



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
February 14, 2022 at 7:30 PM
In Person

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on February 14, 2022 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, and the Star Ledger, was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 11, 2022.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Mayor James Waltman, Committee Members Chad Bower, and Susan Lockwood, along with Township Clerk Maria Andrews, Deputy Township Clerk Tiffany Crivelli, and Township Attorney Joseph Tauriello.

Absent: Deputy Mayor Charles Herman and Committeeman Joseph Vocke

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Lockwood, seconded by Bower, to approve the Committee's 1/19/2022 Regular Meeting Minutes was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeewoman Lockwood stated that the Stormwater Subcommittee met and decided to move their meeting to the fourth Wednesday of every month with the next meeting being on February 23rd. Committeewoman Lockwood noted that Gayle Conover was named as Chair.

Committeewoman Lockwood reported that the Public Works Department cut down the dead trees at Dilts Park by the playground, but noted that the stumps were left tall and not cut close to the ground.

Committeeman Bower stated the Quarry Compliance Committee met on January 20th and looked over the SOP and license application for Trap Rock. Committeeman Bower noted the next Quarry Compliance Committee meeting would be February 22nd.

Mayor Waltman reported a smash and grab burglary that occurred at the Exxon gas station located on Route 12 in which \$10,000 worth of merchandise and cash was stolen. Mayor Waltman noted the suspect was caught on the security camera as well as a black vehicle.

OPEN TO THE PUBLIC

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

Chuck Cline, 22 Reading Road, inquired about FEMA regarding Sandbrook Headquarters Road and about an ordinance for Sanford Road and Lower Creek Road.

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

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing to Ordinance #2022-01

Mayor Waltman read Ordinance #2022-01 by title.

Delaware Township
Ordinance No. 2022-01
An Ordinance to Amend Chapter 7 §30 Of The Code of the Township of Delaware Entitled
"Schedule XVII: Speed Limits" To Add Hamp Road in
Accordance with The Provisions of § 7-11

An Ordinance to Amend Chapter 7 §30 of the Code of the Township of Delaware Entitled “Schedule XVII: Speed Limits” to add Hamp Road in accordance with the provisions of § 7-11, the following speed limits shall be established of the following streets or parts of streets.

- | 1. | <u>Name of Street</u> | <u>Direction</u> | <u>Speed (mph)</u> | <u>Location</u> |
|----|-----------------------|------------------|--------------------|-----------------|
| | Hamp Road | Both | 25 | Entire Length |
2. 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.
 3. 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.
 4. 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.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Certification

I, Maria Andrews, Clerk of the Township of Delaware, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Township Committee of Township of Delaware on February 14 ,2022.

Maria Andrews, Township Clerk, RMC

A motion by Lockwood, seconded by Bower to open public comment on Ordinance #2022-01 was unanimously approved by voice vote.

Hearing no members of the public speak up, a motion by Lockwood, seconded by Bower to close public comment on Ordinance #2022-01 was unanimously approved by voice vote.

A motion by Lockwood, seconded by Bower to adopt Ordinance #2022-01 was approved by roll call vote.

Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes

Introduction to Ordinance #2022-02

Mayor Waltman read Ordinance #2022-02 by title.

**Delaware Township
Ordinance No. 2022-02**

**Calendar Year 2022 Ordinance to Exceed Municipal Budget Appropriation Limits
and to Establish a CAP Bank (N.J.S.A. 40A:4-45.4)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing body of the Township of Delaware in the County of Hunterdon finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$38,774.13 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing body of Township of Delaware, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Delaware shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$135,709.46, and that the CY 2022 municipal budget for the Township of Delaware be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ATTEST:

XX

XX

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

A motion by Bower, seconded by Lockwood to introduce Ordinance #2022-02 and move forward with a public hearing set for March 14, 2022 on Ordinance #2022-02 was approved by roll call vote. *Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes*

Introduction to Ordinance #2022-03

Mayor Waltman read Ordinance #2022-03 by title.

**Delaware Township
Ordinance No. 2022-03**

An Ordinance of the Township of Delaware, County of Hunterdon and State of New Jersey to Amend Ordinance #2019-21 To Establish Municipal Salary and Compensation by Ranges

Section 1. Individual salaries and compensation for employees not covered by a collective bargaining unit shall be established by an annual Resolution to be approved by the Delaware Township Committee. Salaries and compensation from the previous calendar year shall remain in effect until otherwise amended by resolution. The range of municipal salaries and compensation to be paid by the Township of Delaware until otherwise changed or amended shall be as follows:

Mileage \$0.52 - \$0.60 per mile

ADMINISTRATION
Township Committee \$3,500 - \$4,500 yearly

ASSESSOR'S OFFICE
Assessor \$27,000 - \$40,000 yearly

BUILDING DEPARTMENT
Construction Code Official, Fire Protection Subcode Official,
Fire Protection Subcode Inspector, Building Subcode Official,
Building Subcode Inspector, Substitute Electrical Subcode Official,
Substitute Electrical Subcode Inspector, Substitute Plumbing Inspector,
Substitute Mechanical Inspector, ADA Coordinator. \$25,000 - \$40,000 yearly

Electrical Subcode Official and Electrical Subcode Inspector	\$12,000 - \$28,000 yearly
Plumbing Subcode Official, Plumbing Subcode Inspector and Mechanical Inspector	\$10,000 - \$16,000 yearly
Substitute Subcode/Inspectors	\$28.00 - \$45.00 hourly
Zoning Officer/Floor Plain Administrator	\$5,000 - \$10,500 yearly
Deputy Zoning Officer	\$0 - \$8,000.00 yearly
Technical Assistant/Secretary to C.C.O.	\$18.00 - \$40.00 hourly
Clerical Help – Part-Time	\$18.00 - \$32.00 hourly
Stockton Inspections	\$28.00 per inspection
CLERK'S OFFICE	
Township Clerk	\$40,000 - \$72,000 yearly
Part-Time Clerk	\$18,000 - \$25,000 yearly
Deputy Registrar	\$2,000 - \$6,000 yearly
Deputy Clerk	\$12,000 - \$50,000 yearly
COAH Municipal Housing Liaison	\$1,500 - \$3,500 yearly
COAH Municipal Administrative Agent	\$3,000 - \$6,000 yearly
Administrative Assistant	\$2,000 - \$5,000 yearly
FINANCE ADMINISTRATION	
Tax Collector	\$12,000-\$75,000 yearly
Deputy Tax Collector	\$0 - \$21,000 yearly
CMFO/Treasurer	\$60,000 - \$105,000 yearly
Qualified Purchasing Agent (QPA)	\$5,000 - \$8,500 yearly
Deputy Treasurer	\$1,000 - \$14,000 yearly
ANIMAL CONTROL DEPARTMENT	
Animal Control Licensing Agent	\$3,000 - \$7,500 yearly
POLICE	
Chief of Police	\$90,000 - \$135,000 yearly
Part-Time Patrolman	\$25.00 - \$28.00 hourly
Court Security	\$175.00 - \$225.00 per court session
Police Department Administrative Assistant	\$17,000 - \$35,000 yearly
Police Department Matron	\$50 - \$80 minimum for a 3-hour callout and \$14.00 per hour after three hours if not already covered by salary
Crossing Guard	\$15 - \$25 per shift
OFFICE OF EMERGENCY MANAGEMENT	
OEM Coordinator	\$3,000 - \$6,000 yearly
Deputy OEM Coordinator	\$6,000 - \$12,000 yearly

