



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
October 26, 2020 – 7:30 PM

Deputy Mayor James Waltman called the regular meeting of the Delaware Township Committee to order on October 26, 2020 at 7:30 PM. Deputy Mayor Waltman announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat, Trenton Times, Courier News and the Star Ledger, was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 3, 2020.

PLEDGE OF ALLEGIANCE

Deputy Mayor Waltman led those in attendance in the pledge to the nation's flag.

ROLL CALL

Present: Deputy Mayor James Waltman, Committee Members Daniel Kwasnik, Susan Lockwood and Joseph Vocke along with Township Clerk Maria Andrews and Township Attorney Joseph Tauriello. It was noted for the record that Mayor Herman was participating in portions of the meeting via cell phone.

EXECUTIVE SESSION

Approval of Resolution #2020-80: To Enter into Executive Session for the Purpose of Discussing Personnel Matters and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take 30 minutes/Regular meeting to begin at approximately 8:00 PM. Action may be taken.*

A motion by Lockwood, seconded by Vocke to approve Resolution #2020-80 and enter into Executive Session was unanimously approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes, Herman: Yes

Resolution #2020-80

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Personnel and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 30 minutes. Action may be taken.
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Lockwood, seconded by Vocke to return to Open Session was unanimously approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes, Herman: Yes

It was noted for the record that the Committee was in Executive Session from 7:30 PM – 8:09 PM.

ANNOUNCEMENTS

- The November 3, 2020 Election is an “ALL PAPER Election” Ballots can be:
 1. Mailed via the United States Postal Service
 2. Placed in a Secure Ballot Drop Box
 3. Deliver Your Ballot in Person to the County Board of Elections Office
 4. Bring Your Ballot (*no one else’s*) to the Polling Location on Election Day

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Lockwood, seconded by Vocke to approve the Committee’s 10/13/20 Regular and Executive Session minutes with no revisions noted was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Deputy Mayor Waltman updated the Committee on the Sanford Road signage noting that Chief Cane indicated the Township’s speed study must be utilized in order to determine whether or not the speed limit should be lowered. He also clarified that the outcome is established by conducting a “statistical analysis” which means the determination may not necessarily result in a lower speed limit. Committeewoman Lockwood commented that if that is the case the Committee can simply indicate that there is no justification to lower the speed limit.

OPEN TO THE PUBLIC

Deputy Mayor Waltman opened the floor to public comment for any items not listed on the agenda.

Chuck Cline of 139 Upper Creek Road spoke up asking Committeewoman Lockwood to give an update on the recent Pipeline Meeting. It was noted that they are trying to get additional data on the “blow downs” occurring at the Enbridge Compressor Substation. Mr. Cline commented that he believes the levels are higher than what is allowed under the NJDEP guidelines and remarked that he hasn’t been able to get any information under the Open Public Records Act (OPRA) requests he’s made.

With regard to the ground water report update, Mr. Cline commented that an Ordinance has been submitted to the Planning Board for review.

Lastly, Mr. Cline suggested that a speed study on Sanford road be done at the curves, rather than the straight-a-ways. Deputy Mayor Waltman remarked that it is the straight-a-ways that are monitored, not the curves.

Kathy Klink spoke up on behalf of the Recycling Committee noting she reached out to all of the Committee Members about being Road Captains on clean-up day. Committeewoman Lockwood stated she will be happy to participate.

Seeing no other members of the public come forward, Deputy Mayor Waltman closed the floor to public comment.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing: Ordinance #2020-08 – AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING ORDINANCE #2019-21 AND #2020-07 ESTABLISHING MUNICIPAL SALARY & COMPENSATION BY RANGES

Deputy Mayor Waltman read Ordinance #2020-08 by title.

**DELAWARE TOWNSHIP
ORDINANCE #2020-08
MUNICIPAL SALARY AND COMPENSATION RANGES**

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING ORDINANCE #2019-21 AND #2020-07 ESTABLISHING MUNICIPAL SALARY AND COMPENSATION BY RANGES

Section 1. The following new stipends shall be added to the list of Delaware Township salary ranges in Ordinance #2019-21:

ADD:

Stipend for Taking on Extra Duties (To Cover a Vacant Position)	\$150.00 - \$250.00 /monthly
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Meeting Coverage \$225.00/per meeting
(For a Vacant Position or Special Meeting)

Section 2. This Ordinance shall take effect immediately after final passage and publication according to law.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Deputy Mayor

A motion by Lockwood, seconded by Vocke to open the floor to public comment on Ordinance #2020-08 was approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Kathy Klink of 155 Ferry Road asked if the compensation reflected in Ordinance #2020-08 is pensionable. CFO Diane McDaniel who was in attendance at tonight's meeting clarified that only "salary" is pensionable, not the stipends reflected in the ordinance.

