



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
April 12, 2021 – 7:30 PM
Via Zoom

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on April 12, 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 5, 2021.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Herman, seconded by Vocke, to approve the Committee's 3/8/2021 Regular minutes as revised, and 3/8/2021 Executive Session meeting minutes was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeewoman Lockwood remarked that the Open Space Committee will follow the same hiring procedure – that they will review and make a recommendation to the Township Committee for the Open Space Coordinator position. She stated that as of March 15, 2021 they wanted to extend the application process for another three weeks. Committeewoman Lockwood also noted that the Pipeline Subcommittee put forward a letter for the Mayor about concerns under the Department of Environmental Protection.

Committeeman Kwasnik noted that he did not follow up if bushes had been trimmed at Dunkard Church Road. Committeeman Kwasnik stated that DPW has started mowing at Dilt's Park, cleaning up sticks as well as getting everything operating for the season. Mayor Waltman inquired if they plan to grade/rake Woreman Road. Committeeman Kwasnik said he would look into it.

Committeeman Herman noted that the Recreation Commission held a special meeting a few weeks ago for the Shade Tree Committee and the Environmental Commission to have input on the future of Dilt's Park. They discussed long term projects versus short term projects. Committeeman Herman stated that DPW made an assessment of the courts and noted the basketball is worse and needs resurfacing. Other short-term projects discussed were widening the sidewalk by the playground and Field of Dream and, approval of a walking trail for the Reimer property. Long term projects that were discussed were for updating the bathrooms, repair/replace the Snack Shack, grant funding for the playground expansion for handicap equipment, hiring a park planner for the layout of the park. Committeeman Herman also noted that the Easter Bunny was a huge success!

Committeeman Herman also noted that the Township Hall renovations are moving along. Committeeman Herman also remarked that the Personnel Subcommittee recommended going back to the old system of tracking and logging the use of fuel at DPW for accounting purposes since many various departments utilize the pumps.

A motion by Herman, seconded by Lockwood to start utilizing a Gas Log was approved by roll call vote.

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

Mayor Waltman noted that an 18-wheeler had caused significant damage to a historic bridge on Yard Road over the weekend. The bridge is owned by Hunterdon County and they are aware and will be repairing it.

OPEN TO THE PUBLIC

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

Hearing no members of the public speak up, Mayor Waltman closed the floor to public comment.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction on Ordinance No. 2021-04

Mayor Waltman read Ordinance No. 2021-04 by title.

Delaware Township

Ordinance No. 2021 – 04

**A CAPITAL ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, AND
STATE OF NEW JERSEY TO AUTHORIZE AN EXPENDITURE AND APPROPRIATION FROM
CAPITALIMPROVEMENT FUND IN THE AMOUNT OF \$35,000.00
FOR THE RENOVATIONS TO TOWN HALL.**

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 has a need to renovate the existing Township Building to include windows, counters and other alternations to protect the public and employees from the public health hazard created by Coronavirus disease 2019 (“COVID-19”).

Section 2. Delaware Township hereby authorizes an appropriation and expenditure for the renovation of the Township Building in an amount not to exceed \$35,000.00; and,

Section 3. Total amount to be expended from Capital Improvement Fund to make improvements to the Municipal Building shall not exceed \$35,000.00.

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

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held April 12, 2021. It will be considered on second reading for final adoption at a regular meeting to be held May 10, 2021, 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.

A motion by Herman, seconded by Vocke to move forward with a public hearing on Ordinance #2021-04 was approved by roll call vote.

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

RESOLUTIONS

Delaware Township Resolution #2021-29

**RESOLUTION TO AUTHORIZE PARTICIPATION IN THE SHBP/SEHBP
FOR DENTAL PLAN COVERAGE**

BE IT RESOLVED,

1. The Township of Delaware, a participating employer in the SHBP/SEHBP, hereby elects to participate in the Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer, we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.

- 3. As the employer, I understand that the employer is responsible for at least 50 percent of the dental premium.
- 4. We hereby appoint Diane Soriero McDaniel to act as Certifying Officer in the administration of this program.
- 5. This resolution shall take effect immediately and coverage shall be effective as of 4/1/2021, or as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Certified

I, Maria Andrews, Clerk of the Township of Delaware, County of Hunterdon, do hereby certify this to be a true copy of a Resolution adopted by the Township of Delaware, 570 Rosemont Ringoes Road, Sergeantsville, NJ 08557, 609-397-3240 on April 12, 2021.