Emergency Management Coordinator’s Secretary	\$1,000 - \$3,500 yearly
DEPARTMENT OF PUBLIC WORKS	
Road Supervisor/Director of Public Works	\$60,000 - \$98,000 yearly
Deputy Road Supervisor	\$50,000 - \$95,000 yearly
Department of Public Works Labor – Part-Time	\$15.00 - \$40.00 hourly
Department of Public Works – Emergency Worker	\$15.00 - \$40.00 hourly
Snow Plowing	\$20.00 - \$40.00 hourly
Department of Public Works Administrative Assistant	\$17,000 - \$35,000 yearly
Dilts Farm Park Custodial Services	\$4,000 - \$10,500 yearly
TOWNSHIP BOARDS	
Planning Board Clerk	\$5,000 - \$14,000 yearly
Board of Adjustment Clerk	\$5,000 - \$15,000 yearly
Environmental Commission Secretary	\$500 - \$2,500 yearly
Open Space Coordinator	\$9,000 - \$15,000 yearly
Recycling Coordinator	\$1,000 - \$4,500 yearly
MUNICIPAL COURT	
Magistrate (1/2 share)	\$8,000 - \$20,000 yearly
Prosecutor	\$7,500 - \$22,000 yearly
Deputy Court Administrator (1/2 Share)	\$15.00 - \$25.00 hourly
Court Clerk Secretary (1/2 share)	\$10.00 - \$15.00 hourly
Part-Time Violations clerk (1/2 Share)	\$15.00 - \$20.00 hourly

Section 2. Compensation for employees in collective bargaining units shall be governed by the specific provisions of agreements between said units and the Township, or in the absence of an agreement, practices in effect at the time of adoption of this Ordinance

Section 3. This Ordinance shall take effect immediately after final passage and publication according to law, except as to managerial, executive, confidential or elective employees/officials for whom the effective date shall be as established by N.J.S.A. 40A:9-165.

ATTEST:

XX

XX

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Certification

I, Maria Andrews, Clerk of the Township of Delaware, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Township Committee of Township of Delaware on XXX, 2022

XX

Maria Andrews, Township Clerk, RMC

A motion by Bower, seconded by Lockwood to introduce Ordinance #2022-03 and move forward with a public hearing set for March 14, 2022 on Ordinance #2022-03 was approved by roll call vote. *Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes*

RESOLUTIONS #2022-21, #2022-27 thru #2022-37

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

Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes

**Delaware Township Resolution #2022-21
2022 Temporary Budget**

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2022 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2021 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$4,399,937, and

WHEREAS, 26.25% of the total appropriations in the 2021 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,154,983.

NOW THEREFORE BE IT RESOLVED, by the Committee of Delaware Township, in the County of Hunterdon, State of New Jersey, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief financial officer for her records.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I 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 of February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-27
Person-to-Person Transfer of Plenary Retail Consumption License**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1007-33-001-010, heretofore issued to KimGalo, Inc d/b/a Old Croton Bar & Grill for premises located at 300 Old Croton Road, Flemington, New Jersey; and,

WHEREAS, the submitted application form is complete in all respects and the license has been properly renewed for the current license term; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and,

WHEREAS, the applicant has disclosed and the issuing authority reviewed this transfer in connection with a terminated real estate transaction and no funds having been transferred with respect to the license and the licensed business.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware Township Committee does hereby approve, effective February 14, 2022 the transfer of the aforesaid Plenary Retail Consumption License to SonTort Food Services, LLC, and does hereby direct the Township Clerk / A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to SonTort Food Services, LLC d/b/a Brunello Trattoria Bar & Restaurant, effective February 14, 2022.

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 #2022-27 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-28
Refund Driveway Bond - Blair**

WHEREAS, Bruce Blair posted a driveway bond on November 30, 2011 in the amount of \$2,000.00 (check # 301) and a balance of \$1,870.00 remains;

WHEREAS, after inspection on December 13, 2021 final approval of the driveway at 135 Locktown Sergeantsville Road, Block 13 Lot 4.03 was granted;

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 driveway bond in amount as of \$1,870.00;

Block 13, Lot 4.03
To: Bruce Blair
135 Locktown Sergeantsville Road
Stockton, NJ 08559
Driveway Bond Amount: \$1,870.00

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 check in the amount of \$1,870.00 to the property owner listed above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to Director of Public Works and the Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, 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 #2022-28 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-29
Refund Driveway Bond - Opdyke**

WHEREAS, Stephen Opdyke posted a driveway bond on January 25, 2021 in the amount of \$2,000.00 (check # 412);

WHEREAS, after inspection on January 19, 2022 final approval of the driveway at 8 Hewitt Road, Block 19 Lot 29 was granted.

