



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
May 10, 2021 – 7:30 PM
In Person and via Zoom

Deputy Mayor Vocke called the regular meeting of the Delaware Township Committee to order on May 10, 2021 at 7:30 PM. Deputy Mayor Vocke 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

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

ROLL CALL

Present: Deputy Mayor Joseph Vocke, Committee Members Charles Herman and Susan Lockwood along with Township Clerk Maria Andrews, Deputy Township Clerk Tiffany Crivelli, CFO Diane McDaniel, Township Auditor William Colantano and Township Attorney Joseph Tauriello.

PROCLAMATION

A PROCLAMATION HONORING

Robert H. Kleckner

ON HIS RETIREMENT AS PERC TEST WITNESS

WHEREAS, we are here today to express our appreciation to Robert H. Kleckner and honor him for his distinguished 35-year career with the Delaware Township Board of Health and dedicated service to the residents of Delaware; and

WHEREAS, Robert H. Kleckner worked for the Delaware Township Board of Health as the primary PERC Test Witness;

NOW, THEREFORE, BE IT PROCLAIMED that Delaware Township Committee and the Delaware Township Board of Health, on behalf of the citizens of Delaware Township and fellow employees, want to express our sincere appreciation to Robert H. Kleckner;

BE IT FURTHER PROCLAIMED that the Delaware Township Committee and the Delaware Township Board of Health expresses its appreciation to Robert H. Kleckner for 35 years of faithful and dedicated service and wish him much happiness as he begins this exciting new chapter in his life;

NOW, THEREFORE, BE IT RESOLVED that the Delaware Township Committee, in the County of Hunterdon, in the State of New Jersey, hereby honors

ROBERT H. KLECKNER

on his retirement from the Delaware Township Board of Health of the primary PERC Test Witness.

Duly Adopted on this 10th day of May 2021.

Joseph Vocke, Deputy Mayor

Maria Andrews, Township Clerk, RMC

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Herman, seconded by Lockwood, to approve the Committee's 4/5/2021 Special Meeting and 4/12/2021 Regular minutes was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Deputy Mayor Vocke stated that a truck struck a pole on County Route 523 and knocked out the power and took down cable lines in the area a few days ago. He noted the subject was located and charged.

Committeewoman Lockwood noted that the Open Space Committee had a recommendation to fulfill the vacant position of Open Space Coordinator, but was unsure as to why it was not on the agenda. She stated that the chair of the Open Space Committee would like the position filled as soon as possible and that the committee is also looking for an At-Large member due to a vacant spot created by a resignation.

Committeewoman Lockwood stated that the Pipeline was being heard in the Supreme Court.

OPEN TO THE PUBLIC

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

Jess Stahl of 38 Dunkard Church Road inquired about the Township Committee's stance on the Cannabis ordinance. Ms. Stahl asked why the Township was opting out and felt that the Township would be missing out on revenue.

Chuck Cline, 22 Reading Road, stated that the Township could opt in at any time with the new ordinance that is being introduced. Mr. Cline also noted that the tax could not exceed 2% for cultivation and 1% for wholesale.

Ms. Stahl stated that East Amwell is looking into microbusiness options and looking into laws and taxes. She stated they formed a Marijuana Sub-Committee and have done research.

Committeewoman Lockwood stated that the proposed cannabis ordinance is well drafted and the Township does not have enough information to say for sure if this is something they want but that the current proposed ordinance allows the township to opt in at any time. Committeewoman Lockwood noted that for now, the Township would like to wait and see as well as being interested in how the local farmers feel.

Deputy Mayor Vocke stated the Township may be more acceptable of growing versus selling in the future. Committeewoman Lockwood noted that this does not mean that the Township is currently pro or con, but would rather wait and see and have the options open.

Township Attorney Tauriello stated that from a legal standpoint, action has to be taken now or the Township will not be able to act for 5 years if they choose to do nothing. He noted that this proposed ordinance allows the Township to always be in control with everything as time is of the essence.

Ms. Stahl then acknowledged that the Township was airing on the side of caution. She then inquired why there was a \$200k jump in the budget for the police line from 2017 to now.

CFO McDaniel stated the jump was due to salary increases and the hiring of new officers during those years. Committeewoman Lockwood added that they have salary increase steps in their contracts.

Ms. Stahl then inquired how many officers were currently on the police force. Committeeman Herman stated there are currently 5 police officers plus the Chief. CFO McDaniel also noted that in 2017 the Township had a grant to hire officers which covered their salaries for the first year.

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing on Ordinance No. 2021-04

Deputy Mayor Vocke 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 Lockwood to open Ordinance #2021-04 for public hearing was unanimously approved by voice vote.

Chuck Cline, 9 Upper Creek Road, inquired if the \$35,000 included a system for the internet as he feels there are a lot of issues. Committeewoman Lockwood stated that this Capital Ordinance is for windows for the offices, COVID protocols, and renovations. She stated that the technical aspect is considered "personnel" and is not included.

A motion by Herman, seconded by Lockwood to close Ordinance #2021-04 for public hearing was unanimously approved by voice vote.

A motion by Herman, seconded by Lockwood to adopt Ordinance #2021-04 was approved by roll call vote.

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

Deputy Mayor Vocke read Ordinance No. 2021-05 by title.

**Delaware Township
Ordinance No. 2021 – 05
An Ordinance to Amend Section 230-12 of the Delaware Township Municipal Code
Prohibiting the Operation of Any Class of Cannabis Businesses Within Its Geographical
Boundaries**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee of the Township of Delaware has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Delaware in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Delaware Township’s residents and members of the public who visit, travel, or conduct business in Delaware Township, to amend Delaware Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Delaware Township; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in

which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Delaware, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 230-12 of the Delaware Township Municipal Code is hereby amended by adding a new paragraph (Y) as follows: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service, shall be prohibited in all zoning districts."
3. Any article, section, paragraph, subsection, clause, or other provision of the Delaware Township Code that is inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

A motion by Herman, seconded by Lockwood to introduce Ordinance #2021-05 and move forward with a public hearing set for July 12, 2021 on Ordinance #2021-05 was approved by roll call vote.
Herman: Yes, Kwasnik: Absent, Lockwood: Yes, Vocke: Yes, Waltman: Absent

RESOLUTIONS

Delaware Township Resolution #2021-47 Approving A Memorandum of Agreement Between Delaware Township and Hunterdon County PBA Local 188

WHEREAS, the Township Committee, through its Negotiations Committee, negotiated a Memorandum of Agreement ("MOA") with the Hunterdon County PBA Local 188, Delaware Township Unit regarding the terms and conditions of employment for their members, full time Patrolman, Corporals and Sergeants of the Delaware Township Police Department; and

WHEREAS, the existing Agreement between Delaware Township and Hunterdon County PBA Local 188, Delaware Township Unit is set forth in a Collective Negotiations Agreement for the term of January 1, 2018 through December 31, 2020; and

WHEREAS, the Delaware Township Committee deems the MOA to be fair and equitable to the Township of Delaware and to the employees represented by the bargaining unit; and

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

1. The MOA between Delaware Township of Hunterdon County PBA Local 188, Delaware Township Unit, for the term of January 1, 2021 through December 31, 2022 is hereby approved;
2. The Mayor, or his designee, is hereby authorized and directed to execute the MOA on behalf of the Township of Delaware;

3. This Resolution is contingent upon the ratification and execution of the Agreement by the Hunterdon County PBA Local 188, Delaware Township Unit;
4. The Municipal Clerk shall keep a copy of the fully executed MOA on file for public inspection during normal business hours.
5. The Municipal Clerk shall provide a certified true copy of this Resolution and the fully signed MOA to the Mayor and PBA Local 188 C/O Robert Illes.

ATTEST:

Maria Andrews, Township Clerk, RMC

Joseph Vocke, 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 Resolution #2021-47 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on May 10, 2021.

Maria Andrews, Township Clerk, RMC

Approved: May 10, 2021

**Delaware Township Resolution #2021-48
Tax Redemption**

WHEREAS, the Delaware Township Tax Collector held a tax sale on June 11, 2019; and

WHEREAS, at said sale Tax Sale Certificate #2019-002 for property known as Block 30 Lot 13– 79 Kingwood Stockton Rd, Assessed Owner: Davis, Timothy O. was sold to Township of Delaware, and then assigned to RTLS Holding Corporation on August 10, 2020, and

WHEREAS, the property owner has requested to redeem TSC #2019-002; and

WHEREAS, payment has been received by the Tax Collector for redemption of TSC #2019-002 in the amount of \$24,130.05;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue redemption monies of \$24,130.05 to:

RTLS Holding Corporation
217 Ryers Avenue
Cheltenham, PA 19012;

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

Joseph Vocke, Deputy 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 #2021-48 adopted by the

Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on May 10, 2021.

Maria Andrews, Township Clerk, RMC

Approved: May 10, 2021

**Delaware Township Resolution #2021-49
Refund Construction Permit Fees**

WHEREAS, Plesh Electric paid Delaware Township construction fees on November 25,2020 in the amount of \$316.00 (Check #1903);

WHEREAS, after construction permit #2020-0315 was reviewed and issued, the homeowner decided not to complete the proposed work. The contractor Plesh Electric has requested a refund of the fees less 25% plan review and DCA fees in the amount of \$221.00;

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, is hereby authorized to refund the following amount as indicated:

Block 26.01, Lot 12
2 Daniel Robbins Lane

To: Plesh Electric
217 Bloomsbury Road
Asbury, NJ 08802

Refund amount: \$221.00

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a refund checks totaling \$221.00 to the applicant listed above.

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

ATTEST:

Maria Andrews, Township Clerk, RMC

Joseph Vocke, Deputy Mayor

Diane McDaniel, CFO

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 #2021-49 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on May 10, 2021.

Maria Andrews, Township Clerk, RMC

Approved: May 10, 2021

A motion by Herman, seconded by Lockwood to approve Resolutions #2021-47-49 were approved by roll call vote.

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

A motion by Herman, seconded by Lockwood to open Resolution #2021-50 for public hearing was unanimously approved by voice vote.

Hearing no comments from the public, a motion by Herman, seconded by Lockwood to close Resolution #2021-50 to public hearing was unanimously approved by voice vote.

**Delaware Township Resolution #2021-50
Adopt 2021 Budget**

BE IT RESOLVED by the Township of Delaware, County of Hunterdon and State of New Jersey that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$3,417,415.00 (Item 2 below) for Municipal Purposes
- (d) \$ 482,450.00 (Sheet 43) Open Space, Recreation, Farmland and Historic

Preservation Trust Fund Levy

1. GENERAL REVENUES	
Surplus Anticipated	\$ 530,000.00
Miscellaneous Revenues Anticipated	\$ 883,941.33
Receipts from Delinquent Taxes	\$ 239,254.08
2. AMOUNT TO BE RAISED BY TAXATION	
FOR MUNICIPAL PURPOSES	\$ 3,501,102.00
TOTAL REVENUES	\$ 5,154,297.41
5. GENERAL APPROPRIATIONS:	
Within "CAPS"	
(a & b) Operations Including Contingent	\$ 3,391,686.08
(e) Deferred Charges and Statutory	
Expenditures - Municipal	\$ 485,727.00
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded	\$ 72,524.33
from "CAPS"	
(c) Capital Improvements	\$ 208,000.00
(d) Municipal Debt Service	\$ 546,360.00
(e) Deferred Charges – Municipal	\$ 50,000.00
(m) Reserve for Uncollected Taxes	\$ 400,000.00
TOTAL APPROPRIATIONS	\$ 5,154,297.41

ATTEST:

Maria Andrews, Township Clerk, RMC

Joseph Vocke, 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 Resolution #2021-50 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on May 10, 2021.

Maria Andrews, Township Clerk, RMC
Approved: May 10, 2021

**Delaware Township Resolution #2021-51
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 2021 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.

ATTEST:

Maria Andrews, Township Clerk, RMC

Joseph Vocke, Deputy Mayor

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, Chief Financial Officer

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 #2021-51 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on May 10, 2021.

Maria Andrews, Township Clerk, RMC

Approved: May 10, 2021

A motion by Herman, seconded by Lockwood to approve Resolutions #202-50 - 51 was approved by roll call vote.