EIN 22-6001744 Number of Employees _____

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-30
2020 Tax Appeal Resolution**

WHEREAS, the Tax Assessor of the Township of Delaware Township has determined that action is required as a result of the 2020 tax reductions granted by the Hunterdon County Board of Taxation;

WHEREAS, the Tax Assessor has certified to the foregoing as well as to the amount of the tax cancellations, which are set forth along with the name and address of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware Township that the required tax cancellations be made:

2020 Tax Reductions Granted by the Hunterdon County Board of Taxation

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellation</u>
17	11	McFadden	\$1,743.52
61	15	Strauss	\$1,325.08
13	21.02	McDaid	\$4,636.48
39	16.01	Sullivan	\$3,391.48
58	8.06	Carnevale	\$7,408.04
14	6	Bengivenga	\$1,704.78

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: April 12, 2021

**Delaware Township Resolution #2021-31
Ammunition for Annual Qualifications for Off Duty Firearms**

WHEREAS, the Chief of Police of the Delaware Township Police Department of the Township of Delaware, Hunterdon County, New Jersey, request that the Township of Delaware authorizes an increase in budget for line item #01-201-25-117-231 for the year 2021, which will not affect the overall budget;

WHEREAS, the increase in budget is needed for ammunition for the annual firearms qualifications in compliance with N.J.S.A. 2C:39-6j;

WHEREAS, this ammunition is for the Delaware Township Police Department sworn officers to qualify with their off duty 9mm firearms to be able to continue to protect and serve;

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that the following be approved:

Purchase From:
Eagle Point Gun
1707 3rd Street
West Deptford, New Jersey 08086

Amount Not to Exceed:
\$500

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: April 12, 2021

**Delaware Township Resolution #2021-32
Refund Tax Payment**

WHEREAS, a payment was received from the homeowner to pay 2021 1st quarter taxes, for Block 31 Lot 12.03, property address: 37 Sanford Road, Stockton, NJ 08559;

WHEREAS, the mortgage company also paid 1st quarter taxes in the amount of \$2,196.85 on 2/4/21;

WHEREAS, Chase Bank is requesting a refund of \$2,196.85 be sent back to them as the property owner is a non-escrow account and;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee authorize the Delaware Township Treasurer to refund \$2,196.85 to:

Chase Bank
3001 Hackberry Road
Irving, TX 75063-0156

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Danene L. Gooding, CTC, Tax Collector

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 #2021-32 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-33
2021 Court Salaries**

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to set 2021 salaries for Municipal Court employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that the 2021 annual salaries for Shared Court employees retroactive to January 1, 2021 unless noted differently are established as follows:

Municipal Court

Magistrate (1/2 share) Edward Martin, Esq. \$15,449.00
(Includes Franklin Share\$4,594.00)

Prosecutor John Lanza \$17,772.00
(Includes Franklin Share\$4,594.00)

Court Violations Clerk (1/2 share) Catherine Adamo (Starting 5-14-19)
\$17.69/Hr

Public Defender (**Contracted Service**) Stanley Troy
\$1,873.00
(Includes Franklin Share\$572.00)

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: April 12, 2021

**Delaware Township Resolution #2021-34
General Revenue - Drunk Driving Enforcement**

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$7,039.32.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Drunk Driving Enforcement

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-35
2021 Deferred School Tax – Delaware Township School**

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the governing body of the Township of Delaware, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Delaware Township School District is \$4,374,959.00.

NOW THEREFORE BE IT RESOLVED that the Mayor and Committee of the Township of Delaware, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$2,099,980.32 of school taxes as permitted by the aforementioned regulation; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-36
2021 Deferred School Tax – Hunterdon County Regional High School**

WHEREAS, regulations of the State of New Jersey provide for the deferral of school taxes in an amount not to exceed fifty percent of the annual school tax levy when such taxes are raised on a fiscal year basis (school year July 1 through June 30); and

WHEREAS, said taxes subject to deferral have not been requisitioned by or paid to the school district; and

WHEREAS, it is the desire and intent of the governing body of the Township of Delaware, County of Hunterdon, to avail the Township of the deferral as permitted by regulations promulgated by the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs; and

WHEREAS, fifty percent of the school tax levy of the Hunterdon Central Regional High School District is \$2,399,075.50.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Committee of the Township of Delaware, County of Hunterdon, hereby authorize the Chief Financial Officer of the Township to defer \$1,103,574.73 of school taxes as permitted by the aforementioned regulation; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Chief Financial Officer of the Township and the Director of the Division of Local Government Services, Department of Community Affairs.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC
Approved: April 12, 2021

