



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
December 13, 2021 – 7:30 PM

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on December 13, 2021 at 7:30 PM. 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 21, 2021.

Mayor Waltman asked for a moment of silence for everyone in the Midwest dealing with the loss of life and property due to the recent tornadoes.

PLEDGE OF ALLEGIANCE

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

ROLL CALL/AGENDA REVIEW

Present: Mayor James Waltman, Deputy Mayor Joseph Vocke, Committee Member Charles Herman, Susan Lockwood along with Township Clerk Maria Andrews and Township Attorney Joseph Tauriello.

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Herman, seconded by Lockwood, to approve the Committee's 10/12/21 Regular and Executive Session minutes with no revisions noted was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeewoman Lockwood noted that open space finished reviewing their target list of farms for possible preservation. She also commented that Open Space is waiting on feedback regarding the NJDEP's Blue Acres Program.

With regard to the PennEast Pipeline, Committeewoman Lockwood stated some people reached out to FERC regarding PennEast's license about to expire and they indicated PennEast will not be renewing it so the pipeline project will be officially "dead."

Committeeman Herman noted the Recreation Committee is out judging the Holiday Light Contest this evening with the winner expected to be announced next week. He also commented on the tremendous success the Tractor Parade was. He remarked that the Recreation Committee has done a phenomenal job planning some amazing events during the past year. Mayor Waltman echoed this sentiment.

Mayor Waltman noted he had called the County about the covered bridge and asked when the falling clapboard pieces are expected to be repaired. He commented the County said in 2023 but that he is hoping to convince them the bridge must be fixed sooner than that.

Next Mayor Waltman noted that he and Chief Cane will be reaching out to the County Commissioners regarding obtaining approval to reduce the speed limit on Route 523 to 25 mph between Severns Way and Delaware Drive.

Township Engineer Adam Wisniewski gave the following update on Township roads damaged during Hurricane Ida:

1. Lower Creek Road repairs are almost complete for the season with NJDEP approved seed to be planted with stabilizing fabric installed.

2. The area of Rose Creek and Chickahominy will also be stabilized with Black Willow trees planted in the Spring of 2022.

3. Along Sandbrook Headquarters Road, the bank has been restored in the area above the schoolhouse with plants expected to be put in, in the Spring.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment for any items listed on the agenda.

Joe Wiley of 37 Lambert Road expressed gratitude for the road repairs and update. He requested Engineer Wisniewski look into Sycamore tree plantings and commented they are native species and don't drop branches like the Black Willows.

John Grimm of 87 Sandbrook Headquarters Road stated he still needs help cleaning up his property. Mayor Waltman commented he is trying to get some volunteers together to assist Mr. Grimm.

Kathy Klink of 155 Ferry Road suggested the 25 mph limit be extended to Ferry Road rather than stopping at Delaware Drive.

Jan Weber of 37 Buchanan Road commented that she believes there are issues with the current Animal Control provider because no one knows exactly what their job responsibilities are. She suggested when a provider is appointed for 2022 that they sit down with the Board of Health and Police Chief and establish clear duties.

Valerie Tucci of 21 Sandy Ridge Road asked who is responsible for addressing dogs off leash at Dilts Park? Mayor Waltman clarified that Chief Cane said dogs off leash should be reported directly to the Police Department.

Lori Stagnitto of Lambertville Animal Welfare commented that in most towns the Animal Control Officer addresses dogs running off leash.

Abrie English of 47 Locktown School Road asked that the practice of keeping animals in crates for extended periods of time by the Animal Control Officer be stopped.

Dr. Chadd Tindall of 39 Upper Creek Road clarified that animals being held at his facility are kept in spacious runs and after the holding period they are placed in homes for adoption or fostering. Dr. Tindall cited a 98% success rate, noting it was higher than the State average.

Joey Cooper of 45 Hamp Road came forward and expressed an interest in farming the Township owned property on Higgins Farm Road known as Block 42 Lot 3.02.

