



DELAWARE TOWNSHIP
COMMITTEE MINUTES
November 12, 2019 – 7:30 P.M.

Deputy Mayor Charles Herman called the regular meeting of the Delaware Township Committee to order on November 12, 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

Deputy Mayor Herman 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 (called in @ 8:00 p.m.), James Waltman, Susan Lockwood, Charles Herman

Absent: Joe Vocke

APPROVAL OF MINUTES FROM OCTOBER 28, 2019 TOWNSHIP COMMITTEE MEETING

Mrs. Lockwood motioned to approve the minutes from the October 28, 2019 Township Committee Meeting. Mr. Waltman seconded the motion.

Mrs. Lockwood stated for the record the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse does not cost the Township any money and would like this to be noted in the October 28, 2019 minutes under Resolution 2019-92.

Roll Call Vote: Ayes –Waltman, Lockwood, Herman

Nays - None

Absent: Kwasnik, Vocke

TOWNSHIP COMMITTEE REPORTS

IT

Mr. Waltman stated at the last meeting he mentioned a resident stated on Facebook that they received a virus when they visited the Township website. Mr. Waltman spoke to Kevin Eberle from Trinity and Mr. Eberle immediately researched and the conclusion is that there is no issue with the Township Website. Mr. Waltman reassured the residents on Facebook that the Township Website is safe.

Mr. Herman stated Diane Rankin, DTMUA was having issues with posting of agendas and minutes.

Mr. Waltman stated he will contact Trinity and straighten out any DTMUA website issues.

DTMUA

Mr. Herman read a letter from DTMUA to the Township requesting the possible need for snowplowing services by the Township. Mr. Herman stated the DTMUA regular snowplowing service is no longer in business and DTMUA would like the Township DPW to possible snowplow the access roads to the water tower and sewer plant. Mr. Herman stated the DPW has been trying to increase the Township's snow plowing staff and is currently having trouble filling these positions. Mr. Trstensky is concerned about committing to conduct this service for the DTMUA if the Township is not able to fill these snow plowing positions. Mr. Herman stated DTMUA will be researching prices for an outside contractor to perform these duties but if they come back too high DTMUA will be requesting Delaware Township DPW plow for DTMUA.

DILTS PARK - RECREATION

Mr. Herman stated the fire pit at Dilts Park was completed by the Eagle Scout. Mr. Herman stated the next steps are to work with the Sergeantsville Volunteer Fire Department, State of NJ and JIF to obtain the permits needed. Mr. Herman stated the use of the fire pit would be set up as a park rental option by the Recreation Commissions use of facility for Dilts Park.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

No Comments were made.

ORDINANCE 2019-18 – FIRST READING

DELAWARE TOWNSHIP **ORDINANCE # 2019-18**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF DELAWARE PERTAINING TO THE POLICE DEPARTMENT

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 66 of the Code of Delaware Township pertaining to the Police Department:

Section 1. Chapter 66, including all of its sections, 66-1 through 66-20, is hereby deleted in its entirety and replaced with the following provisions, organized into three articles as set forth below:

Chapter 66. Police Department

Article I. Establishment

§ 66-1. Preamble.

The Township Committee has established a police department in order to fulfill the basic government functions of maintaining the peace and providing for the safety of persons within the Township, which is necessary if agriculture, business, and industry are to flourish and if the people are to be secure and happy. The achievement of these goals of public policy requires the institution of certain procedures and practices within the Police Department designed to effectuate efficiency, orderly management, and proper performance of this Department. It is important to the public good that a decent respect and reputation be maintained by the Police Department and that its good name and public standing not be impaired by public doubts or suspicion arising from any outside activity conflicting with police business.

§ 66-2. Department established; composition.

The Police Department of the Township of Delaware shall consist of a Chief of Police and such other officers and employees as the Township Committee may from time to time authorize and appoint. All employees of the Department shall be subject to rules and regulations of the Department, but only sworn officers shall be considered as police officers within the meaning of Chapter 14 of Title 40A of the New Jersey Statutes.

§ 66-3. Appropriate authority.

For purposes of N.J.S.A. 40A:14-118, the Township Committee is hereby declared to be appropriate authority.

