currently only watching friend's dogs. Ms. Klink stated the application might be resubmitted in the future. Ms. Klink stated the owner currently contacts Mr. Mullin to verify when friend's dogs are going to be at the resident's house and the dates they will be there.

**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 A MATTER OF CONTRACT NEGOTIATIONS FOR SIDEWALK PROJECT
- TO DISCUSS SHARED SERVICE AGREEMENT WITH DELAWARE TOWNSHIP SCHOOL DISTRICT
- TO DISCUSS POTENTIAL ADDITIONAL DPW PERSONNEL POSITION

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:

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Jodi McKinney  
Township Clerk  
July 15, 2019

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

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

**RETURN TO OPEN SESSION**

Mr. Herman motioned to come out of Executive Session. Mr. Kwasnik seconded the motion, and members unanimously approved the motion by all in favor vote.

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

**APPROVAL OF BILL LIST**

Members reviewed and approved the following vouchers for payment for \$2,298,304.90 at the Regular Meeting of the Delaware Township Committee meeting held on July 15, 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 July 15, 2019 vouchers be paid.

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

**ADJOURNMENT**

Members motioned, seconded, and members unanimously approved a motion to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Jodi McKinney, RMC  
Township Clerk

Approved: (August 12, 2019)

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