Michael Textores of 92 Dunkard Church Road came forward stating he is the Board of Health (BOH) Chairman and noted many of the people in attendance at this evening's meeting have come to the BOH meetings to discuss their concerns regarding the Animal Control Service. He commented the Board will have a conversation with the Police Chief so everyone is clear on exactly what their responsibilities are concerning animal control.

Gayle Conover of 60 Covered Bridge Road commented that Vollers Engineering did a great job repairing Lower Creek Road and asked if part of the \$450,000 grant the Township received could be used to repair the covered bridge. Mayor Waltman stated he will be speaking with the County regarding the clapboard siding on the bridge.

Seeing no other members of the public who wished to speak, Mayor Waltman closed the floor to public comment.

APPROVAL OF RESOLUTIONS

It was noted for the record that Tax Collector Gooding requested Resolution #2021-95 be tabled.

APPROVAL OF RESOLUTIONS #2021-96, #2021-98, #2021-99 and #2021-100

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

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

Delaware Township Resolution #2021-96 DPW Stipend

WHEREAS, 2021 has provided difficult and unique challenges associated with Hurricane IDA ("IDA"); and,

WHEREAS, Delaware Township wishes to acknowledge the hard work of its DPW employees during those difficult times as a result of damages caused by IDA.

NOW, THEREFORE, BE IT RESOLVED, that Delaware Township Committee for the Township of Delaware, Hunterdon County New Jersey authorizes a one-time stipend in the total amount of \$250.00 for each of its DPW employees in calendar year 2021. This one-time stipend is in response to IDA and is not to be construed as a change or amendment to the compensation of its employees

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, 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 Resolution #2021-95 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on December 13, 2021.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2021-98
SOMERSET COUNTY JOINT INSURANCE FUND RESOLUTION TO JOIN**

WHEREAS, the Somerset County Joint Insurance Fund ("Fund") is a joint insurance fund formed pursuant to N.J.S.A. 40A:10-36 et. seq., and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the Fund provides insurance coverage to its participating members consistent with its Bylaws, Risk Management Plan and the statutes and administrative regulations governing local unit insurance funds; and

WHEREAS, the statutes governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a fund; and

WHEREAS, the Fund's Bylaws and Risk Management Plan have been reviewed and approved by the New Jersey Department of Banking and Insurance and the Department of Community Affairs; and

WHEREAS, the Township of Delaware, (hereinafter referred to as "Local Unit") has determined that membership in the Fund is in its best interest; and

WHEREAS, the Local Unit has never defaulted on claims if self-insured and has not been canceled for non-payment of insurance premiums for two (2) years prior to this Resolution, and;

WHEREAS, the Local Unit agrees to be a member of the Fund for a period of three (3) years, effective upon approval of the Fund, said membership to terminate on January 1, 2025 at 12:01 AM Standard Time;

NOW THEREFORE, BE IT RESOLVED on this 13 day of December, 2021, that the Local Unit does hereby resolve and agree to become a member in the Somerset County Joint Insurance Fund for the purpose of obtaining all types of coverage offered by the Fund, effective January 1, 2022.

- a. Commercial General Liability Insurance, including Law Enforcement
- b. Liability & Emergency Responder Liability; Employee Benefits Liability,
- c. Automobile Liability Insurance;
- d. Workers' Compensation and Employer's Liability;
- e. Property, Inland Marine, Mobile Equipment, Boiler & Machinery, and
- f. Automobile Physical Damage (specified & scheduled vehicles);
- g. Educator's Legal Liability or Public Entity Liability & Employment Practices Liability;
- h. Non-Owned Aircraft Liability (specified & scheduled drones);
- i. Crime Coverage
- j. Pollution Coverage
- k. Student Blanket and Educator's Medical Professional Liability, if applicable
- l. 1100859.1 11/02/2017

BE IT FURTHER RESOLVED THAT Local Unit is authorized and directed to execute any and all written agreements necessary for membership in the Fund, including but not limited to the Indemnity and Trust Agreement, in order to implement membership by the Local Unit in the Fund according to its Bylaws and the statutes and regulation governing joint insurance funds.