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

NEW BUSINESS/OTHER

Eagle Scout Aaron Importico of Troop 65 presented his project idea to the Township Committee. He proposed to do trail maintenance at Dilts Park, repair/replace the current broken bridge, and extend the trail on the South side. He would also like to have a bench in the area and plant a Dogwood tree for shade as well as add a plaque.

Committeeman Herman noted that the trail is currently closed due to a down Ash tree that Kathy Klink and DPW were working on to remove. He also stated that Aaron Importico would be working with the Recreation Commission and Shade Tree Committee to enhance the area. Committeeman Herman also noted that Aaron Importico is not a resident of the Township, but chose this project because his troop meets there.

Committeewoman Lockwood was glad that Aaron Importico was going to work with the Shade Tree Commission and that his project would essentially protect the water quality of the stream with the trees and other plants to keep the soil in place.

Deputy Mayor Vocke stated that New Jersey State Law now requires all police officers to wear body cams at all times. He stated that this would normally cost approximately \$10,000 because the current server does not meet the standards needed. Deputy Mayor Vocke noted that the Chief of Police is currently looking into a cloud based program to keep costs down as well as a grant to update the cams for free for the first year. After the cost for the system would be \$4,500 a year.

The Environmental Commission asked for approval of Joshua Goldman to be an Advisor.

A motion by Herman, seconded by Lockwood to approve Joshua Goldman as an Advisor on the Environmental Committee was unanimously approved by voice vote.

Liza Davis of the Historical Advisory Committee advised that the responsibility of the committee was started, but never finalized and they have no clear mission for their responsibilities to the Township. She stated that when it was formed in 2010, the goal was to consolidate some functions, such as street naming. She stated they also needed to clarify the line of communication between the committees.

Committeeman Herman stated that what Ms. Davis presented was a great outline and foundation to start with. Committeeman Herman noted that from personal experience what is done by the Historical Advisory Committee is more reactive. He noted that the main objective should be the line of communication.

Committeeman Herman inquired if the Township needed to pass an Ordinance for the responsibilities. Township Attorney Tauriello stated they do not and can do a resolution annually if they choose to or not.

Committeewoman Lockwood stated it would be good to bring the committees all together to advise on historical related items and it is important to incorporate them into decision making. She noted that it should not be a commission and that she has no interest in it being at that level as the Township was not happy years ago with that.

Committeeman Herman agreed that they should not be able to speak for the township and that the relationship between the two committees is very important.

Township Attorney Tauriello presented a proposal to spark conversation on the Open Space Referendum with information he gathered from what surrounding municipalities have passed.

Committeewoman Lockwood inquired about the potential use of funds for maintenance and to the noted 50%. Township Attorney Tauriello stated that yes, the 50% was used as a starting point for the conversation and that that was the number on the last Hunterdon County referendum and what Clinton Township also used. He also noted that although the amount can be up to 50%, they would not be bound by that amount and can do anything from 1% to 50%, giving the flexibility to change as needed.

Committeewoman Lockwood stated that amount was too much and that there cannot be an unknown as funds need to be available to negotiate for Open Space.

Committeeman Herman stated that it was only an example to use as a guideline and no need to discuss that at the moment, but to come up with our own numbers for the Township. Committeeman Herman suggested a sub-committee be started to further discuss.

Committeewoman Lockwood stated that the Township would still need a number as it is important to know what is in the account because if something is taken out, then they may not know what they have for something else.

Committeeman Herman suggested that they look at other towns, add language that would benefit the Township, and then re-discuss.

Committeewoman Lockwood recommended committing to cents instead of percentages. Township Auditor William Colantano stated the Township would want the option and to not be specific as far as dollar amounts. Committeewoman Lockwood stated she did not agree. Township Auditor Colantano noted that it would give the advantage of debts going away and the ability to gain funds.

Township Attorney Tauriello noted that as debts decrease, it gives extra room and allows the Township to do what it deems best for the interest of the Township. Township Auditor Colantano added that it goes beyond items such as Recreation and opens money and options that can be available that were not prior.

Deputy Mayor Vocke reiterated having a subcommittee. Committeewoman Lockwood agreed but wanted to include a financial evaluation as there is more for Open Space to accomplish that is important and does not want the Open Space Committee to get into a position where they cannot acquire items due to lack of funding.