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 driveway bond in amount as of \$2,000.00;

Block 19, Lot 29
To: Stephen C. Opdyke
11 Hewitt Road
Annandale, NJ 08801
Driveway Bond Amount: \$2,000.00

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 check in the amount of \$2,000.00 to the property owner listed above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to Director of Public Works and the Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, 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 #2022-29 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-30
Styner Tax Exemption**

WHEREAS, the Delaware Township Tax Assessor received certification from the Department of Veterans Affairs confirming the status of 100% permanently and totally disabled veteran, Thomas Styner, who is the owner and occupant of Block 55 Lot 4.02, 21 Grafton Road; and

WHEREAS, the veteran became eligible for the exemption from taxation on January 1, 2019. Since that time, Mr. Styner purchased 21 Grafton Road on December 28, 2021 therefore eligible for the 100% tax exemption from the date of purchase. The property will remain exempt from taxation while it remains the principal residence of the 100% disabled veteran, Thomas Styner; and

WHEREAS, the Assessor is requesting a refund of the prorated taxes paid by Mr. Styner for the fourth quarter of 2021 in the amount of \$270.12 which represents taxes paid from 12/28/2021 to 12/31/2021 and the refund of first quarter 2022 taxes paid in the amount of \$6,172.40; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that all billing for the remainder of tax year 2022 be cancelled for Block 55 Lot 4.02, and the records of the Tax Collector be adjusted to reflect the exempt status of this property.

Refund: Thomas Styner
21 Grafton Road
Stockton NJ 08559
\$6,442.52

BE I TFURTHER 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

**Delaware Township Resolution #2022-31
Added Improvement by Tax Assessor – B 50 L 2**

WHEREAS, the Tax Assessor of the Township of Delaware Township has determined that a 2021 added improvement is required and was 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 increase, which are set forth along with the name and address of the taxpayer. The Tax Collector will send a 2021 added bill for this amount to the resident,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that the required tax increase be made:

Block/Lot	Amount	Owner & Location
lock 50, Lot 2	\$1,727.70	Ciarrocca, Paul, 1905 Daniel Bray Hwy

BE IT FURTHER RESOLVED, that the records of the Tax Collector be adjusted to reflect the increase in assessment and a certified copy of this resolution shall be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Danene Gooding, Tax Collector, CTC

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 #2022-31 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-32
Tax Appeal Tax Cancellation 2021**

WHEREAS, the Tax Assessor of the Township of Delaware Township has determined that action is required as a result of the 2021 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, County of Hunterdon, and State of New Jersey that the required tax cancellations be made:

Block/Lot	Amount	Owner & Location
Block 13, Lot 14	\$3,796.00	Stoc Farm LLC, 10 Pavilica Rd
Block 13, Lot 24	\$208.00	Pine Hill LLC, 94 Pine Hill Rd
(COAH calculation incorrectly added)		

BE IT FURTHER RESOLVED, that the records of the Tax Collector be adjusted to reflect the corrected assessments of these properties and a certified copy of this resolution shall be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Danene Gooding, Tax Collector, CTC

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 #2022-32 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-33
Taxes Cancelled by Tax Assessor 2021**

WHEREAS, certain properties listed on the tax rolls were conveyed and are now exempt from tax billing for 2021.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that the collection of taxes carried from 2020 as listed below be cancelled:

Block/Lot	Amount	Acquired By
Block 12, Lot 17 Q0144	\$121.40	D & R Greenway Land Trust Inc.
Block 12, Lot 18 Q0144	\$5.18	D & R Greenway Land Trust Inc.
Block 12, Lot 19 Q0144	\$56.84	D & R Greenway Land Trust Inc.
Block 12, Lot 22 Q0144	\$5.18	D & R Greenway Land Trust Inc.

BE IT FURTHER RESOLVED, that the records of the Tax Collector be adjusted to reflect the exempt status of these properties and a certified copy of this resolution shall be provided to the Tax Collector and Chief Financial Officer.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Danene Gooding, Tax Collector, CTC

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 #2022-33 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-34
Transfer of Appropriations Revenue**

WHEREAS, various 2021 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfer between the 2021 budget in the last two months of 2021; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpected balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpected balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Delaware Township, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$3,265.00 be made between the 2021 Budget Appropriation Reserves as follows:

FROM

Data Processing (2021) \$ 3,265.00

TO

Tax Maps (2021) \$3,265.00

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 #2022-34 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on February 14, 2022.