§ 66-4. Mission of Department.

The Police Department shall perform all those functions and exercise all those powers authorized by state statute or local ordinance in order to preserve the public peace and to protect life and property.

§ 66-5. Chief of Police.

The Chief of Police shall:

A. Be the executive head of the Police Department, subject to the direction and supervision of the Township Committee, and shall be responsible for the proper and efficient operation of the department and the supervision of its activities.

B. Be responsible for the observance and enforcement of all laws of the state and ordinances within the jurisdiction of the Police Department; the enforcement of the rules and regulations of the Police Department; and shall perform such other duties as shall be prescribed by ordinance or as otherwise directed or delegated by the Township Committee.

C. See that all persons connected with the Department are properly instructed in their duties, and give particular attention to the training and instruction of new members thereof.

D. Have under his control all records and property of the Police Department and designate any member of the Department to prepare these reports and keep the records in such manner as he may prescribe, as well as to take charge of such property and any other property coming into the custody of the Department.

E. Furnish to the Township Committee complete monthly and yearly reports of Police Department matters.

§ 66-6. Rules and regulations.

A. The Chief of Police, with the approval, by resolution, of the Township Committee, shall establish and may, from time to time, amend and repeal such rules and regulations as the Chief may deem necessary for the governance and efficient working of the Department. The rules and regulations, as currently in force, shall be posted permanently on a bulletin board in the police headquarters, and a copy of same and of any subsequent amendment thereto shall be delivered to each member of the Department within five days after adoption. Copies of the current rules and regulations, including any amendments thereto, shall be kept on file in the offices of the Township Clerk and the Chief of Police.

B. No charge shall be brought against any officer for violation of any regulation or amendment thereto which has not been duly promulgated, posted and delivered as herein required.

Article II. General Personnel Policies

§ 66-7. Notice.

The Township Clerk shall be charged with the duty of providing a copy of this article to each member of the Police Department and all officials charged with the responsibility for the orderly functioning of the Police Department in order that they may be made aware of the provisions contained in this article.

§ 66-8. Relationship between this article and the rules and regulations promulgated pursuant to § 66-6 of this Chapter.

This article sets forth certain basic personnel policies relating to uniformed officers in the Police Department and applicants for such positions. Additional and/or

more detailed policies are set forth in the rules and regulations promulgated pursuant to § 66-6 of this Chapter. In the event of any inconsistency between this article and the rules and regulations, the provisions of this article shall control.

§ 66-9. Qualifications for applicants.

Each applicant for a position as a uniformed officer in the Police Department shall meet the requirements established by state law and shall possess a valid New Jersey driver's license.

§ 66-10. Basic requirements for Police Chief and other full-time uniformed personnel.

In addition to such other requirements as may be established by state law, Township Committee resolution, and the rules and regulations promulgated pursuant to § 66-6 of this Chapter, all personnel holding the position of Police Chief or other full-time position as a uniformed officer in the Police Department shall:

A. Oath required. Be required to take an oath of allegiance to the United States and to the State of New Jersey, and an oath to faithfully discharge the duties of such a position.

B. Removal. Be subject to removal from office or other disciplinary actions for violation of any of the rules hereinafter set forth:

- (1) Neglect of duty.
- (2) Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked by his superior officer, the Mayor or the Township Committee of the Township.
- (3) Incompetency or inefficiency in service or incapacity due to mental or physical disability.
- (4) Violation of any lawful and reasonable official regulation or order made and given by his superior officer or obey a reasonable direction when such violation or failure to obey amounts to the insubordination or serious breach of discipline, including but not limited to the following:
 - (a) Failure to wear such uniforms and equipment as shall be prescribed by the Township Committee.
 - (b) Failure while on duty to present a neat, clean and respectable appearance.
 - (c) Unnecessary violence to a prisoner.
 - (d) Sleeping while on duty.
 - (e) Absent from an assigned post or duty without an excuse or failure to properly patrol an assigned area.
 - (f) For making known any proposed action or movement of the Police Department or contents of any order other than to persons immediately concerned in their execution or authorized to receive such information.
 - (g) Publicly commenting upon the official action of a superior officer.
 - (h) Failure to report a known violation of the law or of the ordinances of the Township or accepting a bribe or fee as

consideration either for the performance or nonperformance of his duty.

- (i) Swearing falsely in an application for appointment to the force or to such other paper as requires an affidavit in connection with employment within the Department.
 - (j) Visiting, except on police business, any gambling house or house of ill fame.
- (5) Intoxication while on duty or in a public place while off duty.
 - (6) Conduct unbecoming an officer for the Police Department of the Township.
 - (7) Offensive conduct or language towards the public, to superior officers, or fellow employees.
 - (8) Disorderly or immoral conduct.
 - (9) Willful violation of any of the provisions of the statutes or “applicable state” (statutes, rules or regulations”).
 - (10) Commitment of any criminal act.
 - (11) Negligence of or willful damage to public property or waste of public supplies and equipment.
 - (12) Conviction of any criminal offense or a misdemeanor involving moral turpitude.
 - (13) The use of or the attempt to use the powers and duties of his position to further any private purpose.

D. Full-time status. Be expected to devote full time to his duties within the Police Department and have no outside employment or business pursuits if they are of a conflicting nature with police duties.

§ 66-11. Patrol officers.

The requirements set forth in § 66-9, subsections A, B, and C, shall apply to all patrol officers within the Police Department of the Township.

§ 66-12. Probationary period.

A. Probationary period. All appointments to the Police Department shall be for a probationary period of one year, and no person holding such a probationary appointment as a police officer shall be given or accept a permanent appointment in the Township Police Department unless such person has successfully completed a police training course at an approved school.

B. Grounds for discharging probationary member. At or before the end of the probationary period, the Township Committee may discontinue the service of any such appointee if the working test indicates that the appointee is unable or unwilling to perform the duties of his position satisfactorily or is of such reputation, habits and dependability as not to merit continuance in the police service. Failure to qualify in the use of police weapons, or to obtain a Red Cross first aid certificate, or inability to understand the functioning, application and use of any police equipment, or service rating of less than 70%, shall be sufficient reason for discontinuation of any such appointee, though discontinuance may be made for causes other than those enumerated. In each such case, the Township Committee shall give written notice to the appointee whose service is discontinued of the action taken together with the reasons therefor.

§ 66-13. Conduct of personnel.

A. Members of the Department shall, at all times, observe the rules and regulations promulgated pursuant to § 66-6 of this Chapter.

B. Such rules and regulations shall be dispositive of all matters not set forth in this article in relationship to incapacity and misconduct of members as well as all other areas of behavior, procedure and organization.

C. Any action taken against any officer pursuant to N.J.S.A. 40A:14-147 et seq. shall be based on this article or on the rules and regulations promulgated pursuant to § 66-6 of this Chapter.

§ 66-14. Removal from office; hearing.

All sworn officers appointed to positions in the Police Department shall, upon completion of the probationary period required pursuant to § 66-12 above, hold office during good behavior with efficiency. No member of the Department shall be removed from office for any other cause than incapacity, misconduct, or disobedience of the policies set forth in this article or the rules and regulations promulgated pursuant to § 66-6 of this Chapter, and only after a hearing by the Township Committee.

§ 66-15. Disciplinary action.

In general, department disciplinary authority and responsibility rests with the Chief of Police, and detailed provisions relating to disciplinary action and rule violation are set forth in the rules and regulations promulgated pursuant to § 66-6 of this Chapter. However, for the violation of any of the rules heretofore established, the Township Committee also has the authority to subject a member of the regulated class to lesser penalties, such as reprimand, suspension, deduction in pay, or demotion if, in its opinion, after a review of the facts involved, such lesser disciplinary action than removal from office is in accordance with the nature and aggravation of the offense charged.

§ 66-16. Promotions.

A promotion of any member or officer of the Police Department to a superior position shall be made from the membership of the Police Department. Due consideration shall be given to the member so proposed for the promotion to the length and merit of his service and preference shall be given according to seniority in service. No person shall be eligible for promotion to be a superior officer unless he shall have previously served as a patrolman in the Police Department. A member or officer of the Police Department shall not be promoted until he has served at least three years in the Police Department. The Township Committee may establish promotional examinations to establish eligibility lists at its discretion.

