



Township of Delaware Committee
Regular Meeting Minutes
October 10, 2023 at 7:30 PM – In Person
 Second Floor Meeting Room – Town Hall
 570 Rosemont Ringoes Road, Sergeantsville, NJ

CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

Mayor Herman called the meeting to order at 7:30 and read the following statement: This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was transmitted to the Hunterdon Democrat, Trenton Times, and Star Ledger, posted on the Township Website, on the Municipal Building Bulletin Board, and filed with the Township Clerk on January 12, 2023, as required by law.

PLEDGE OF ALLEGIANCE

Mayor Herman led the meeting in the Pledge of Allegiance.

ROLL CALL

Township Committee	Present	Absent
Chad Bower	X	
Susan Lockwood	X	
Joseph Vocke	X	
James Waltman	X	
Charles Herman, Mayor	X	

APPROVAL OF MEETING MINUTES

Mayor Herman asked for a motion to approve the September 11, 2023 Regular session & Executive session minutes. The motion was made by Mr. Waltman, seconded by Mr. Vocke and was approved unanimously by voice vote. The motion carried.

Mayor Herman asked for a motion to approve the September 26, 2023 Special Meeting Regular session & Executive session minutes. The motion was made by Mr. Waltman, seconded by Mr. Bower and was approved unanimously by voice vote, except for Ms. Lockwood and Mr. Vocke who abstained. The motion carried.

DTS SUPERINTENDENT INTRODUCTION

Cathy Pouria, DTS BOE President, introduced Scott Lipson as the new Superintendent of Delaware Township School. Mr. Lipson served as the Principal for the last two years and was chosen above the other candidates that were interviewed for the position. Mr. Lipson spoke about his family and experience at DTS thus far. He then mentioned that a muralist will be coming to DTS in April to work with students to paint a mural incorporating key elements of Delaware Township. The community is invited to provide input and help paint.

PARK PLANNER UPDATE

Mayor Herman stated that the purpose of this presentation is to present initial findings to the Township Committee. There will be a future meeting for public input. This recommendation will go back to the subcommittee (made up of representatives from DTAA, Shade Tree Commission, Environmental Commission, Planning Board and Open Space Committee).



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Jay DeFelicis, Park Planner for the Township of Delaware made some introductory remarks. He then noted that it appears that the park has grown organically over the years, not based on a big picture master plan. He presented a diagram entitled “Existing Conditions/Site Evaluation” based on the park’s current conditions. He reported his findings based on his initial observations: 1) lack of definition between parking and pedestrian areas, 2) lack of ADA accessible routes, 3) existing restroom and snack stand are non-accessible, 4) specific areas are subject to seasonal flooding and erosion (there is a drainage swale, but could the water be used or mitigated), 5) insufficient width and alignment of parking areas (currently 55’ wide, should be 64’ wide), 6) existing conditions of paved areas, tennis and basketball in need of repair and repaving (need to determine if base is good or not, locations are fine, should have walkways to parking lot), 7) existing trees need evaluation, 8) existing pond is full of invasive species (needs to be cleaned out), 9) evaluate areas of the park that are presently unused.

Mr. DeFelicis presented his preliminary recommendations: 1) evaluate condition of existing buildings and utilities to determine recommendation for improvement or replacement, 2) redesign vehicular access and circulation to provide clear separation of parking and pedestrians to minimize conflicts and crossings, 3) reconfigure parking to provide efficient use, 4) create walking trail circuits that connect to other trails, 5) evaluation existing site drainage to determine ability to re-use water, 6) evaluate existing playing fields for potential changes to orientation and drainage, 7) discuss need for new facilities moving forward as recreation trends change and 8) develop native planting areas and planting palettes to encourage native pollinators.