**Delaware Township Resolution #2021-37
General Revenue – Body Armor Replacement Fund**

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$929.68; and

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Body Armor Replacement Fund

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-38
General Revenue – Share of Court Costs – Franklin Township**

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$34,000.00.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Share of Court Costs-Franklin Township

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

Delaware Township Resolution #2021-39
General Revenue – Clean Communities Program Grant

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$21,583.11.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Clean Communities Program Grant

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

Delaware Township Resolution #2021-40
General Revenue – Recycling Tonnage Grant

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$3,472.22.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Recycling Tonnage Grant

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-41
General Revenue - ANJEC Open Space Stewardship**

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$1,000.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

ANJEC Open Space Stewardship

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-42
General Revenue - Reserve for Payment of Debt**

WHEREAS, the Township of Delaware desires to anticipate as an item of general revenue with prior written consent of the Director of Local Government Services in the amount of \$190,000.

THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Delaware that the prior written consent of the Director of Local Government Services be requested to include as an item of general revenue in the 2021 Budget under the following caption:

Reserve for Payment of Debt

BE IT FURTHER RESOLVED, that TWO certified copies of this Resolution be forwarded to the Office of the Director of Local Government Services.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-43
Local Budget Examination**

WHEREAS, NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 5:30-7.2 thru 7.5 the Township of Delaware has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2019 budget year, so now therefore

BE IT RESOLVED, by the Governing Body of the Township of Delaware that the in accordance with NJAC 5:307.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to NJSA 40A:4-78b and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:307.6.

Diane McDaniel, CFO

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

**Delaware Township Resolution #2021-44
Opposing New Jersey State Assembly and Senate Forest Management Bills A-4843/S-3549, A-4844/S-3550 and A-4845/S-3548**

WHEREAS, Forest Stewardship Plans (FSPs) approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), are exempt from all regulations of the Highlands Regional Master Plan including logging and water body rules; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4843/S-3549, which would require local governments to develop FSPs for all public forest land of 25 acres or more owned by the municipality that had been acquired for conservation and recreation under the Green Acres Program; and

WHEREAS, the FSPs would need to be researched, developed and submitted by a trained Forester and the Municipality, at the Municipality's cost; and

WHEREAS, bill A-4843/S-3549 does not provide any funds for compliance and, therefore, amounts to an unfunded mandate; and

WHEREAS, the financial pressure caused by this unfunded mandate would force the Municipality to consider and institute one or more actions, each of which would have one or more negative impacts on the fiscal, environmental and social health of the community. Among those potential actions are, increasing taxes, reducing services, reducing Municipal employees and engaging heavily in the logging of our public land which would also expose our forest ecosystems to invasive plant and insect species, while risking degradation of our soil and water quality, which would force the Municipality to incur additional costs to provide clean water to residents and commercial entities within the Municipality; and

WHEREAS, non-profit land trusts that also manage land in Delaware Township for public enjoyment, that struggle to secure adequate funding for land stewardship would be at a loss to pay for the preparation and implementation of required FSPs which could result in bankruptcy and/or loss of their land; and

WHEREAS, the FSPs required under A-4843/S-3549 are not the appropriate approach for protecting New Jersey's forests, nor enhancing the ecosystem services; clean water, clean air, flood mitigation, carbon sequestration they afford us. When written and reviewed by foresters these stewardship plans typically emphasize logging and the extraction of wood products, which is a drastic measure and is not appropriate management for most if not all public forests; and

WHEREAS, FSPs would allow all Delaware Township public land of 25 acres or more, to be logged and otherwise managed, with no public or other municipal recourse; and

WHEREAS, logging will reduce New Jersey's ability to sequester carbon and make it more difficult to achieve the greenhouse gas emissions reductions target in the NJ Global Warming Response Act; and

WHEREAS, logging will result in more stormwater runoff and more silt and pollution in our waterways while also causing environmental damage to wetlands, waterways, and forest habitats. Logging will limit access to public forested land; and

WHEREAS, logging will contribute to long-term degradation of local hiking trail networks by introducing new avenues for illegal off-road vehicles and ATVs to access public land, exacerbating a severe problem, which NJDEP and Park Police are already struggling to control; and

WHEREAS, logging would diminish the recreational experiences of both residents and tourists, the former could lose property values while the latter are important to the economic health of the Municipality; and

WHEREAS, tourists of Delaware Township can easily opt to visit neighboring parks across the NY State line, where aggressive logging is not practiced.