§ 66-17. Use of Police Department vehicles.

Members shall not use any Police Department vehicle without the permission of a superior officer. Police Department vehicles shall never be used for personal business or pleasure. No Police Department vehicle shall be driven beyond the Township limits except in the line of police duty. No member shall leave the keys in an unattended Police Department vehicle. No person shall be permitted to ride in a Police Department vehicle except members of the department, individuals being detained or transported in the course of police business, or other persons specifically approved by a superior officer.

Article III. Mutual Aid Agreement

§ 66-18. Mutual aid agreement for supplemental police protection with other municipalities.

A. N.J.S.A. 40A:14-156.1 has been enacted by legislature authorizing the governing bodies of two or more municipalities to enter into an agreement with each other for municipal police aid in case of emergency. The Mayor and Township Committee of the Township of Delaware, Hunterdon County, New Jersey, believes that it would be in the best interests of residents of said Township for the Township to enter into such an agreement with other municipalities located within Hunterdon County; and a proposed agreement has been submitted between the Township of Delaware, and Township of West Amwell, City of Lambertville, Township of Raritan, Township of

Franklin, Township of East Amwell, Township of Kingwood, Borough of Stockton and Borough of Frenchtown, providing for such mutual aid.

B. The Mayor and Township Committee of the Township of Delaware desires to enter into such agreement.

- (1) Pursuant to N.J.S.A. 40A:14-156.1, the Township enter into the annexed agreement known as “Mutual Aid Agreement” with some or all of the municipalities hereinbefore stated. [Editor’s Note: Said agreement is on file in the Township offices.]
- (2) The Mayor and Township Clerk be and they are hereby authorized and directed to execute said agreement on behalf of the Township.
- (3) This article shall take effect in accordance with law and after some or all of the municipalities set forth in the proposed agreement have adopted ordinances authorizing them to enter into such an agreement.

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 be effective immediately upon adoption and final publication according to law.

Joseph Vocke, Mayor

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held November 12, 2019. It will be considered on second reading for final adoption at a regular meeting to be held November 25, 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 approve Ordinance #2019-18 on first reading, and Mrs. Lockwood seconded the motion for first reading by roll call vote.

Mrs. Lockwood is concerned that this Ordinance might not coincide with the Police Contract. Mrs. Lockwood would like to confirm that the Police Contract mimics this wording in this Ordinance. Mrs. Lockwood stated in the Ordinance it does not stated if the Ordinance will supersede the Delaware Township Personnel Manual and/or the Police Contract. Mrs. Lockwood would like to see wording placed in the Ordinance to clarify this issue.

Mrs. McKinney stated Chief Cane and Attorney Dragan have been working on this addendum and the Police Department Rules and Regulations Manual will be adopted through a Resolution after the Public Hearing and this Ordinance is approved.

Mrs. Lockwood stated this is an addendum to the original Ordinance and would like to confirm how this Ordinance aligns with the Police Contract, Delaware Townships Personnel Manual and the Police Departments Rules and Regulations Manual.

Mr. Herman stated these questions can be addressed before the Public Hearing and the Ordinance is authorized.

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

*****Mr. Kwasnik called into the meeting by phone to cast votes on Financial Ordinances and Resolutions only.**

ORDINANCE 2019-19 – FIRST READING

TOWNSHIP OF DELAWARE
ORDINANCE #2019-19

AN ORDINANCE AUTHORIZING THE PARTICIPATION IN THE PURCHASE AND CONVEYNACE OF PROPERTY DESIGNATED AS BLOCK 12, LOTS 17, 18, 19, AND 22

WHEREAS, the Township of Delaware (the “Township”) wishes to participate with the D&R Greenway Land Trust (“D&R”) in the acquisition and preservation of approximately 60 acres of land designated as Block 12, Lots 17, 18, 19, and 22 on the Township Tax Map, located on Locktown-Sergeantsville Road, and commonly referred to as the “Cisek Property”; and

WHEREAS, the Township has been approved for a \$500,000 Green Acres Municipal Grant Award fund its participation in the acquisition of the Cisek Property; and