Mr. DeFelicis then presented a diagram “Concept Ideas #1” representing his preliminary ideas. He recommends squaring the park entrance to establish a real entry, possibly with lanes for left and right turns. Additionally, the entry by the pond doesn’t connect to the rest of the park so there are two separate entries and exits. He also recommends fixing the main parking lot to create better flow and allow for pedestrian crossing. He would create a centralized safe use area including some of the existing buildings with walkways, playgrounds, a gazebo and a prefabricated restroom. He noted that the current gazebo (pavilion) is in a dangerous location. He noted that there is a septic field behind the parking lot that should be evaluated. One field (Field of Dreams) should be re-oriented. He said pickleball courts could possibly be located in the former hockey/ice skating rink area (Ms. Lockwood noted that area was actually for skateboarding). Regarding drainage, he would recommend allowing water to come down through the existing area and planting of native wetland species on either side. Other areas might include a garden, meditation area with seating and walks near entrance. He added that soccer field A isn’t big enough, it should be 225’ x 360’.

Mr. Waltman asked about the number of soccer fields and wanted to make sure they are all included moving forward.

Mr. Bower asked about the opportunity to use some of the open field areas for baseball or soccer, but there are some grading issues, per Mr. DeFelicis.

Mayor Herman asked about reconfiguring the entrance and the location of the meditation/garden area. Mr. DeFelicis suggested the park land should be used to create active and passive areas.



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Ms. Lockwood noted that we have additional property that was purchased for future ball fields etc. Mr. DeFelicis stated his focus would be on the main park for now, but he would address additional areas in the future.

Mr. Bower indicated that his assessment of the baseball fields makes sense. He noted that one field that was proposed for size reduction is the only major league size and is used for tournaments. He asked if that were reduced, could we look to create another larger field in another location? Mr. DeFelicis said he would take that into consideration.

Mayor Herman commented that he likes the central area. He asked if the gazebo would move from its current location? Mr. DeFelicis responded that it would be moved, with the prefab restroom on the other side of the parking lot. Mayor Herman asked if that restroom would be self-sufficient or require septic? Mr. DeFelicis responded that it would make most sense to connect it to the septic. He noted that bringing the current restroom up to code and making it ADA compliant would be cost prohibitive. And that the prefab units are well made, would include a family restroom and can be all steel (no glass/porcelain). Mayor Herman thanked Mr. DeFelicis and stated that they would meet again with the subcommittee and share those findings with the Township Committee. Changes would be discussed at a public meeting for input before moving forward.

Moving forward, Mr. DeFelicis said he would provide 1-, 3-, 5- and 15-year plans for budgeting and grants.

PUBLIC COMMENT – Agenda Items Only

Mayor Herman opened the meeting to public comments regarding agenda items only.

Rosalind Westlake, resident and Chair of the Planning Board and Open Space Committee wanted to highlight that we have a proposal from the Nature Conservancy and asked that the Open Space Committee be allowed to review the proposal.

John Kafarski, resident, mentioned that Robert McEwan from the Lower Delaware Wild & Scenic is in attendance and would like to speak about the program that is under consideration by the Township Committee.

Jes Stahl, resident, asked about Resolution 23-17 and why we are opposing H.R. 3372. Mayor Herman explained that it is a pilot program that would test an increased weight for trucks at 91,000 pounds, which is an increase from the current 80,000 pound limit. Hunterdon County is opposing this test based on the impact to bridges and roadways, which is also relevant to Delaware Township.

Cathy Pouria, resident, commented that the park planner presentation was fascinating.

TOWNSHIP COMMITTEE LIAISON REPORTS

Mr. Vocke held his report for later.



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Ms. Lockwood reported that the March on Litter will be held on Saturday October 14th, rain or shine. They are still looking for volunteers. The Newsletter Committee met and the deadline for copy is October 27, 2023. The Stormwater Committee received the news that we are on the list for NRCS assessment. At the Senior Citizens Group meeting, the attendees continued to express their concerns about speeding on Whiskey Lane and asked about the post office progress.

Mr. Waltman had no report.

Mr. Bower reported that DPW did a great job working on the baseball fields. He thanked Jes Stahl and others for working to change the date for weed spraying until after Fall Fireworks. He added that the Quarry Compliance Committee received the information they needed from Trap Rock, the report was forwarded to the Planning Board and the Township Engineer will provide their formal recommendations at the November Township Committee meeting.

