



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
October 11, 2022 – 7:30 PM

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on October 11, 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, Courier News 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/AGENDA REVIEW

Present: Mayor James Waltman, Deputy Mayor Charles Herman, Committee Members Chad Bower, Susan Lockwood and Joe Vocke along with Township Clerk Maria Andrews and Attorney Francesco Taddeo, covering for Township Attorney Joseph Tauriello.

PROCLAMATION HONORING LINDA AND DAVID SWACKHAMMER

Mayor Waltman read the following Proclamation into the record:

**A PROCLAMATION HONORING
Linda and David Swackhammer**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection reports cancer is the leading cause of death by disease among U.S. children between infancy and age 15, with every two minutes, every single day a child being diagnosed with cancer; and

WHEREAS, one in every five of those children will lose his or her battle with cancer along with many infants, children and teens who will also suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, there is a need to raise awareness of these facts and to raise much needed funding for newer and safer treatment options; and

WHEREAS, Rayanna Marrero of Sergeantsville, New Jersey, was diagnosed with Acute Lymphoblastic Leukemia (ALL) at the age of three in 2007 with a secondary cancer of Myelodysplastic Syndrome (MDS) diagnosed in 2009, believed to be due to the chemo regime she had been prescribed for ALL; and

WHEREAS, through all of Rayanna's trials and tribulations from her effects of treatments from 2007 through 2012, she remained a vibrant young girl wise beyond her years with a passion for life who loved animals and all things purple and sparkly; and

WHEREAS, sadly Rayanna became an angel on April 7, 2012 at the young age of eight years old; and

WHEREAS, Rayanna's grandparents, Linda and David Swackhammer, have raised over \$500,000 since 2013 in memory of Rayanna and all those affected by childhood cancer; and

WHEREAS, Linda and David Swackhammer is continuously dedicated to helping these children and their families through various annual fundraisers such as 'Light It Up Gold' and the 'Rays of Hope Head Shaving Event & Auction'.

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

LINDA & DAVID SWACKHAMMER

for all her time and dedication over the years to helping all those affected by childhood cancer.

Duly Adopted on this 25th day of September 2022.

James Waltman, Mayor

Charles Herman, Deputy Mayor

Joseph Vocke, Committeeman

Susan Lockwood, Committeewoman

Chad Bower, Committeeman

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Herman, seconded by Vocke, to approve the Committee's 9/12/22 meeting minutes as revised was approved by voice vote with Committeeman Bower abstaining.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeeman Vocke stated he is waiting to hear back from Hunterdon Central regarding busing. Additionally, Dr. Wiener, Superintendent of Delaware Township School was present to address the roof repair needed at the school. He explained various options were presented at the last school board meeting noting there is approximately 40% funding available for the \$1.3 million dollar project. He commented that the school can get \$400,000 back in State funding if the referendum is successful.

Architect Anthony Gianforcaro clarified that the existing rubber roof needs to be replaced with a multi-ply regular roof and noted the project encompasses 33,000 sq. ft. of materials.

Mary Lyons of the Board of Education Finance Committee explained their capital reserve account has the money but they need the referendum in order to get the State funding. She noted the question will be on the November ballot under the school referendum section. She highlighted that there will not be any tax impact to the residents because the school has the money and the State would provide the \$400,000 if the referendum is successful. She remarked it would be "short term" debt because the note will be paid within 7 to 9 months.

It was noted for the record that the Committee understood the need for the referendum question and was supportive of the roof repair.

Mayor Waltman provided the following public works update:

1. He is coordinating with Comcast and Verizon to address the tree down on Reading Road
2. The tree down on Sandy Ridge Road was removed by the homeowners
3. Signs have been ordered to address the "S" curve on Dunkard Church Road
4. He is working with the Palmieri Road residents to address the bus going down the cul-de-sac rather than stopping of Route 29, however, he noted Chief Cane believes Route 29 is the safest place for the bus stop due to the line of sight

OPEN TO THE PUBLIC

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

Jess Stahl of 38 Dunkard Church Road asked for details on the Lower Creek Road resolution listed on the agenda. Mayor Waltman stated the resolution will be tabled so the BID can be awarded at the special meeting which has been scheduled for 10/17/22 due to the timing of the advertising.

Chuck Cline of 139 Upper Creek Road inquired about the speed limit signs for Sandford Road. Mayor Waltman stated the signs have been taken care of.