Seeing no other members of the public come forward, a motion by Lockwood, seconded by Vocke to close the floor to public comment was unanimously approved by voice vote.

A motion by Lockwood, seconded by Vocke to adopt Ordinance #2020-08 was approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

APPROVAL OF RESOLUTIONS #2020-77, #2020-78 & #2020-79

A motion by Lockwood, seconded by Vocke to approve the following resolutions by consent agenda was approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Resolution #2020-77

WHEREAS, the Delaware Township Committee has set "TRICK OR TREAT" night for 2020 to be held on Saturday, October 31, 2020; and

WHEREAS, pending executive orders establish that social distancing and proper hygiene should be adhered to following the Center of Disease Control and Prevention guidelines and best practices; and

WHEREAS, it is the desire of the Delaware Township Committee to discourage loitering and wanton and malicious damage in the Township; and

NOW THEREFORE BE IT RESOLVED, that the Delaware Township Committee wishes to set a 10:00 PM curfew on October 31, 2020 during which time, all persons under the age of eighteen (18), unless accompanied by an adult responsible for them, must be off the streets and public ways of Delaware Township. Parents are advised and reminded that they and their children will be held responsible for the actions of said juveniles in the manner provided by law.

CERTIFICATION

I, Maria Andrews, Township Clerk of Delaware Township, County of Hunterdon, State of New Jersey do hereby certify that the foregoing resolution is a true and exact copy of the resolution adopted by the Delaware Township Committee at a meeting held on October 26, 2020.

Maria Andrews, Township Clerk, RMC

James Waltman, Deputy Mayor

Kathy Klink spoke up from the public asking if mischief night should be included in the resolution. Committeewoman Lockwood commented that the Township has never included it in the past.

Resolution #2020-78

TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SUPPORT FOR AN APPLICATION TO THE STATE AGRICULTURAL DEVELOPMENT COUNCIL FOR FARMLAND PRESERVATION GRANT FUNDS FOR FY2022

WHEREAS, the State of New Jersey created the Agriculture Retention and Development Act in 1983 (C.4:1C-11 et seq) allowing for the preservation of appropriate farmland; and

WHEREAS, the State of New Jersey established the Planning Incentive Grant Act in 1999 (NJSA 4:1C-43.1) to provide grants to eligible municipalities to purchase agricultural easements. These grants come with certain requirements, such as a Farmland Preservation Plan as part of the municipality's Master Plan, a Right to Farm ordinance, a dedicated funding source such as an Open Space Tax and an Open Space Trust Fund, and establish an Agricultural Advisory Committee; and

WHEREAS, the Township of Delaware created an Open Space Tax in 1996 with a tax of \$0.02 per \$100.00 of assessed value of real property located in the Township. This tax was increased in 2001 to \$0.04 per \$100.00 of assessed value of real property located in the Township, and increased again in 2006 to \$0.06 per \$100.00 of assessed value of real property located in the Township; and

WHEREAS, the Township of Delaware has followed all the requirements as part of the SADC Municipal Planning Incentive Grant Program such as the Open Space Tax and Open Space Trust Fund, as well as a Right-to-Farm ordinance, a Farmland Preservation Plan element of the Master Plan and the creation of an Agricultural Advisory Committee; and

WHEREAS, the Township of Delaware has actively preserved farmland since 1999, preserving a total of 5,000 acres within the past 21 years; and

WHEREAS, there are certain properties within the Township of Delaware for which the owners of have expressed an interest to place their properties within the farmland preservation program; and

WHEREAS, continued investment in open space and farmland preservation is vitally important to the Township of Delaware, as it enhances the local economy, safeguards its remaining natural and agricultural resources, and contributes to the quality of life for Delaware Township residents; and

WHEREAS, the Township of Delaware anticipates on preserving more than 1,000 acres through the State Farmland Preservation Program and will need to make an application to the State to receive such preservation funds;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Delaware endorses and supports the annual application being made to the State Agriculture Development Council for anticipated Farmland Preservation in 2022; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Deputy Mayor

CERTIFICATION

I, Maria Andrews, 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 a resolution adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on October 26, 2020.