Mayor Herman reported that the Block Party was held despite the weather. He added a public safety report, cautioning residents to not take matters into their own hands when it comes to speeding. Do not confront, nor make the speeder a target on social media. Please contact the police and provide them with as much information as possible. He also asked the Committee to consider amending our events application to prohibit route stickers as they are on the road for too long (even biodegradable ones). He asked that the Clerk follow up with Chief Cane.

Mayor Herman also provided background on the Arrive Together Memorandum of Understanding which would allow for CIT trained officers from Delaware Township to be called upon to address mental health events in municipalities that do not currently have CIT trained officers. Deployment of our officer would be at the discretion of the Chief of Police, based on availability at the time of the event. He added that the Joint Insurance Fund (JIF) has approved the wording of the agreement. Mayor Herman then asked for a motion to allow Chief Cane to sign the Memorandum of Understanding for Delaware Township. Ms. Lockwood made the motion, Mr. Bower seconded and the motion was unanimously approved by voice vote.

Mayor Herman then mentioned the topic of livestreaming Township Committee meetings. He reiterated the advice from our Township Attorney that we do not use a live streaming format. Mr. Waltman provided a recent example of a Clinton Township meeting that was “Zoom Bombed.” In this case, explicit material was posted during the meeting, which then had to be shut down. Mayor Herman presented that our Township Attorney’s recommendation is to video record meetings and post them on the Township website. The recording would capture both the Township Committee and the audience. The Committee members commented on the usefulness, risks associated with this, but acknowledged that is something that has been asked for by the community and therefore, they will explore costs and technology requirements for implementing video recording of meetings.

DPW REPORT

Ms. Lockwood read the Department of Public Works report: Raven Rock Project – concrete pipes and basins were delivered by DPW employees at the job site last week. Engineer’s mark-out completed. Due to several days of rainfall Martin Excavation re-scheduled start date of Monday 10/16. 36 tickets were



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issued for Household Cleanup on Saturday 10/7. Really good response to September 16th shredding day at DPW yard. DPW continues to fill potholes, remove downed trees and mowing duties. DPW provided dumpster for Bull’s Island cleanup on 9/16.

Ms. Lockwood then added that she had spoken with Ms. Khan about semis on Sandbrook-Headquarters Rd. She commented that we don’t want to do an ordinance for just one road. She added that the bridge on that road can now handle the load, but the curves can’t accommodate the length of the trucks. She indicated that Ms. Khan is waiting for engineer input for the other roads.

ADMINISTRATOR’S REPORT

Ms. McDaniel reported that we received quotes for Raven Rock excavating help and hope to start work on Monday. Preconstruction meetings for Lambert I & II and Severns road projects will be held on Thursday. Lambert will be resurfaced, not widened, one pipe replaced, a cross drain replaced and a guardrail installed to comply with safety standards. The Township received DOT money which will cover 70% of the cost. Residents will be notified before the start of both projects. Mr. Bower asked and Ms. McDaniel confirmed that all materials had been secured. Mayor Herman commented that the Rosemont Water Company reminded the Township that they have lines that run under Raven Rock Rd.

CONSENT AGENDA

Mayor Herman asked for a motion to approve the Consent Agenda: **Resolution 23-170:** Authorizing Maintenance Bond & Final Payment – Lower Creek Road Project, **Resolution 23-171:** Authorizing Refund of Stormwater Escrow Bond & Interest – B60 L13, **Resolution 23-172:** Authorizing Tax Sale Certificate Redemption – B12 L14.03, **Resolution 23-173:** Authorizing Refund of PERC Witness Fee – Second Day B19 L26.01, **Resolution 23-174:** Opposing H.R. 3372 Which Would Establish a 10-Year Pilot Program for States to Test 91,000 Pound Trucks, **Resolution 23-175:** Supporting Bill A975 and S2643 Requiring Commercial Motor Vehicles to be Equipped with Certain Global Positioning Systems. The motion was approved by roll call vote.

Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower		X	X			
Susan Lockwood			X			
Joseph Vocke			X			
James Waltman	X		X			
Charles Herman, Mayor			X			

**Township of Delaware Resolution #23-170
Authorizing Maintenance Bond & Final Payment
to Vollers for Lower Creek Road Project**

WHEREAS, the Township Engineer in memorandum dated September 9, 2023 has recommended the acceptance of a Maintenance Bond under the terms of the contract with Vollers Excavating & Construction for the Lower Creek Road Emergency Project,



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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the following Maintenance Bond be accepted that is a 2-year maintenance bond with an effective date of September 6, 2023 through September 6, 2025, for the Lower Creek Road Emergency & Design Project:

Berkley Insurance Company
 Bond No: 0241399M in the amount of \$152,365.11

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

Original Contract Amount:	\$951,824.40
Change Orders:	\$63,943.00
Adjusted Contract Amount:	\$1,015,767.40
Final amount of work completed:	\$1,015,767.40
Previous Payments:	\$837,538.10
Current Bill - Invoice #6 (less retainage	\$174,664.70
Current Bill – Invoice #7rtg (release retainage):	\$20,315.35
Total Due:	\$194,980.05

Vollers Corporation
 PO Box 5297
 3311 Route 22
 North Branch, NJ 08876

ATTEST:

 Diana Ramage
 Acting Clerk

 Charles Herman
 Mayor

I, Diane S. McDaniel, Chief Financial Officer of the Township of Delaware, do hereby certify that funds for this contract are available from General Capital Fund.

 Diane S. McDaniel, CFO

Approved: October 10, 2023

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.



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 Diana Rumage, Acting Clerk

Township of Delaware Resolution #23-171
Authorizing Refund of Stormwater Escrow Bond & Interest – B60 L13

WHEREAS, Nicholas Scamuffa posted a cash bond on August 11, 2022 in the amount of \$7,500.00 (check #2006);

WHEREAS, after inspection by the township engineer on September 13, 2023 final approval of the driveway drainage improvements at 7 Seabrook Road, Block 60 Lot 13 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 cash bond in the amount (including interest) of \$7,541.61:

Block 60 Lot 13
 To: Nicholas Scamuffa
 7 Seabrook Rd
 Stockton, NJ 08559

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 \$7,541.61 to the property owner listed above.

ATTEST:

 Diana Rumage
 Acting Clerk

 Charles Herman
 Mayor

 Diane McDaniel, CFO
 Approved: October 10, 2023

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Rumage
 Acting Clerk

Township of Delaware Resolution #23-172
Authorizing Tax Sale Certificate Redemption B12 L14.03

WHEREAS, the Delaware Township Tax Collector held a tax sale on June 13, 2023; and



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WHEREAS, at said sale Tax Sale Certificate #2023-001 for property known as Block 12 Lot 14.03– 164 Locktown Serg. Road Owner: Residential Capital Ptnrs XIV LLC was sold to Bala Partners LLC, and

WHEREAS, a request was made to redeem TSC #2023-001; and

WHEREAS, payment has been received by the Tax Collector for redemption of TSC #2023-001 in the amount of \$24,753.58;

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 \$24,753.58 in addition to premium monies in the amount of \$33,000.00 to: Bala Partners LLC, PO Box 303, Pottersville, NJ 07979;

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

ATTEST:

 Diana Rumage, Acting Clerk
 Approved: October 10, 2023

 Charles Herman, Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Rumage, Acting Clerk

Township of Delaware Resolution #23-173
Refund PERC Witness Fee – Second Day B19 L26.01

WHEREAS, Louis D’Amato posted PERC Witness fees in the amount of \$600 (Check 3205) on September 29, 2023;

WHEREAS, after witnessing on October 3, 2023 at 200 Kingwood Stockton Rd, Stockton NJ 08559, B19 L26.01, it was deemed only one day was needed.

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 PERC Witness fees for the second day in amount as of \$250;

Louis D’Amato
 200 Kingwood Stockton Rd
 Stockton, NJ 08559



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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 \$250 to the property owner listed above.