WHEREAS, should the State of NJ or any other public or private entity provide funds for FSPs and eliminate the unfunded mandate issue, Delaware Township still opposes A-4843/S-3549 for all the other reasons stated herein; and

WHEREAS, the New Jersey State Senate and Assembly have introduced bill A-4844/S-3550, which provides that municipal approval is not required for FSPs. The bill would also prohibit a local government unit from enacting any ordinance, rule, or resolution that requires local government approval of an FSP or that conflicts with, prevents, or impedes the implementation of an FSP approved by the DEP. The bill would also provide that the DEP's rules would supersede any municipal ordinance adopted prior to the effective date of this bill; and

WHEREAS, Current law (Section 6 of P.L.2009, c.256 (C.13:1L-34) states: No local government unit may enact, on or after the date of enactment of P.L.2009, c.256 (C.13:1L-29 et al.), any ordinance, rule, or resolution, as appropriate, that conflicts with, prevents, or impedes the implementation of a forest stewardship plan approved pursuant to section 3 of P.L.2009, c.256 (C.13:1L-31). A-4844/S-3550 extends these restrictions to any ordinance, rule, or resolution that requires local government approval of a forest stewardship plan. Therefore, this bill ensures that all forest stewardship plans required under companion bill A-4843/S-3549 are included in this set of already highly restrictive limits on municipalities and prevents them from having any control over NJDEP FSPs; and

WHEREAS, current law already restricts municipal oversight of NJDEP approved FSPs but has not impacted many municipalities as FSPs are not required and municipalities manage open space land through local ordinances. The enactment of A-4843/S-3549 will replace many ordinances with FSPs and many municipalities will lose total control over their forested lands and be unable to stop them from being logged; and

WHEREAS, there are no penalties associated with damages caused by FSPs. Replacing ordinances with FSPs would take away the authority of local governments to ensure private companies or individuals are not impacting environmentally sensitive areas or threatened or endangered species or creating disturbances close to stream corridors; and

WHEREAS, bill A-4844/S-3550 is a violation of home rule principles and the principles behind municipal land use laws throughout New Jersey's legislative and judicial history; and

WHEREAS, bill A-4845/S-3548 sets a Statewide goal of conducting prescribed burns on a minimum of 50,000 acres in the Pinelands area, and an additional 10,000 acres elsewhere in the State, every year; and

WHEREAS, bill A-4845/S-3548 requires burning about 6% of New Jersey's entire public forested land every year (In 17 years an area equivalent to all of New Jersey's public forests will have been burned); and

WHEREAS, there is no supporting scientific justification offered for burns of the magnitude required by bill A-4845/S-3548. Requiring a burn of 10,000 acres anywhere in the state outside the Pinelands is irresponsible, dangerous, costly, and wholly without merit; and

WHEREAS, decisions to conduct controlled forest burns of specific sizes should be based on scientific analysis of specific situations in specific areas each year and not predetermined for all time by law; and

WHEREAS, burning forests increases greenhouse gas emissions and air pollution, both of which are already significant problems throughout New Jersey; and

WHEREAS, the Prescribed Burns Act does not properly address air pollution and it limits liability if these fires get out of control; and

WHEREAS, controlled burns are expensive to execute and bill A-4845/S-3548 also causes additional expenditures by requiring all relevant State agencies involved in environmental planning and land use management to incorporate the yearly minimum burns into all plans, programs, and surveys.

NOW, THEREFORE, BE IT RESOLVED that the municipality and town council of Delaware Township, in the interest of protecting its residents, businesses and institutions, and controlling its public open spaces to optimize its value as a source of recreation and public enjoyment, as of April 12, 2021, strongly opposes New Jersey State Assembly and Senate Forest Management Bills A-4843/S-3549, A-4844/S-3550 and A-4845/S-3548.