WHEREAS, due to the timing of the release of Green Acres funds, it may be necessary for the Township to fund its participation in the acquisition out of the Township’s Open Space Trust Fund, which will be replenished by the Green Acres Grant; and

WHEREAS, upon the closing of the acquisition, the Township will receive the amount of ownership interest in the Cisek Property that is required by the New Jersey Green Acres Program; and

WHEREAS, at or after the closing of the acqution, the Township will transfer its interest in the Cisek Property to D&R for ownership and management of the Cisek Property as part of the larger Plum Brook Preserve; and

WHEREAS, the New Jersey Local Land and Buildings Law, N.J.S.A. 40A:12-3 et seq., requires adoption of an ordinance by the Township to authorize the participation in the acquisition of the Cisek Property and the conveyance of the Township’s interest in the Cisek Property to D&R.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delaware, the County of Hunterdon, as follows:

SECTION 1. The Township is hereby authorized and directed to participate in the acquisition of the Cisek Property as referenced hereinabove and following such acquisition, the conveyance of its interest in the Cisek Property to D&R.

SECTION 2. The Mayor and Clerk are hereby authorized and directed to take all necessary actions and execute all necessary documents, including but not limited to the Cooperative Purchase Agreement, deed of conveyance, HUD-1 settlement statement, affidavit of title, and

such other closing documents, in order to authorize and effectuate both the acquisition of an interest in the Cisek Property and the conveyance of that interest to D&R.

SECTION 3. This Ordinance shall take effect after final passage and publication as prescribed by law.

SECTION 4. If the Township needs to use funds from the Township Open Space Trust Fund in order to pay for its portion of the acquisition, the Open Space Trust Fund will be replenished with the funds received from Green Acres as they are available from the State.

Joseph Vocke, Mayor

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held November 12, 2019. It will be considered on second reading for final adoption at a regular meeting to be held November 25, 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.

Mrs. Lockwood motioned to approve Ordinance #2019-19 on first reading, and Mr. Waltman seconded the motion for first reading by roll call vote.

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

ORDINANCE 2019-20 – FIRST READING

DELAWARE TOWNSHIP
ORDINANCE #2019-20

A CAPITAL ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, AND STATE OF NEW JERSEY TO AUTHORIZE AN EXPENDITURE AND APPROPRIATION FROM THE CAPITAL FUND BALANCE FOR THE PURCHASE OF ROSEMONT RINGOES SIDEWALK PROJECT IN THE AMOUNT OF \$25,000.00.

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

Section 1. Delaware Township needs additional funds to complete the Rosemont Ringoes sidewalk project. Delaware Township hereby authorizes an appropriation and expenditure for the sidewalk project in an amount not to exceed \$25,000.00; and,

Section 2. Total amount to be expended from the capital fund balance for the sidewalk project shall not exceed \$25,000.00.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of

any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This Ordinance shall take effect immediately upon adoption in accordance with the laws of the State of New Jersey.

Joseph Vocke, Mayor

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held November 12, 2019. It will be considered on second reading for final adoption at a regular meeting to be held November 25, 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.

Mrs. Lockwood motioned to approve Ordinance #2019-20 on first reading, and Mr. Waltman seconded the motion for first reading by roll call vote.

Ms. McDaniel stated these funds are due to the project cost being higher than the Township budgeted.

Mr. Herman stated that these funds will help off-set the cost of the project not to exceed \$25,000.00.

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

RESOLUTION 2019-94 –

DELAWARE TOWNSHIP
RESOLUTION #2019-94

WHEREAS, Delaware Township requested proposals for the **Rosemeont Ringoes Sidewalk Project**; and

WHEREAS, three (3) bids were received on October 31, 2019; and

WHEREAS, the bids have been reviewed by the Township Engineer and a recommendation has been made that the contract be awarded to the lowest responsive and responsible bidder under Local Public Contracts Law, **Messercola Excavating, Inc.** and

WHEREAS, The Chief Financial Officer has certified the availability of funds for this project;

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. Authorization for construction of the Rosemont Ringoes Sidewalk project is hereby awarded to **Messercola Excavating, Inc.** as provided in its proposal in the amount of **\$109,601.00 for base bid**. The alternate bid of \$90,499.00 will not be awarded at this time.
2. Messercola Excavating, Inc. shall provide satisfactory proof of insurance and such documentation as requested.