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

ORDINANCES

Public Hearing on Ordinance #2022-09: A Capital Ordinance of the Township of Delaware, County of Hunterdon, State of New Jersey to Authorize an Expenditure and Appropriation from the Open Space Fund in an Amount not to Exceed \$80,000 for Capital Improvements to Dilts Park

Mayor Waltman read Ordinance #2022-09 by title.

Ordinance #2022-09

A Capital Ordinance of The Township of Delaware, County of Hunterdon, And State Of New Jersey To Authorize an Expenditure and Appropriation from Open Space Fund in The Amount Not to Exceed \$80,000 For Capital Improvements to Dilts Park

WHEREAS, Delaware Township has an immediate need to make capital improvements to Dilts Park; and

WHEREAS, a referendum was passed in November 2021 allowing funds in an amount not to exceed \$80,000 or 01 cent from the Open Space Tax to be used for the development or improvement of open space property; and

WHEREAS, Delaware Township hereby authorizes an appropriation and expenditure for capital improvements to Dilts Park in an amount not to exceed \$80,000 or 01cent from open space tax.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that 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

Certification

I, Maria Andres, Township 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 October 11, 2022.

Maria Andrews, Township Clerk, RMC

A motion was made by Herman, seconded by Bower to open the floor to public comment on Ordinance #2022-09.

Diana Garabaldi of 142 Sandy Ridge Road came forward and suggested the Ordinance include language detailing exactly what repairs and upgrades the \$80,000 will be used for.

Bob Hornby of 10 Locktown-Seargenstville Road came forward and inquired about BIDS for the park projects.

Steve Smotrich of 664 Rosemont Ringoes Road came forward and expressed support for the ordinance but suggested an Ad-Hoc Committee be formed to establish a Master Plan for the park.

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

There was discussion amongst the Committee with Committeewoman Lockwood stating she wanted to see quotes and details on exactly how the money will be spent.

Township CFO, Diane McDaniel explained that the ordinance allows the project to be handled the same way road projects are handled. The funds are authorized and the Committee decides what the money is spent on.

Mayor Waltman remarked that the Committee doesn't need public input on how to repair the park when it's known the bathrooms and tennis court need to be fixed.

A motion was made by Herman, seconded by Bower to adopt Ordinance #2022-09. The motion was unanimously approved by roll call vote.

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

APPROVAL OF RESOLUTIONS

Resolution #2022-109: Opposing NJDEP's Reclassification of the Municipality from Tier B to Tier A

It was noted for the record that Committeewoman Lockwood recused herself from this matter.

Resolution #2022-109

Opposition to the Reassignment by The New Jersey Department of Environmental Protection of All Municipalities Currently Designated Tier B Under the Municipal Separate Storm Sewer System Permit Program to Tier A Designation and Expansion Of Tier A Permit Conditions

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has undertaken efforts to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System Permit program (MS4 Permit Program) all New Jersey municipalities currently designated 'Tier B'; and

WHEREAS, compliance with the MS4 Permit Program for a municipality designated Tier A is far costlier and more onerous than compliance for a municipality designated Tier B; and

WHEREAS, under the existing designation system, the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, many municipalities designated Tier B under the existing designation system simply do not have the resources to comply with Tier A designation; and

WHEREAS, the NJDEP, while attempting to reassign all municipalities to Tier A, is simultaneously proposing to renew the Tier A MS4 General Permit to include additional conditions on municipal permit holders; and

WHEREAS, the NJDEP is asking current Tier B municipalities to come into compliance with both existing Tier A requirements and a set of still-unfinalized Tier A renewal requirements on practically the same schedule as existing Tier A municipalities; and

WHEREAS, the State, however well-intended in its actions, continues to saddle municipalities with additional responsibilities through unfunded and underfunded mandates, putting additional burdens on property taxpayers; and

WHEREAS, the reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B will result in a redistribution of these municipalities' limited resources, away from their crucial government functions; and

WHEREAS, Delaware Township supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State but efforts to do so must be balanced against other critical needs with consideration for the limit resources of municipal government.

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

The Township of Delaware hereby urges the members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the NJDEP from reassigning to Tier A designation under the MS4 permit program New Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these municipalities can be completed, and state funding is made available.