Be it further resolved, that the Delaware Township Clerk shall forward this Resolution to

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection
- State Senator Bob Smith
- State Assembly Speaker Craig Coughlin
- State Senator _____ (senator for Municipality)
- State Assemblypersons _____ and _____
- New Jersey Forest Watch (newjerseyforestwatch@gmail.com)
- Hunterdon County Commissioners and Administration
- League of New Jersey Municipalities
- NJ Advance Media

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, hereby certify that the foregoing is a true copy of the Resolution Approved by the Mayor and Township Committee of the Township of Delaware at their meeting on April 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: April 12, 2021

Committeewoman Lockwood recused herself. A motion by Herman, seconded by Vocke to approve Resolutions #2021-44 was approved by roll call vote.
Herman: Yes, Kwasnik: Yes, Lockwood: Recused, Vocke: Yes, Waltman: Yes

Delaware Township Resolution #2021-45
Appointment/Salary of Construction Official Thomas A. Petto

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to amend Resolution 2021-27 2021 salaries for all Township employees not covered under collective bargaining agreements; and

WHEREAS, there exists a need to appoint a Construction, Building Subcode and Fire Subcode Official; and

WHEREAS, Thomas A. Petto holds the required New Jersey licenses for the positions list above.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that Thomas A. Petto is appointed as the Construction, Building Subcode and Fire Subcode Official at the 2021 annual salary for the following Delaware Township Position is established as follows effective 01-01-2021:

BUILDING DEPARTMENT

Construction Code Official, Fire Protection Subcode Official, Fire Protection Inspector, Building Subcode Official, Building Inspector, Substitute Mechanical Inspector	Thomas A. Petto	\$25,000.00
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ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: April 12, 2021

A motion by Herman, seconded by Vocke to approve Resolutions #2021-31-43 and Resolution #2021-45 were approved by roll call vote.
Herman: Yes, Kwasnik: Yes, Lockwood: No, Vocke: Yes, Waltman: Yes

NEW BUSINESS/OTHER

Mayor Waltman noted there was a special event application for the FJCC Farmland Ride on 6/13/2021.

A motion by Lockwood, seconded by Herman to approve the special event was unanimously approved by voice vote.

Mayor Waltman noted a second special event application was received for a fundraising cycling event for the National Psoriasis foundation on 5/15/2021.

A motion by Lockwood, seconded by Vocke to approve the special event was unanimously approved by voice vote.

Mayor Waltman asked if the Township Committee should consider in-person meetings so the public can attend. Committeewoman Lockwood stated that as long as it conforms to the State laws, people should be able to make their own decisions. Mayor Waltman noted that we can still offer the zoom option, but also allow residents who would rather attend in person with proper protocols in place

do so. Committeewoman Lockwood noted that people are still trying to get the vaccine, and should hopefully have them by June. Committeewoman Lockwood then inquired on what the protocols look like for opening up Town Hall again. Committeeman Herman noted that he agreed with Mayor Waltman to implement in person meetings with the option to Zoom for residents. Committeeman Herman also noted that the building renovations are coming along and soon the Tax and Clerk's office will have Plexiglas windows. He advised that they should first speak with the staff on their concerns before re-opening. Since the start of COVID, there have been no complaints from the residents as they have been very patient. Deputy Mayor Vocke and Committeeman Kwasnik both agreed with everything stated. Mayor Waltman decided that the next meeting will be hybrid.

A motion by Herman, seconded by Vocke to have the May 10th meeting in person was approved by roll call vote.

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

Mayor Waltman noted that the Raritan and Lambertville Rescue squads contacted him about the possibility of being the only service providers to Delaware Township. Committeeman Herman recused himself from this discussion. Their reasoning Raritan and Lambertville Rescue wants to be the only provider was that they stated that they have certain medications that Alexandria Rescue does not. Mayor Waltman stated that this has not been verified yet but will be looked into. Mayor Waltman noted that Raritan and Lambertville Rescue are the primary providers and that they do charge the residents for EMS calls whereas Alexandria Rescue does not. Mayor Waltman spoke with Chief Cane of the Delaware Township Police Department who stated there is no reason to reduce coverage and having three providers is better than two. Committeewoman Lockwood agreed with what Chief Cane stated. Committeeman Kwasnik stated not to fix what is not broken, but he is interested to see if in fact one is better equipped than the other. Deputy Mayor Vocke stated that he also agreed with all that was said. Mayor Waltman remarked that he would confirm whether or not Alexandria Rescue is not as equipped and if so what they do not have and this can be revisited if warranted. Committeeman Herman suggested wording that would allow the ability to change and utilize the funds that are there for other use. Committeewoman Lockwood stated that there should be a percentage on things. Committeewoman Lockwood noted that Hunterdon County has a formula they use for funding for certain items such as historic, preservation, etcetera and that it is important to know how much is available for purchase agreements with residents. Mayor Waltman stated this funding would also allow the ability to pay down debts, maintain township owned property such as Dilt's Park, and purchase properties. Committeeman Herman agreed with Mayor Waltman and Committeewoman Lockwood about implementing a number or percentage language for budgeting matters. Committeeman Herman noted that the Township can learn from Hunterdon County and surrounding towns who have voted for this. Deputy Mayor Vocke and Committeeman Kwasnik both agreed that it is a good approach and can benefit everyone.

Mayor Waltman inquired about potentially putting the Open Space Referendum on the November ballot for maintaining Township owned property, Historical properties, etcetera. Mayor Waltman noted that it is not a mandate if voted 'yes', but simply an option available to utilize funds if needed. Committeeman Herman noted that Hunterdon County put it on the ballot and it overwhelming passed and that Delaware Township residents voted for it.

Mayor Waltman noted a request from the DTMUA to approve Tim Soltis as First Alternate replacing Steven Toy and Appoint Steven Toy as a Member, filling a vacant position.

A motion by Herman, seconded by Vocke to approve the appointments was unanimously approved by voice vote.

Mayor Waltman noted a request from the Sergeantsville Volunteer Fire Company to approve Joseph R. Opdyke as an active member.

A motion by Lockwood, seconded by Herman to approve Joseph R. Opdyke as an active member was unanimously approved by voice vote.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment.

Jess Stahl, of 38 Dunkard Church Road, noted to Committeeman Kwasnik that nothing was done yet on Dunkard Church Road concerning the hedges, but hopeful that it would be soon. She also stated that she loved the idea of hybrid meetings as an option for people who cannot always attend in person.

Ms. Stahl then inquired if there was any more discussion on the cannabis ordinance and what the Township may allow. Ms. Stahl noted that she is not opposed to a warehouse type facility. Township Attorney Tauriello noted that the ordinance was done and should be introduced soon. Ms. Stahl also commented on the need for maintaining the facilities at Dilt's park. She also inquired if there was a number of acres the township would like preserved. Committeewoman Lockwood noted that every year a list is made for the State of things the township would like to acquire and that this is a State requirement. Ms. Stahl inquired if this was available to the public. Committeewoman Lockwood stated that she believed so, but would have to check with the Open Space Committee.

Leslie Sauer, of 679 Rosemont Ringoes Road, stated that she appreciated that the Township opposed the proposed forestry bill and that she was happy about the discussion on the Open Space Referendum. She believes the approach is a good one.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeeman Herman noted that the Eagle Scouts will be at Dilt' park to work on the lower trail by the Spring House. He stated that Kathy Klink and DPW Director Trstensky had walked the trail and noted there were a lot of trees and debris. Mr. Trstnsky advised DPW can remove the trees by the end of May then stone can be put down and the bridge can be refurbished.

Committeeman Herman stated that he would discuss with the Planning Board to waive the process for Locktown Church since it is a township owned property as well as look into using some funding to support the efforts of the work being done for improvements.

Committeewoman Lockwood stated that she is currently working on the newsletter that will be out June 1st. There is a deadline of April 30th for anything that needs to be included in the newsletter.

Committeewoman Lockwood also stated that she spoke with Mary Lyons from the Board of Education who is working on a Green Team for the school.

Committeeman Kwasnik stated that he would speak with DPW Director Trstensky about Dunkard Church Road and Woreman Road.

APPROVAL OF THE BILL LIST

A motion by Lockwood, seconded by Vocke to approve payment of the \$436,038.53 bill list was unanimously approved by roll call vote.

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

It was noted for the record that Committeewoman Lockwood and Deputy Clerk Crivelli signed off the meeting at this time.

EXECUTIVE SESSION: Approval of Resolution #2021-46: To Enter into Executive Session for the Purpose of Discussing Contracts and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take approximately 1 hour. Action may be taken.*

A motion by Herman, seconded by Vocke to approve Resolution #2021-46 and enter into Executive Session was unanimously approved by roll call vote.

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

Resolution #2021-46

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, Personnel Matters, and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 1 hour. 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 Herman, seconded by Vocke to return to Open Session was unanimously approved by roll call vote.

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

It was noted for the record that the Committee was in Executive Session from 9:50 PM – 10:11 PM.

ADJOURNMENT

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

The meeting adjourned at 10:15 PM.

Tiffany Crivelli, Deputy Clerk

James Waltman, Mayor

Approved: May 10, 2021.