Attest:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

(SCJIF Representative)

Delaware Township Resolution #2021-99
SOMERSET COUNTY JOINT INSURANCE FUND INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT, is made this 13th day of December, 2021 by and between the Somerset County Joint Insurance Fund ("Fund") and the Governing Body of the Township of Delaware hereinafter referred to as ("Local Unit, and/or Member"),

WHEREAS, the Fund seeks to provide its members with insurance coverage; and

WHEREAS, N.J.S.A. 40A:10-36 et. seq., and the regulations enacted pursuant thereto allow local units of government to join together to establish a joint insurance fund; and

WHEREAS, the Department of Banking & Insurance and Department of Community Affairs approved the Fund effective January 1st, 1994; and

WHEREAS, the Local Unit has agreed to become a member of the Fund in accordance with and to the extent provided in the By-Laws of the Fund and in consideration of such obligations and benefits to be shared by the membership of the Fund.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Local Unit hereby agrees to be a member of the Fund for an initial period of three (3) years, the commencement of which shall coincide with the effective date of the Local Unit's membership of the Fund.
2. The Local Unit hereby ratifies and affirms the Indemnity and Trust Agreement, By-Laws and other organizational and operational documents of the Fund as from time to time may be amended by the Fund and/or the Department of Banking and Insurance in accordance with the applicable statutes and administrative regulations as if each and every one of said documents were executed contemporaneously herewith.
3. The Local Unit agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. The Local Unit agrees that as a member of the Fund, the Local Unit must purchase all types of coverages offered by the Fund which are applicable to the Fund Member, including all the types of insurance listed in the Resolution to Join, attached hereto and incorporated herein.
5. The Local Unit certifies that it has never defaulted on claims if self-insured and has not been canceled for non-payment of insurance premiums for two (2) years prior to this Resolution.
6. In consideration of the membership in the Fund, the Local Unit agrees that it shall jointly and severally assume and discharge the liabilities of each and every member of the Fund, all of whom as a condition of membership in the Fund shall execute a verbatim counterpart of this Agreement and, by execution hereof, the full faith and credit of the Local Unit is pledged to the punctual payment of any sums which shall become due to the Fund in accordance with the By-Laws thereof. However, nothing herein shall be construed as an obligation of the Local Unit for claims and expenses which are not covered by the Fund, or in any amount which exceeds the Fund's limit of liability.
7. If the Fund in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorneys' fees and/or court costs, the Local Unit agrees to reimburse the Fund for all reasonable expenses, fees, and costs on demand.

8. The Local Unit and the Fund agree that the Fund shall hold all monies, in excess of the individual Local Unit's retained loss fund, paid by the Local Unit to the Fund as fiduciaries for the benefits of Fund claimants.
9. The Fund shall establish separate Trust Accounts for each of the following categories of risk and liability, if applicable.
 - a. Commercial General Liability Insurance, including Law Enforcement Liability & Emergency Responder Liability; Employee Benefits Liability,
 - b. Automobile Liability Insurance
 - c. Workers' Compensation and Employer's Liability;
 - d. Property, Inland Marine, Mobile Equipment, Boiler & Machinery and Automobile Physical Damage (specified & scheduled vehicles);
 - e. Educator's Legal Liability or Public Entity Liability & Employment Practices Liability and Medical Professional Liability, if applicable The Fund shall maintain Trust Accounts aforementioned as in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40:5-1, and such other statutes and regulations as are applicable to joint insurance funds. More specifically, each of the aforementioned separate Trust Accounts shall be utilized solely for the payment of claims, allocated claims expense and excess insurance or reinsurance premiums for each such risk or liability.
10. The Local Unit is authorized and directed to execute the Resolution to Join and other such documents signifying membership in the Fund as are required by the Fund's By-Laws.
11. Each Local Unit who shall become a member of the Fund shall be obligated to execute this Agreement.

Attest:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

(SC)IF Representative)

**Delaware Township Resolution #2021-100
Award of Contract A & K Equipment Company for Two (2) Electric Stainless-Steel Hopper
Spreaders in The Amount of \$13,186.00 (Under N.J. State Contract #A88273)**

WHEREAS, the Delaware Township Road Department needs two salt spreaders; and

WHEREAS, exemptions from competitive bidding are allowed for items/services purchased through New Jersey State approved Contract and

WHEREAS, the Township Committee of the Township of Delaware has determined A & K Equipment Company Inc. under the N.J. State Contract A88273 provides the Township with the most competitive price for these items/services;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the following purchase be authorized through the utilization of N.J. State Contract #A88273:

Unit Price

TWO (2) Electric Stainless Steel Hopper Spreaders	\$13,186.00
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A & K Equipment Company Inc.
221 Wescott Drive
Rahway, NJ 07065

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, 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

APPROVAL OF RESOLUTION #2021-97

A motion by Vocke, seconded by Lockwood to approve Resolution #2021-97 was approved by roll call vote with Committeeman Herman abstaining.

Lockwood: Yes, Vocke: Yes, Waltman: Yes

**Delaware Township Resolution #2021-97
Rittenhouse Road Project**

Final Payment / Change Order / Release of Professional Bond / Acceptance of Maintenance Bond

WHEREAS, the Township Engineer, has recommended the release of the performance bond and acceptance of a two (2) Year Maintenance Bond effective 12/13/2021 under the terms of the contract with Topline Construction for the Rittenhouse 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-4033782M (eff 12/31/2021) \$29,369.48

(Great American Insurance Group)

(Replacing Great American Insurance Group Bond NO. CA-4033782 in the amount of \$185,012.86)

BE IT FURTHER RESOLVED, that the following payment be authorized in accordance with the Township Engineer's recommendation:

Contract award amount \$185,012.86

CHANGE ORDER #1 +\$10,783.64

Total (final) amount of work completed \$195,796.50

Percentage of work completed 100%

Amount paid payment request no. 1 \$195,796.50

Topline Construction

22 Fifth Street

Somerville, NJ 08876

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, 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

NEW BUSINESS/OTHER

DISCUSSION ON 2022 RE-ORGANIZATION MEETING DATE

It was noted the Township Committee Re-organization will be Tuesday evening, January 4, 2022 at 6:30 PM.

APPROVAL OF 2022 JUNKYARD LICENSE RENEWAL FOR GERMAN AUTO BODY

A motion by Herman, seconded by Vocke to approve the 2022 junkyard license for German Auto Body was unanimously approved by roll call vote.

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

DISCUSSION/APPROVAL OF SHARED SERVICES JOINT COURT AGREEMENT WITH EAST AMWELL AND FRANKLIN TOWNSHIPS

A motion by Herman, seconded by Lockwood to approve the Shared Services Joint Court Agreement with East Amwell and Franklin Townships was unanimously approved by roll call vote.

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

DISCUSSION/APPROVAL OF HUNTERDON COUNTY FEMA FLOOD MITIGATION ACQUISITIONS AND MAINTENANCE GRANT OPPORTUNITY

A motion by Herman, seconded by Lockwood to support Delaware Townships continued participation in Hunterdon County FEMA (Blue Acres) buyout program when properties are destroyed was unanimously approved by roll call vote.

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

DISCUSSION ON EVERSTREAM SOLUTIONS, LLC AND PLANET NETWORKS REQUEST FOR ACCESS TO PUBLIC RIGHT-OF-WAYS

It was noted for the record that Attorney Tauriello requested these matters be tabled and put on next month's agenda in order to give him time to review the proposals.

DISCUSSION/APPROVAL OF L. SAUER, G. CONOVER, S. BUCHANON, G. HINESLEY AND V. TUCCI TO STORMWATER SUBCOMMITTEE

A motion by Herman, seconded by Vocke to appoint only Leslie Sauer, Gayle Conover, Seth Buchanan and Valerie Tucci to the Stormwater Subcommittee was not approved by roll call vote.

Herman: Yes, Lockwood: No, Vocke: Yes, Waltman: No

A motion by Lockwood, seconded by Vocke to appoint Leslie Sauer, Gayle Conover, Seth Buchanan, Gary Hinesley and Valerie Tucci to the Stormwater Committee was unanimously approved by roll call vote.