Committeeman Herman noted for example that Dilts Park was unable to repair necessary facilities and equipment due to lack of funding and that passing this would allow much needed repairs to occur sooner rather than later, providing a safer experience without having to close areas of the park due to disarray and lack of funding to properly repair. Committeewoman Lockwood stated that the Open Space Fund saves taxes and helps to preserve the land for everyone, whereas other items may only benefit a few. Committeeman Herman also stated that maintenance was never included with Dilts Park when it was acquired by the Township. Committeewoman Lockwood stated that the Township only has that one property to upkeep and that the acquired land is not neglected and does not need upkeep. Committeeman Herman disagreed and stated there is much needed upkeep for Dilts Park facilities and land.

A motion by Herman, seconded by Lockwood to form an Open Space Referendum, Sub-Committee was unanimously approved by voice vote.

OPEN TO THE PUBLIC

Deputy Mayor Vocke opened the floor to public comment for items not on the agenda.

Marilyn Cummings of 348 Rosemont Ringoes Road stated that there was old business regarding the historic orphaned cemeteries within Delaware Township that she would like the Township to hold the deed to. Ms. Cummings noted that Bob Leif, chairman of the Hunterdon County Historical Society, has done so much to identify and map the historical cemeteries within the Township and stated that there are currently 30, with 3 orphaned. She stated that the Historical Society would be willing to obtain an attorney to prepare for adoption of the orphaned cemeteries noting that Dave Redding has saved a few others and found a way to easily transfer them to the Township. Ms. Cummings noted the only cost to the Township would be for review of legal documents of the petition to the Superior Court for the deeds.

Ms. Cummings noted the three cemeteries in question were Boysenberry, Lowercreek, and Moore and would be better off protected so no one would be able to install septic's and such in the future like what was done at Locktown.

Chuck Cline, 22 Reading Road, inquired about meets and bounds and Township Attorney Tauriello stated he was not sure how they could be acquired without meets and bounds. Ms. Cummings stated that she has the process outlined and that it has been done before. Mr. Cline noted that an attorney would have to review them as a lot are on privately owned land and landlocked. Committeeman Herman noted there were already challenges with Moore being landlocked and inquired if the others were. Ms. Cummins stated she did not know and that Mr. Leif would be able to answer that.

Committeewoman Lockwood inquired if other towns have accepted such a proposal. Ms. Cummings noted that Prall House in Stockton was obtained and that Dave Redding was able to accomplish it.

Chuck Cline stated that the Historical Advisory Committee would be better to memorialize as an ordinance because 50 years ago the commission had a lot of power and dictated what residents could and could not do to their property creating issues for them.

Bob Hornby, 10 Locktown Sergeantsville Road, wanted to thank DPW and the soccer coaches at Dilts as the fields look great. Mr. Hornby also stated that the Township is missing out on capital funding by not currently having an Open Space Coordinator.

Kathy Klink, 155 Ferry Road, stated that she heard that a recommendation had been made to fulfill the Open Space Coordinator position and that there is a concern for the Township currently having that vacant.

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

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeewoman Lockwood noted that the next newsletter was almost complete and would be mailed soon.

Committeewoman Lockwood also noted that the Green Team at the school is going to have their first virtual meeting. She stated their goal is to save the environment and look into greener energy.

APPROVAL OF THE BILL LIST

A motion by Lockwood, seconded by Herman to approve payment of the \$3,464,159.00 bill list was unanimously approved by roll call vote.

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

EXECUTIVE SESSION: Approval of Resolution #2021-52: 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 30 minutes. Action may be taken.*

A motion by Herman, seconded by Lockwood to approve Resolution #2021-52 and enter into Executive Session was unanimously approved by roll call vote.

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

Resolution #2021-52

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 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 Herman, seconded by Lockwood to return to Open Session was unanimously approved by roll call vote.
Herman: Yes, Kwasnik: Absent, Lockwood: Yes, Vocke: Yes, Waltman: Absent

It was noted for the record that the Committee was in Executive Session from 9:16 PM – 9:49 PM.

ADJOURNMENT

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

The meeting adjourned at 9:50 PM.

Tiffany Crivelli, Deputy Clerk

Joseph Vocke, Deputy Mayor