



DELAWARE TOWNSHIP
COMMITTEE MINUTES
OCTOBER 15, 2019 – 7:30 P.M.

Mayor Joseph Vocke called the regular meeting of the Delaware Township Committee to order on October 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: James Waltman, Susan Lockwood, Charles Herman (7:41), Joe Vocke
Absent: Daniel Kwasnik

APPROVAL OF MINUTES FROM SEPTEMBER 30, 2019 TOWNSHIP COMMITTEE MEETING

Mrs. Lockwood motioned to approve the minutes from the September 30, 2019 Township Committee Meeting. Mr. Waltman seconded the motion.

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

FARMERS MARKET 2019 SEASON UPDATE VOLUNTEER OF THE YEAR

Mr. Anthony Leoni presented an update on the new revamping of the Farmers Market. Mr. Leoni stated the Farmers Market is growing and new vendors are being sought out for the 2020 season. Mr. Leoni thanked the Environmental Commission for helping with promoting programs and encouraged other groups to help bring more attention to the Farmers Market.

The Township Committee discussed other ways to advertise the Farmers Market and promote further growth for 2020.

VOLUNTEER AND EMPLOYEE OF THE YEAR

The Township Committee announced Mr. Anthony Leoni is the Volunteer of the Year for 2019. The Township Committee thanked Mr. Leoni for all his hard work on bringing the Farmers Market new energy and growth.

Mr. Leoni thanked the Township Committee for the honor and thanked the Township for all of their support with revamping the Farmers Market.

The Township Committee announced Mrs. Jodi McKinney received the Employee of the Year award. Mrs. Lockwood stated Mrs. McKinney had big shoes to fill and thanked Mrs. McKinney for all her hard work for the Township.

TOWNSHIP COMMITTEE REPORTS

Energy Aggregation Cooperative

Mrs. Lockwood stated Hopewell has decided to rejoin the Hunterdon County Cooperative Pricing System.

March on Litter

Mrs. Lockwood stated the March on Litter event was well attended and asked Ms. Klink to give a report to the Township Committee

Ms. Klink stated there was 98 participants and the cost of this event has increased as participation has increased. Ms. Klink asked the Township Committee to consider hiring a DPW worker for this event next year. Ms. Klink stated this event covered 14.85 miles and 24 bags of recycling has been collected.

Pipeline Sub-Committee

Mrs. Lockwood stated the Pipeline Sub-Committee has drafted a brief statement requesting Delaware Township receive intervener and objector status in Docket No. RP20-41-000.

Mrs. Lockwood stated PennEast is asking for the reinterpretation of the rules governing eminent domain and an expedited opinion from FERC. Mrs. Lockwood stated FERC grants the authority for eminent domain on the Pipeline Company. Mrs. Lockwood commented that a Federal Court ruling stated a federal agency can take a State property but a private company can't take a State property. PennEast would need to find a Government Agency willing to file for a condemnation proceeding to take State lands.

Mrs. Lockwood motioned to authorize the Pipeline Sub-Committee request for the submission of the brief statement to FERC on behalf of Delaware Township requesting Intervener and objector status. Mr. Waltman seconded the motion, and the members unanimously approved the motion by all in favor vote.

Sidewalk Project

Mr. Herman stated the State has denied an extension for the sidewalk project. Mr. Herman stated the Township has gone out to bid a second time and the project is being broken out in phases instead of the entire project being done at once. Mr. Herman stated the bid opening for the new bid is on October 30, 2019.

DPW

Mr. Herman stated the project on Zentek Road is completed and the payment to the contractor is being held until the contractor fixes road damage on Lambert Road.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

No Comments were made.

ORDINANCE 2019-17 –SECOND READING

DELAWARE TOWNSHIP **ORDINANCE # 2019-17**

AN ORDINANCE AMENDING AND SUPPLEMENTING THE SECTION 230-25C (3) OF THE LAND USE ORDINANCE OF THE CODE OF THE TOWNSHIP OF DELAWARE PERTAINING PERMITTED MODIFICATIONS AND EXCEPTIONS

BE IT ORDAINED by the Mayor and Township Committee of the Township of Delaware in the County of Hunterdon, State of New Jersey that the following amendments shall be made to Chapter 230 of the Code of Delaware Township pertaining to land use. New language is underlined thus. Language

being deleted contains strike-outs ~~thus~~:

Section 1. Section 230-25 "Permitted modifications and exceptions" is amended as follows:

a. Lots conforming to the 1976 Zoning Ordinance. Notwithstanding the provisions of Sections 230-12G(2) and 230-25C(2) above, any residential lot in the A-1, the A-2, the V-1 or the V-2 Zone which was conforming to the provisions of the Zoning Ordinance adopted on November 1, 1976, or was created by subdivision duly approved by the Planning Board since November 1, 1976, may have a building permit issued for new construction or for an addition to an existing permit issued for new construction of an accessory building without an appeal to the Board of Adjustment, provided that the yard requirements are reduced by the same percentage that the lot area bears to the zone district requirements, and except further that no side yard shall be reduced to less than 20 feet, no rear yard to less than 40 feet, and no front yard to less than 15 feet, and provided further, that all other requirements of this chapter have been met.

Section 2. Superseding Ordinance and Inconsistency. This ordinance supersedes any ordinances, sections or portions of the General Ordinances of Delaware Township or any other Township ordinance inconsistent herewith, unless such ordinance contains more stringent standards than this Ordinance, in which case the more stringent standards shall apply. All ordinances or parts of ordinances inconsistent with this Ordinance and less stringent than the standards set forth herein are hereby repealed to the extent of such inconsistency.

Section 3. Renumbering. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

Section 4. Severability. If the provisions 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 effect of invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. Effective Date. This Ordinance shall take effect immediately upon final adoption and publication according to the laws of the State of New Jersey and upon filing with the Hunterdon County Planning Board.

Joseph Vocke, Mayor

ATTEST:

Jodi McKinney, RMC
Township Clerk
September 9, 2019

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held September 30, 2019. It will be considered on second reading for final adoption at a regular meeting to be held October 15, 2019, beginning 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.

Mr. Waltman motioned to open the public hearing on Ordinance #2019-17 to the public, Mr. Herman seconded the motion, and the members unanimously approved the motion by all in favor vote.

Mr. Herman motioned to close the public hearing on Ordinance #2019-17 to the public, Mr. Waltman seconded the motion, and the members unanimously approved the motion by all in favor vote.

Mr. Herman motioned to approve Ordinance #2019-17 on second reading, and Mr. Waltman seconded the motion for second reading by roll call vote.

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

RESOLUTION 2019-86 –

DELAWARE TOWNSHIP
RESOLUTION #2019-86

BE IT RESOLVED by the Township Committee of the Township of Delaware that the first Contract Payment less a 2% retainage fee authorized in accordance with the Messercola Excavating Co. Inc. correspondence dated September 30, 2019, a copy of which is attached for the **Meszaros Road Phase 3 Roadway Project**:

1st Payment	65,202.00
Less Retainage (2%)	(1,304.04)
Amount Due Payment Request final:	\$ 63,897.96

Messercola Excavating Co., Inc.
549 E. 3rd Street
Plainfield, NJ 07060

ATTEST:

Jodi McKinney, RMC
Township Clerk
October 15, 2019

Joseph Vocke
Mayor

I, Diane S. McDaniel, Chief Financial Officer of the Township of Delaware, do hereby certify that funds for this contract are available from General Capital Fund and Current Account.

Diane S. McDaniel, CFO

Mr. Waltman motioned to approve Resolution #2019-86. Mr. Herman seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION 2019-87 –

DELAWARE TOWNSHIP
RESOLUTION #2019-87

BE IT RESOLVED by the Township Committee of the Township of Delaware that the first Contract Payment less a 2% retainage fee authorized in accordance with the Top Line Construction MC Project No. DPT113 correspondence dated October 7, 2019, including Supplemental Item #1 for tree removal, a copy of which is attached for the **Improvements to Whiskey Lane and Boars Head Road**:

1st Payment	520,229.26
Less Retainage (2%)	(10,404.58)
Amount Due Payment Request final:	\$ 509,824.68

Topline Construction
22 Fifth Street
Somerville, NJ 08876

ATTEST:

Jodi McKinney, RMC
Township Clerk
October 15, 2019

Joseph Vocke
Mayor

I, Diane S. McDaniel, Chief Financial Officer of the Township of Delaware, do hereby certify that funds for this contract are available from General Capital Fund and Current Account.

Diane S. McDaniel, CFO

Mr. Waltman motioned to approve Resolution #2019-87. Mr. Herman seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION 2019-88 –

DELAWARE TOWNSHIP
RESOLUTION #2019-88

A RESOLUTION AWARDING A CONTRACT TO MIDAMERICAN ENERGY SERVICES, LLC FOR ELECTRIC GENERATION SUPPLY

WHEREAS, the Township of Delaware and the Hunterdon County Cooperative Pricing System have entered into a Cooperative Pricing Agreement pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, the Hunterdon County Cooperative Pricing System, as the lead agency, has complied with the provisions of the Local Public Contract Law and has awarded a Master Contract for Electric Generation Supply, for Electric Power Supply, (Identification Code #51-HCCPS) under Hunterdon County Bid #2019-12 for a twenty-four (24) month contract beginning with a meter read date of October 2019 and ending September 30, 2021 to MidAmerican Energy Service, LLC, 320 LeClaire Street, Davenport, Indiana 52808 for Bid Group One (1) and One (1) A (attached hereto as Exhibit A); and

WHEREAS, the Delaware Township Committee has elected to opt in for Bid Group 1A; and

WHEREAS, in accordance with the provision of the Cooperative Pricing Agreement, the Township must enter into a formal written contract directly the successful bidder; and

WHEREAS, the Chief Financial Officer has certified that funds are available through certificate of availability of funds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of Delaware Township, County of Hunterdon, State of New Jersey that a contract be awarded for the Electric Generation Supply (Identification Code #51-HCCPS) under Hunterdon County Bid #2019-12 for a twenty-four (24) month contract beginning with a meter read date of October 2019 and ending September 30, 2021, to MidAmerican Energy Services, LLC, 320 LeClaire Street, Davenport, Indiana 52808 for Bid Group 1A.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are authorized to execute said contract documents.

ATTEST:

Jodi McKinney, RMC
Township Clerk
October 15, 2019

Joseph Vocke
Mayor

I, Diane S. McDaniel, Chief Financial Officer of the Township of Delaware, do hereby certify that funds for this contract are available from Current Fund Account.

Diane S. McDaniel, CFO

Mr. Waltman motioned to approve Resolution #2019-88. Mrs. Lockwood seconded the motion, and the members approved the motion by roll call vote.

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

AUTHORIZATION FOR SERGEANTSVILLE VOLUNTEER FIRE DEPARTMENT TO JOIN THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE

Mr. Herman motioned to authorize Sergeantsville Volunteer Fire Department to join the Houston-Galveston Area Council Cooperative. Mr. Waltman seconded the motion, and members unanimously approved the motion by all in favor vote.

AUTHORIZATION FOR BIKEOUT CYCLING EVENT OCTOBER 19TH & 20TH

Mr. Herman motioned to authorize the Special Event Application for Bikeout, LLC. to conduct an event on October 19, 2019 and October 20, 2019. Mr. Waltman 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.

MEETING OPEN TO THE PUBLIC

Mr. Cline asked for confirmation that Resolution #2019-88 was just for Township Facilities and not for the residents.

Mrs. Lockwood stated this is just for the Township facilities and does not include the streetlights or the residents.

Ms. Klink reviewed the findings for the survey on residents using private garbage haulers and the cost. Ms. Klink will research with other local municipalities, that use one hauler, their process for establishing this service for their municipalities.

Mr. Albert Addvensky, 529 Sergeantsville Road, stated the resident at 533 Sergeantsville Road is not maintaining his property. Mr. Addvensky stated the grass is very high and that this resident has only cut his grass twice all season. Mr. Addvensky stated this resident has abandoned items all over the property and the property is becoming a breeding ground for rodents and mosquitoes. Mr. Addvensky stated the County Board of Health has visited this property and the resident emptied wheel barrels full of stagnant water from the front yard but then just moved the wheel barrels to the back of the property. Mr. Addvensky asked the Township Committee to create an ordinance to address property maintenance.

Mr. Herman stated the Township has recently adopted one for abandoned properties but does not have one that addresses property maintenance.

Mrs. Lockwood stated the prior Township Committee many years ago tried to create one but came across many issues when trying to address farms and other rural properties. Mrs. Lockwood stated creating a property maintenance ordinance is very time consuming and it is almost impossible to create property maintenance standards.

Mayor Vocke suggested Township Committee members take turns knocking on this resident's door to help address the lack of grass mowing on this particular property. Mayor Vocke stated when he knocked before on this particular property and spoke to the homeowner the property was mowed shortly after the request.

Mrs. McKinney will ask other local municipalities if they have a property maintenance ordinance and will forward the responses to the Township Committee for review.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

The Township Committee had no final comments.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment for \$921,752.16 at the Regular Meeting of the Delaware Township Committee meeting held on October 15, 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 October 15, 2019 vouchers be paid.

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

Mr. Waltman requested an Executive Session to discuss a legal and personnel matter that needed to be addressed.

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 LEGAL LITIGATION
- TO DISCUSS A PERSONNEL MATTER

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
October 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. Waltman 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.

ADJOURNMENT

Members motioned, seconded, and members unanimously approved a motion to adjourn the meeting at 9:05 p.m.

Respectfully submitted,

Jodi McKinney, RMC
Township Clerk

Approved: (October 28, 2019)

Joseph Vocke, Mayor