3. The Delaware Township Mayor is hereby directed to sign for and on its behalf the proposal for MC Project No. DPT-099 submitted by **Messercola Excavating, Inc.**

4. The Delaware Township Clerk of this body is hereby directed to seal said proposal with the corporate seal of this body and to attest to the same

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

Charles Herman, Deputy Mayor

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

Diane Soriero McDaniel, CFO

I, Jodi McKinney, Township Clerk, do hereby certify this to be a true copy of a resolution adopted by the Delaware Township Committee on November 12, 2019.

Jodi McKinney, RMC
Township Clerk

Mrs. Lockwood motioned to approve Resolution #2019-94. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote.

Ms. McDaniel stated that this Resolution only awards the base bid (Phase I) and the Township can award the additional alternate bid (Phase II) after Ordinance #2019-20 is approved after second reading at the November 24, 2019 Township Committee Meeting.

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

RESOLUTION 2019-95 –

DELAWARE TOWNSHIP
RESOLUTION #2019-95

BE IT RESOLVED by the Township Committee of the Township of Delaware that the second Contract Payment less a 2% retainage fee authorized in accordance with the Messercola Excavating Co. Inc. correspondence dated November 5, 2019, a copy of which is attached for the **Meszaros Road Phase 3 Roadway Project**:

2st Payment	91,610.69
Less Retainage (2%)	(1,832.21)
Amount Due Payment Request final:	\$ 89,778.48

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

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

Charles Herman
Deputy 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 Account and Current Account.

Diane S. McDaniel, CFO

Mrs. Lockwood motioned to approve Resolution #2019-95. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION 2019-96 –

DELAWARE TOWNSHIP
RESOLUTION #2019-96

WHEREAS, the Township Engineer, by memo dated November 5, 2019 (a copy of which is attached), has recommended the acceptance of a Maintenance Bond under the terms of the contract with Topline Construction for the Whiskey Lane and Boars Head Road Improvement project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the following Maintenance Bond be accepted:

Bond No. CA-3017028M \$ 78,034.39
(Great American Insurance Group)

BE IT FURTHER RESOLVED that the following payment be authorized in accordance with the Township Engineer's memo dated November 5, 2019, a copy of which is attached:

Contractor's Invoice No. 2 Final:

Contract award amount \$632,035.27
Percentage of work completed 100%

Payment Summary:

Total (final) amount of work completed \$520,229.26
Amount paid payment request no. 1 \$509,824.68
Amount due Final Payment Request No. 2 \$10,404.58

Topline Construction
22 Fifth Street
Somerville, NJ 08876

ATTEST:

Jodi McKinney, RMC
Township Clerk
November 12, 2019

Charles Herman, Deputy 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.

Diane S. McDaniel, CFO

Mrs. Lockwood motioned to approve Resolution #2019-96. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote.

Ms. McDaniel stated the projected bid was for \$632,035.27, the final cost of this project was \$520,229.26. Ms. McDaniel stated since the project came in less than the original bid the Township had a \$111,000.00 savings for this road project.

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

BEST PRACTICES DISCUSSION

Ms. McDaniel reported every year the State requires the Municipalities to complete a Best Practice Inventory. Ms. McDaniel stated over the years the State started to penalize the Municipalities if the Municipalities did not score over a certain number of points. Ms. McDaniel stated Delaware Township currently receives \$360,000.00 from the State of New Jersey. Ms. McDaniel stated the State is using the Best Practice Inventory to encourage the Municipalities to comply with standards and as the Municipalities answer yes and comply with the questions the State drops that question from the Best Practice Inventory. Ms. McDaniel stated the Best Practice Inventory is now completed on-line through the Fast Track systems using the same method as the Budget and Audit. Ms. McDaniel and the Township Committee discussed the prospective questions and reviewed the following items that need to be completed in order for the Township to change the following NO answers to YES answers for the 2020 Best Practice Inventory.