ATTEST:

 Diana Ramage
 Acting Clerk
 Approved: October 10, 2023

 Charles Herman
 Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Ramage
 Acting Clerk

Township of Delaware Resolution #23-174
Opposing H.R. 3372, Which Would Establish a
10-Year Pilot Program for States to Test 91,000 Pound Trucks

WHEREAS, H.R. 3372, was introduced in the House of Representatives on May 16, 2023, and would create a program for states to 'test' 91,000-pound trucks on their roads; and

WHEREAS, this increase to 91,000 pounds, represents a nearly fourteen percent increase over the current large rigs which are approximately 80,000 pounds in weight; and

WHEREAS, a 2023, joint study prepared by the National Association of Counties and National Association of County Engineers, found that 72,000 local bridges across the country can't safely handle 91,000-pound trucks and that it would cost \$61 billion to replace them; and

WHEREAS, according to the USDOT, even with a sixth axle distributing the load, 91,000-pound trucks would only pay for about fifty-five percent of their damage to roads and bridges; and

WHEREAS, since Congress last raised truck weights, the number of trucks registered in the U.S. and the miles they drive have increased by ninety-one percent; and

WHEREAS, Hunterdon County is home to numerous small and historic bridges that currently cannot handle existing heavy trucks that are on roadways; and

WHEREAS, existing truck traffic presents numerous challenges to Hunterdon County's twenty-six municipalities including its numerous, small, historic downtowns.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey hereby opposes H.R. 3372, and calls upon its federally elected representatives to oppose this legislation; and



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BE IT FURTHER RESOLVED, that a copy of this resolution be sent to U.S. Representative Tom Kean, U.S. Senators Robert Menendez and Cory Booker.

ATTEST:

 Diana Rumage
 Acting Clerk
 Approved: October 10, 2023

 Charles Herman
 Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Rumage
 Acting Clerk

Township of Delaware Resolution #23-175
Supporting Assembly Bill No. 975 and Senate Bill No. 2643 Requiring Commercial Vehicles to be Equipped with Certain Global Positioning Systems

WHEREAS, bipartisan Assembly Bill No. 975 sponsored by Assemblyman John DiMaio and Assemblyman Daniel Benson would require a commercial motor vehicle operating upon the public highways of this State, to be equipped with a global positioning system navigation program that provides information about upcoming highway infrastructure with low vertical clearance and weight restrictions and dynamic route directions that account for commercial motor vehicle restrictions; and

WHEREAS, the legislation defines a “commercial motor vehicle” as a select group of vehicles with a gross vehicle weight rating of 26,001 or more pounds, or that display a gross vehicle weight rating of 26,001 or more pounds; and

WHEREAS, commercial motor vehicles have restricted routes of travel that are not readily displayed on civilian navigation systems that are sometimes used by operators of commercial motor vehicles; and

WHEREAS, because of limited information on civilian navigation systems, commercial motor vehicle operators often unintentionally end up on restricted weight roadways or are stopped along their route by a restricted weight bridge; and

WHEREAS, Hunterdon County has sustained damages to road ways and bridges as a result of overweight trucks traveling on them; and

WHEREAS, unless identified by a camera, or law enforcement personnel, Hunterdon County taxpayers are on the hook for the cost of repairs to infrastructure damaged by large trucks; and



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WHEREAS, the legislation is also important given the number of historic bridges, culverts and downtowns located throughout Hunterdon County that cannot accommodate large commercial vehicles and cause considerable disruption to local traffic flow; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, does hereby support Assembly Bill No. 975 and Senate Bill No. 2643; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the members of the 15th, 16th and 23rd Legislative Districts.

ATTEST:

 Diana Rumage, Acting Clerk
 Approved: October 10, 2023

 Charles Herman, Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Rumage, Acting Clerk

ADOPTION OF ORDINANCES

Mayor Herman read the following Ordinance by title: **Ordinance 2023-09: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY BY ADDING A NEW CHAPTER 300 TO BE ENTITLED “SMOKING” WHICH PROVIDES FOR REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER.**

Mayor Herman asked for a motion to open public hearing on Ordinance 2023-09. The motion was made by Mr. Waltman, seconded by Mr. Vocke and was approved unanimously by voice vote. The motion carried.