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

DISCUSSION: POSTING SPEED LIMIT SIGNAGE ON HAMP ROAD

Attorney Tauriello commented that he had drafted an ordinance but that Deputy Clerk Crivelli had indicated it could not be introduced until the speed limit was decided upon. It was noted the Committee indicated 25 mph was what should be in the Ordinance.

DISCUSSION/APPROVAL OF REQUEST FROM SHADE TREE COMMISSION

Mayor Waltman commented that the Shade Tree Commission has requested the dead Ash trees at Dilts Park, along the playground area be cut down. It was noted for the record that the Committee agreed the trees should be removed. Mayor Waltman indicated he would speak with DPW Director Trstensky regarding the trees.

DISCUSSION/APPROVAL OF 2022 ANIMAL CONTROL SERVICES CONTRACT

It was noted for the record that Attorney Tauriello advised the Committee this matter should be moved to executive session for discussion.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment.

Jan Weber of 37 Buchanan Road came forward again and noted the Board of Health Secretary suggested any interaction anyone has with the Animal Control Service should be documented with the Board of Health so they can stay apprised of any issues.

Joe Wiley of 37 Lambert Road came forward again and asked if the Township was eligible for FEMA reimbursement for any of the roadwork that was done and he thanked the DPW for their hard work. Mayor Waltman commented that the Township will likely be eligible for either 75% restoration reimbursement or 90% mitigation reimbursement.

Chuck Cline of 139 Upper Creek Road came forward and asked if there was any consideration given to decreasing the speed on Sandford Road. Mayor Waltman commented that the "S" curve should be marked.

Next, Mr. Cline asked if the Township plans to renew their license agreement with ZOOM noting the Board of Adjustment will likely be holding hybrid meetings into 2022. Mayor Waltman remarked that he will reach out to the I.T. Subcommittee and recommend the Township renews their ZOOM agreement. He also stated he has been looking into some type of live streaming capability without public participation.

Kathy Klink came forward again and commented the Stormwater Subcommittee wanted to have an Environmental Committee member on the subcommittee and suggested Committeewoman Lockwood consider being Chairwoman.

Lori Stagnitto came forward again and asked when the animal control services discussion will take place. Mayor Waltman explained whatever action the Committee takes in executive session will be discussed upon returning to open session.

Gayle Conover of 60 Covered Bridge Road came forward again commented that people have to drive slower than 25 mph on the “S” curves on Sanford Road.

Diana Garabaldi of 142 Sandy Ridge Road came forward and thanked the Committee for the signage reminding people not to let their dogs run off leash. She also commented that the ordinance should require leashes to be less than 6 feet long.

Al Addvensky of 529 Sergeantsville Road came forward and asked about the status of the property maintenance ordinance. Attorney Tauriello indicated he was still working on it.

John Kafarski of 137 County Route 579 came forward and stated the Environmental Committee would like to build a community garden.

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

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeewoman Lockwood wished everyone Happy Holidays and a Happy New Year.

Committeeman Herman commented that whatever action the Committee takes regarding the Animal Control Service contract, it will be done with consideration given to the recommendation of the Board of Health. He remarked the members on that Board have served many years and have a tremendous amount of knowledge. Mayor Waltman added that the recommendation was well thought out by both the Board of Health and the Police Department.

Mayor Waltman thanked Committeeman Kwasnik for his service and expressed how much he will be missed. Mayor Waltman then acknowledged that he is looking forward to working with new Committeeman Chad Bower who was present at the meeting.

APPROVAL OF THE BILL LIST

A motion by Herman, seconded by Lockwood to approve payment of the \$460,745.83 bill list was unanimously approved by roll call vote.

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

EXECUTIVE SESSION: Approval of Resolution #2021-101: To Enter into Executive Session for the Purpose of Discussing Personnel Matters, Contracts, Litigation and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take approximately 30 minutes. Action may be taken.*

A motion by Herman, seconded by Vocke to approve Resolution #2021-101 and enter into Executive Session was unanimously approved by roll call vote.

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

Resolution #2021-101

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.

Approved: January 19, 2022