Maria Andrews, Township Clerk, RMC

**Delaware Township Resolution #2022-35
Planet Networks Inc. Use of Public Right-of-Way**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to the non-exclusive use the public rights-of-way to place its telecommunication facilities aerially on existing utility poles and/or in existing underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the nonexclusive use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "the consent of the municipality shall be obtained for the use by a person of the poles of "another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and · ·

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "the board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "any telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wire , conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and

upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks ·

NOW, THEREFORE, BE IT RESOLVED, That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

1. Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
2. Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
3. Planet Networks, Inc., its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Township, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Planet Networks, Inc.'s actions under this Use Agreement and costs in connection therewith, except to the extent resulting from the negligent or willful acts, or omissions of the Township. This indemnification shall specifically include, but not be limited to, all costs, reasonable attorney's fees, court costs and any other expenses that may be incurred by the Township in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Planet Networks, Inc. activities pursuant to the rights granted in this Use Agreement.
4. Planet Networks shall procure and maintain, at its cost and expense, commercial general liability Insurance with limits not less than \$5,000,000 for injury to or death of one or more persons in any one occurrence and \$1,000,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said Insurance policy.
5. Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation, or maintenance of its facilities. Whenever the removal or relocation of equipment is required or permitted under this use agreement, and such removal or relocation shall cause the public right of way to be damaged, Planet Networks, Inc., at its sole cost and expense, shall promptly repair and return the public right of way in which the equipment are located to a safe and satisfactory condition in accordance with applicable laws, normal wear and tear expected. If Planet Networks, Inc. does not repair the site as just described, then the Township shall have the option, upon fifteen (15) days' prior written notice to Planet Networks, Inc., to perform or cause to be performed such reasonable and necessary work on behalf of Planet Networks, Inc. and to charge Planet Networks, Inc. for the proposed costs to be incurred or the actual costs incurred by the Township. Upon the receipt of a demand for payment by the Township, Planet Networks, Inc. shall promptly reimburse the Township for such costs.
6. Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
7. That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of way.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

**Delaware Township Resolution #2022-36
Appointment and Salary of Municipal Court Violations Clerk**

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey acknowledges a need for a Municipal Court Violations Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that the salary for the position of the half share for a Municipal Court Violations Clerk is established as follows:

Municipal Court Violations Clerk (1/2 share)		
Margaret Acquista	Effective 3/1/2022	\$17.00/Hr

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

**Delaware Township Resolution #2022-37
Everstream Solutions, LLC. Use of Public Right-of-Way**

WHEREAS, Everstream Solutions, LLC. ("Everstream Solutions") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Everstream Solutions has petitioned the municipality for consent to the non-exclusive use the public rights-of-way to place its telecommunication facilities aerially on existing utility poles and/or in existing underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Everstream Solutions has or will enter into agreements with the utility companies for the nonexclusive use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "the consent of the municipality shall be obtained for the use by a person of the poles of "another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and · ·

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "the board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "any telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wire , conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and

upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Everstream Solutions-

NOW, THEREFORE, BE IT RESOLVED, That the governing body does hereby grant permission and authority to Everstream Solutions, LLC to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

1. Everstream Solutions shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
2. Everstream Solutions shall obtain any applicable permits in connection with the installation of its facilities;
3. Everstream Solutions, LLC, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Township, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Everstream Solutions, LLC's actions under this Use Agreement and costs in connection therewith, except to the extent resulting from the negligent or willful acts, or omissions of the Township. This indemnification shall specifically include, but not be limited to, all costs, reasonable attorney's fees, court costs and any other expenses that may be incurred by the Township in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Everstream Solutions, LLC activities pursuant to the rights granted in this Use Agreement.
4. Everstream Solutions shall procure and maintain, at its cost and expense, commercial general liability Insurance with limits not less than \$5,000,000 for injury to or death of one or more persons in any one occurrence and \$1,000,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said Insurance policy.
5. Everstream Solutions shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation, or maintenance of its facilities. Whenever the removal or relocation of equipment is required or permitted under this use agreement, and such removal or relocation shall cause the public right of way to be damaged, Everstream Solutions, LLC, at its sole cost and expense, shall promptly repair and return the public right of way in which the equipment are located to a safe and satisfactory condition in accordance with applicable laws, normal wear and tear expected. If Everstream Solutions, LLC does not repair the site as just described, then the Township shall have the option, upon fifteen (15) days' prior written notice to Everstream Solutions, LLC, to perform or cause to be performed such reasonable and necessary work on behalf of Everstream Solutions, LLC and to charge Everstream Solutions, LLC for the proposed costs to be incurred or the actual costs incurred by the Township. Upon the receipt of a demand for payment by the Township, Everstream Solutions, LLC shall promptly reimburse the Township for such costs.
6. Notwithstanding any provision contained herein, neither the municipality nor Everstream Solutions shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
7. That the Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Everstream Solutions, LLC's installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of way.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

NEW BUSINESS/OTHER

- A. Mayor Waltman approved the appointment of D. Kline and A. Anastasio as Historic Advisory Committee Members
- B. Mayor Waltman approved the appointment of S. Buchanan as Alternate I and J. Goldman as Alternate II for the Planning Board.
- C. Mayor Waltman approved the appointment of S. Buchanan as Alternate II for the Board of Adjustment.
- D. Committeewoman Lockwood stated M. Wright could not be appointed as an At Large Member for Open Space if he remained serving on the Planning Board. Mayor Waltman denied appointment at this time.
- E. The following organizations that provide First Aid services to the Township spoke about their respective departments equipment, coverage area, response times, billing and membership requirements.

Chief Jason Strauss, Lambertville – New Hope Ambulance and Rescue Squad
Chief Tom Hoffman, Flemington – Raritan First Aid and Rescue Squad
Chief Michael Grzankowski, Amwell Valley Ambulance Corps
Chief Kerry Floyd, Kingwood Twp Rescue Squad

- F. Kathy Klink from the Environmental Commission noted that the language is vague on what needs to be done regarding Township easements and the Environmental Commission is seeking clarification. Township Attorney Tauriello noted that the language comes from an Ordinance which is not very clear and should be re-done and clarified for the future. Township Attorney Tauriello advised Ms. Klink to speak with the Planning Board to review the current ordinance.

OPEN TO THE PUBLIC

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

Bob Streilein, 2092 Daniel Bray Highway, thanked the Township for assisting with his neighbor dispute.

Sonia Tortoriello, 300 Old Croton Road, advised there are potholes by her property that need attention.

Chuck Cline, 22 Reading Road, inquired about the erecting of cell tower repeaters and who will govern them. Mr. Cline also inquired about the Rosemont Water Company and ongoing pipe issues.

John Kafarski, 137 Kingwood Stockton Road, inquired about an issue and safety concerns with the location of a school bus stop.

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

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Deputy Clerk Crivelli advised that she and Committeeman Herman had been in contact with the potential park planner from Colliers Engineering for Dilts Park and a meeting was scheduled to discuss what the Township is looking to accomplish.

APPROVAL OF THE BILL LIST

A motion by Lockwood, seconded by Bower to approve payment of the \$1,118,540.43 bill list was unanimously approved by roll call vote.

Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes

EXECUTIVE SESSION: Approval of Resolution #2021-38: 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 Bower, seconded by Lockwood to approve Resolution #2021-94 and enter into Executive Session was unanimously approved by roll call vote.

Bower: Yes; Herman: Absent; Lockwood: Yes; Vocke: Absent; Waltman: Yes

Resolution #2021-38

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 Bower, seconded by Lockwood to return to Open Session was unanimously approved by voice vote.

It was noted for the record that the Committee was in Executive Session from 8:58 PM to 9:17 PM.

ADJOURNMENT

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

The meeting adjourned at 9:18 PM.

Tiffany Crivelli, Deputy Clerk

James Waltman, Mayor