Rich Warwinsky, resident, asked if the regulations from this ordinance will be posted. Mayor Herman responded that they would be on the website, posted at the park and likely at the Municipal Building.

Hearing no further comments, Mayor Herman asked for a motion to close public hearing on Ordinance 2023-09. Mr. Waltman made the motion, seconded by Mr. Vocke and was approved unanimously by voice vote. The motion carried.

Mayor Herman asked for a motion to adopt Ordinance 2023-09. The motion was approved by roll call vote.

Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower		X	X			
Susan Lockwood			X			



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Joseph Vocke			X			
James Waltman	X		X			
Charles Herman, Mayor			X			

Township of Delaware
Ordinance No. 2023-09

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY BY ADDING A NEW CHAPTER 300 TO BE ENTITLED “SMOKING” WHICH PROVIDES FOR REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER

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

Section 1. The Code of the Township of Delaware is hereby amended by adding thereto a new chapter to be Chapter 300, Smoking, to read as follows:

Article I. Smoking Prohibited in Recreational Areas, Township-Owned Property, and Township-Sponsored Events

§ 300-1 Smoking Prohibited in Recreational Areas, Township-Owned Property, and Township-Sponsored Events

It shall be unlawful for any person to smoke and/or consume tobacco and/or cannabis in or on Township-owned property, recreational areas and at Township-sponsored events within the Township of Delaware.

§300-2 Definitions:

As used in this article, the following terms shall have the meanings indicated:

CANNABIS

The term “cannabis” in the Section shall include cannabis, marijuana and/or any product made from cannabis or marijuana including, but not limited to, flowers, oils, vapor, or edibles.

CONSUMPTION

The eating, drinking, smoking, or ingesting of something.

RECREATIONAL AREAS

Any parks, playgrounds, or any other public facilities that provide for active or passive recreation.

SMOKING

The burning of, inhaling from, exhaling the smoke from or possession of a lighted cigar, cigarette, pipe, e-cigarette, vape or any other matter or substance which contains tobacco and/or cannabis and/or emits vapor or smoke.

TOBACCO



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Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling or other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOWNSHIP-OWNED PROPERTY

All buildings, lands and grounds owned or leased by the Township of Delaware, including but not limited to recreation fields, parking areas and grounds adjacent to the buildings owned and operated by the Township of Delaware.

TOWNSHIP-SPONSORED EVENT

Any community concert, parade, walkathon, march, fair, carnival, festival, celebration, competition, sports event, party, ceremony, show, demonstration, rally, race, vigil, exhibition, pageant or procession of any kind or any similar display in or upon any street, sidewalk, park, or other public place in the Township of Delaware.

§ 300-3 Posting of notice.

The Department of Public Works is authorized to post adequate notice of the smoking prohibition in conspicuous places near the entrances to and within the parks, playgrounds, park facilities, ballfields, and recreational areas. The signs may contain wording that violations within the designated area are subject to a fine. The failure to post any such sign shall not be a defense against a violation of this chapter.

§ 300-4 Violations and penalties.

- A. Any person who violates any provision of this chapter shall be subject to the following:
- (1) A fine in the maximum amount of \$125 for the first violation.
 - (2) A fine in the maximum amount of \$200 for the second violation.
 - (3) A fine in the maximum amount of \$300 for each additional violation.
- B. The Municipal Court shall have the right, upon conviction for a first violation, to suspend such penalty upon the condition that the violator attend a program or programs relating to the harmful use of smoking and the use of tobacco products and that the violator produces proof of attending said program.

Section 2. Renumbering. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.



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Section 4. Repealer. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

ATTEST:

 Diana Rumage, Deputy Clerk

 Charles Herman, Mayor

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held September 11, 2023. It will be considered on second reading for final adoption at a regular meeting to be held October 10, 2023, 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.

I, Diana Rumage, Deputy Clerk of the Township of Delaware, do hereby certify that the foregoing is a true copy of an ordinance that was adopted by the Township Committee of the Township of Delaware on October 10, 2023.

 Diana Rumage, Deputy Clerk

Introduction: September 11, 2023

Adoption: October 10, 2023

Mayor Herman asked for a motion to approve **Resolution 23-176:** Authorizing Payment of Municipal Obligations in the amount of \$7795,226.31. The motion was approved by roll call vote.

Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower		X	X			
Susan Lockwood	X		X			
Joseph Vocke			X			
James Waltman			X			
Charles Herman, Mayor			X			

Township of Delaware Resolution #23-176
Authorizing Payment of Municipal Obligations

WHEREAS, the Township Committee of the Township of Delaware finds and declares that certain municipal obligations have come due and are now payable; and

WHEREAS, the Township Committee further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby attached and deemed part of this Resolution.



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NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Treasurer in the amount of **\$795,226.31**.

ATTEST:

 Diana Ramage
 Acting Clerk
 Approved: October 10, 2023

 Charles Herman
 Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Ramage
 Acting Clerk

OLD BUSINESS

Mayor Herman provided an update on the Sergeantsville post office. He reported that the Firehouse is in final negotiations on the lease agreement for a location, most likely within the ballroom. There is no target date, but they hope to begin Nov/Dec and be done in early/mid Spring 2024. They owe us a response on getting a mailbox and it is unlikely that we will get a temporary post office location. They are supposed to be getting back to us regarding a delivery system for the Municipal Building, DTS and PD. Water and sewer concerns have been addressed.

The Township Committee discussed the position of Open Space coordinator and the Open Space & Farmland Preservation Advisor Proposal from The Land Conservancy of New Jersey. Discussion centered on the pros and cons of contracting with this organization versus hiring someone qualified within the community. Open Space Chairperson Rosalind Westlake asked that the proposal be referred to the Open Space Committee.

Mayor Herman made a motion to refer the Open Space & Farmland Preservation Advisor Proposal to the Open Space Committee with the approval of the Township Committee pending discussions with the Open Space Committee. Mr. Waltman seconded the motion. Mayor Herman, Mr. Bower, Mr. Waltman and Mr. Vocke voted yes. Ms. Lockwood voted no. The motion carried.

Mayor Herman reported that a request was submitted to the NRCS for Police/Roads Department stormwater project and that we are in queue waiting for a response.

NEW BUSINESS

The Township Committee acknowledged receipt of DTMUA audit as part of our annual Best Practices Inventory. He asked that we request the same from Rosemont Water Company.



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John Kafarski from the Environmental Commission introduced Robert McEwan of the Lower Delaware Wild & Scenic Committee. Mr. McEwan spoke about the proposal to add more creeks and rivers to the Congressional designation. Delaware Township has been part of the Lower Delaware since 2000 and received a \$5000 grant to plant trees at Bull's Island as participants in the program. The current proposal is for the addition of Lockatong, Alexauken and Wickecheocke Creeks. The Lower Delaware Wild & Scenic River Management plan partners with numerous municipalities and organizations (such as the Coast Guard, Army Corps of Engineers) to help maintain water quality through projects addressing sanitation, trash and keeping water clean.

The Environmental Commission recommended that the Township Committee approve a resolution to join other townships. West Amwell, Kingwood and Stockton have passed similar resolutions and they are working with Lambertville. Mr. McEwan noted that the Federal Government is forbidden by the National Wild and Scenic Rivers Act from acting locally. Local action is dictated by the State, County and Municipalities.

The Township Committee probed further about the limitations and benefits of the partnership. Mayor Herman asked whether this partnership would inhibit landowners from making changes by adding another layer to the process, particularly in the case of emergencies (like Hurricane Ida). Mr. McEwan stated that the organization does not permit things, but would get involved in cases where the flow of designated creeks would be impeded (i.e. damming). Mayor Herman asked if rants available to us even if we don't pass the resolution? Mr. McEwan stated yes, as was the case with the Bull's Island mini grant.

Mr. Waltman asked for clarification about instances when the Lower Delaware Wild & Scenic would get involved and asked for confirmation that there are no restrictions to homeowners as part of this plan. Mr. McEwan responded that there are no restrictions or involvement unless they wanted to put in a dam.

Mayor Herman asked that we include the resolution on the agenda for the November meeting.

Mayor Waltman asked that the Township Attorney review the Act and its provisions before the Township approves it.

OPEN FOR PUBLIC COMMENT

Mayor Herman opened the meeting for public comment.

Gail Conover, resident, noted issues on Covered Bridge Road with the school bus and cars passing and the potential to get stuck in a ditch. She asked that DPW put up a post marking that area so buses don't end up in the ditch. She also asked if the Lower Delaware Wild & Scenic Management Plan includes Rose Brook which goes into the Wickecheocke. Mr. Kafarski from the Environmental Commission will follow up on that question.

Jan Weber, resident, commented that she was pleased that the Township Committee will be looking into video recording meetings and posting them online. She was also pleased by the park planner



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presentation and felt that the residents would benefit from being able to view meetings online. Mayor Herman reiterated that we will be looking into costs and allocating a budget for next year.

Matt Miller, resident, stated that he did the livestreaming in East Amwell and would be happy to help with the process.

Gail Conover, resident, mentioned that a podium, which is used in other townships, promotes better behavior in conjunction with recording.

Valerie Tucci, resident, stated that Hopewell also records and puts their recordings on their website. She suggested using more microphones as some voices aren't picked up with current system.

John Kafarski, resident, reported that White Oak Trail has been cut back and is in great shape. It is located on Route 29 across from Bull's Island and can be accessed from Federal Twist Road or Route 29.

Kathy Kink, resident, noted that recordings are not permanent and asked where will the recordings be stored and will they be deleted after a certain time?

Jes Stahl, resident, asked if there is a completion date for the Dunkard Church Bridge work? She also reported that JCP&L has a dead line and old transformer on the school property that sometimes leaks. Mayor Herman asked that she send him an email on the subject.

Mario Russo, resident, said DTAA met two weeks ago and discussed the Rec Commission stipend. Ms. McDaniel replied that the check has been cut, but she needs someone to sign the purchase order. Mr. Russo went on to thank the Township for weeding at Dilts. He noted that the Park Planner is great and he will give Mr. Waltman the list of requests from DTAA. Finally, he reported that Dan Aiello is looking into the AED device.

TOWNSHIP COMMITTEE COMMENTS

Mr. Vocke, Ms. Lockwood, Mr. Waltman and Mr. Bower had no comments.

Mayor Herman indicated that he had an email correspondence with the Township Zoning Officer Mike Mullin about the size of accessory buildings. Our current limit is lower than other municipalities and he recommended that the Township Committee consider increasing the size limit for accessory buildings from the current limit of 900 sq. feet to 1,200-1,500 sq. feet. Mayor Herman asked on behalf of the Township Committee that the Planning Board should consider allowing the increase. Ms. Westlake said given that there are so many requests for this, she would accept the recommendation and review it.

Mayor Herman noted that the position of Planning Board & Zoning Board of Adjustment Secretary is open and that we've had one applicant to date.

Finally, Mayor Herman suggested writing a letter requesting that Senator Bob Menendez step down. The rest of the Township Committee agreed.



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EXECUTIVE SESSION

Mayor Herman asked for a motion to approve **Resolution 23-177**: To enter into Executive Session for the purpose of discussing Personnel Matters and Contracts, Litigations and subjects falling under Attorney- Client Privilege. The discussion is expected to take approximately 30 minutes. Action may be taken. The motion was made by Mr. Bower, seconded by Mr. Waltman and was approved unanimously by voice vote. The motion carried.

Township of Delaware Resolution #23-177
To Enter into Executive Session

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

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss: **Personnel Matters, Litigation and Contractual Matters**

WHEREAS, Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.

ATTEST:

 Diana Ramage
 Acting Clerk
 Approved: October 10, 2023

 Charles Herman
 Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held October 10, 2023.

 Diana Ramage
 Acting Clerk

ADJOURNMENT

Upon returning to regular session, Mayor Herman asked for a motion to adjourn. The motion was made by Mr. Bower, seconded by Mr. Waltman and was approved unanimously by voice vote. The motion carried. The meeting was adjourned at 10:00 pm.

Respectfully submitted,



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Diana Rumage
Acting Clerk