Maria Andrews, Township Clerk, RMC

Resolution #2020-79

**RESOLUTION OF THE TOWNSHIP OF DELAWARE, COUNTY
OF HUNTERDON, STATE OF NEW JERSEY TO AUTHORIZE APPLICATION
FOR THE COUNTY'S COVID-19 MUNICIPAL GRANT PROGRAM**

WHEREAS, the ongoing COVID-19 public health emergency has shouldered municipal governments in Hunterdon County with unanticipated costs ranging from the acquisition of personal protective equipment (PPE), employee overtime costs, retrofitting of public spaces, and the acquisition of cleaning materials; and

WHEREAS, the Hunterdon County Board of Chosen Freeholders has created the Hunterdon County COVID-19 Municipal Grant Program in order to assist municipalities to cover the unanticipated costs of the public health emergency; and

WHEREAS, the Township of Delaware has experienced unanticipated costs associated with the public health emergency including but not limited to the acquisition of personal protective equipment (PPE), and the acquisition of cleaning materials; and

WHEREAS, the Township Committee wishes to submit their grant application for funding in accordance with the standards set forth in the County Resolution 2020-584 by November 30, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Township of Delaware authorizes the submission of Delaware's application to the Hunterdon County COVID-19 Municipal Grant Program; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to prepare and execute any and all documents necessary to apply for the grant.

CERTIFICATION

This is to certify the above is a true copy of a Resolution adopted by the Township Committee of the Township of Delaware at a meeting of said Township Committee conducted on October 26, 2020.

Maria Andrews, Township Clerk, RMC

NEW BUSINESS/OTHER

Discussion: Board of Health Budget Request

Present for the discussion were Board of Health Chairman Michael Textores and Vice Chair Katie Hooven. Chairman Textores explained there was a recent situation where people renting a home in the Township were involved in stealing puppies and upon their arrest it became known they had several of their own dogs that needed to be taken care of while they were incarcerated. Since the couple refused to relinquish rights to the animals, the Township is now responsible for a \$5715.00 bill for housing the animals under the Township's current animal control services contract.

Vice Chair Hooven explained the Board of Health needs a budget for such matters and also commented on the possible need for a facility to be able to house large farm animals. She noted the importance of establishing a contract that somehow limits the Township's financial responsibility to house animals for extended periods of time. Attorney Tauriello suggested the matter be discussed further in Executive Session and noted he will make sure Chairman Textores and Vice Chair Hooven are aware of the outcome.

OPEN TO THE PUBLIC

Deputy Mayor Waltman opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeewoman Lockwood reminded everyone that the deadline for the next Bridge newsletter is 10/31/20.

APPROVAL OF THE BILL LIST

A motion by Lockwood, seconded by Vocke to approve payment of the \$3,549,897.93 bill list was approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

EXECUTIVE SESSION: Approval of Resolution #2020-81: To Enter into Executive Session for the Purpose of Discussion Contracts and Potential Litigation and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take approximately 30 minutes. Action may be taken.*

A motion by Lockwood, seconded by Vocke to approve Resolution #2020-81 and enter into Executive Session was unanimously approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes, Herman: Yes

Resolution #2020-81

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Contracts and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 30 minutes. Action may be taken.
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

Maria Andrews, Township Clerk, RMC

A motion by Lockwood, seconded by Vocke to return to Open Session was unanimously approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes, Herman: Yes

It was noted for the record that the Committee was in Executive Session from 8:50 PM – 9:29 PM.

Upon returning to Open Session a motion was made by Lockwood and seconded by Vocke authorizing Mayor Herman to make Tiffany Crivelli the offer of the position of Delaware Township Deputy Clerk consistent with the terms discussed in Executive session. The motion was unanimously approved by roll call vote.

Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes, Herman: Yes

ADJOURNMENT

A motion by Vocke, seconded by Lockwood to adjourn the meeting was approved by voice vote.

The meeting adjourned at 9:30 PM.

Maria Andrews, Township Clerk, RMC

Charles Herman, Mayor

Approved: 11/9/20