Needed to turn our Prospective answers to YES:

1. Review and update employee personnel manual/handbook and then at least every three years. Several questions indicated items that need to be included or updated in our personnel manual. Ms. McDaniel made a list of questions that were answered No that could be corrected in the manual. (Personnel Committee)
2. A resolution establishing a formal policy regarding municipal budget surplus. The resolution would include a written annual goal for the amount of surplus available in support of municipal operations. (Finance Committee)
3. A resolution adopting a capital program meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources). The Township started this with Phoenix advisors but never adopted a resolution. This is different than what is required for the budget. The rating agencies see these policies (2 & 3) as a positive financial control. (Finance Committee)
4. Add “not to exceed” amounts to professional services contracts.
5. Adopt a cybersecurity incident response plan. It appears that one was drafted on 8-23-2019. This needs to be updated and adopted.
6. Employees need to receive ongoing cybersecurity training. JIF may offer classes and the cybersecurity/personnel manual could include cybersecurity training as a requirement of all employees.

Ms. McDaniel stated Delaware Township scored a 38 and the minimum was 30 for 2019. Ms. McDaniel stated the Best Practices Inventory had 53 scored questions and 31 unscored questions totaling 84 questions.

2019 DELAWARE RIVER CLEAN-UP REVIEW

Ms. Klink reviewed the 2019 Delaware River Clean-up report. Ms. Klink reported the following:

The clean-up covered 43.9 miles on both sides of towpath, 102 participants total including Lambertville and West Amwell participants. They collected 48 bags of trash, 11 bags of recycling, 4 bags of scrap metal and 5 bags of bulk debris, 15 tires, 1 blue barrel, 4 metal pipes, and 2-20 foot sections of sewer pipe.

REVIEW OF MEETING DATES

The Township Committee reviewed the meeting dates.

Mrs. McKinney requested if anyone has any items to be added to the agenda for the November 25, 2019 Township Committee meeting to please send the request via email since Mrs. McKinney will be at the NJ League Conference next week. The deadline for these items will be Wednesday, November 20, 2019 at 12:00 p.m.

Mrs. McKinney and the Township Committee discussed the December 23, 2019 Township Committee meeting for the bill list and end of the year financial items only. Ms. McKinney will contact Mayor Vocke and Mr. Kwasnik to see their availability for 8:00 a.m. on December 23, 2019.

Mrs. McKinney confirmed with the Township Committee members that the Delaware Township Reorganization meeting will be January 2, 2020 at 6:30 p.m.

MEETING OPEN TO THE PUBLIC

Ms. Klink stated there is an orange cone at the intersection of Meszaros Road and Ferry Road over the end of a pipe. Ms. Klink asked if this is a permanent item or if this issue will be repaired.

Mr. Herman will contact Mr. Trstensky to discuss this matter and will report back the findings.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mrs. Lockwood reported the next Newsletter has gone to the County for publication.

Mr. Waltman stated a Township Baseball player, won best player at a Cal Ripken Tournament that was held this weekend. Mr. Waltman requested an announcement be placed in the first 2020 edition of the newsletter congratulating him on this great achievement.

Mr. Herman stated the Historic Advisory Committee will be removing the decaying Delaware Township sign in front of the Municipal Building. Mr. Herman stated the Historic Advisory Committee will be seeking someone to restore this wooden sign.

Mr. Herman stated there are two additional payments on the bill list for two residents for the Sidewalk project that were part of the easement negotiations. Mr. Herman stated the sidewalk easements have all been completed and there is a preconstruction meeting next week.

Mr. Herman thanked all the Veterans for their service and the participants at the Saturday, November 9, 2019 Veterans service, held at the Delaware Township Municipal Building. Mr. Herman stated Senator Michael Doherty attended this event. The Township Committee discussed ways to promote this event for 2020.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment for \$2,640,344.10 at the Regular Meeting of the Delaware Township Committee meeting held on November 12, 2019. Mr. Waltman 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 November 12, 2019 vouchers be paid.

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

ADJOURNMENT

Members motioned, seconded, and members unanimously approved a motion to adjourn the meeting at 8:26 p.m.

Respectfully submitted,

Jodi McKinney, RMC
Township Clerk

Approved: (November 25, 2019)

Charles Herman, Deputy Mayor