The Township of Delaware hereby urges the Governor of State of New Jersey to sign any legislation adopted by the State Assembly and Senate which would prevent the NJDEP from reassigning to Tier A designation under the MS4 permit program New Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these municipalities can be completed, and state funding is made available..

A certified copy of this resolution upon its adoption shall be furnished to State Senators Cory Booker and Robert Mendez, Representative Tom Malinowski, Governor Phil Murphy, the Commissioner of the New Jersey Department of Environmental Protection, and New Jersey State League of Municipalities.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

A motion by Herman, seconded by Bower to approve Resolution #2022-109 was approved by roll call vote.

Bower: Yes, Herman: Yes, Vocke: Yes, Waltman: Yes

Resolution #2022-110: Opposing the Proposed Increases to the State Health Benefits Program

**Resolution #2022-110
Opposing the Proposed Increases to the State Health Benefits Program**

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting "rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year"; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Delaware in the county of Hunterdon call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the governing body of the Township of Delaware in the County of Hunterdon urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED. that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, State Senator Michael

Doherty, Assemblyman Erik J. Peterson Assemblyman John DiMaio, and New Jersey State League of Municipalities.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

A motion by Herman, seconded by Bower to approve Resolution #2022-110 was approved by roll call vote.

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

NEW BUSINESS/OTHER

Acknowledgment: Resignation of Deputy Clerk T. Crivelli

The Committee accepted the resignation of Ms. Crivelli, expressing gratitude for her service and extending well wishes to her on her new job.

Acknowledgment: Resignation of Township Clerk M. Andrews

The Committee thanked Ms. Andrews for assisting at a time when they needed coverage in the Clerk's Office.

Discussion/Approval of Farmland Preservation Plan Grant

Committeewoman Lockwood explained the FPP is part of the Planning Board's Comprehensive Plan and noted the Open Space Committee still needs to review and comment on it.

Discussion/Approval of "Christmas in the Country" Event

It was noted for the record that "Sugar Maple Jerseys" was requesting to host a Christmas event on the town green. The Committee asked Attorney Taddeo to forward the information to Attorney Tauriello for review.

Appointments

Mayor Waltman appointed Scott Milesnick as Alternate #2 on the Board of Adjustment. It was noted that Seth Buchanon will move up to Alternate #1 and Cullen McCuliff will become a full member.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment.

Chuck Cline of 139 Upper Creek Road came forward and asked for some historic input regarding the restrictions on the covered bridge repairs and various roads in the Township.

Committeewoman Lockwood noted that the bridge has a federal designation and remarked that the Township does not have any historic ordinances. She clarified that the designation only impacts government projects not private projects.

Mr. Cline asked about sewer connections. Committeewoman Lockwood stated she believed this matter needed to be reviewed by SHPO.

Diane Garabaldi of 142 Sandy Ridge Road came forward and said she was sorry to see Ms. Crivelli and Ms. Andrews leave the Township. She then inquired about the speed limits on Sandbrook Road.

Jess Stahl of 38 Dunkard Church Road advised there is an upcoming Meteor Watch at Dilts Park.

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

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeewoman Lockwood noted the Green Team held the March on Liter event which was well attended. She also noted the deadline for the Township Newsletter is 11/1/22.

Deputy Mayor Herman noted 10/15/22 is Household Clean-up Day and said permits are available at the Police Department. He also commented on the parking situation at the corner with vehicles often blocking several feet of the intersection. Deputy Mayor Herman suggested a large planter or something be put there to hinder people from parking so close to the corner.

APPROVAL OF THE BILL LIST

A motion by Herman, seconded by Bower to approve payment of the \$433,457.11 bill list was unanimously approved by roll call vote.

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

EXECUTIVE SESSION: Approval of Resolution #2022-112: To Enter into Executive Session for the Purpose of Discussing Personnel Matters, Contracts, Litigation and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take approximately 30 minutes. Action may be taken.*

A motion by Herman, seconded by Bower to approve Resolution #2022-112 and enter into Executive Session was unanimously approved by roll call vote.

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

Resolution #2022-112

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

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

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

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

Maria Andrews, Township Clerk, RMC

It was noted for the record that the Clerk Andrews was excused from the meeting at this time, 9:15 PM.

**MINUTES FROM THIS POINT ON WERE
TAKEN BY ATTORNEY TADDEO**

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved: