



DELAWARE TOWNSHIP

COMMITTEE MINUTES

FEBRUARY 24, 2020 – 7:30 P.M.

Mayor Charles Herman called the regular meeting of the Delaware Township Committee to order on February 24, 2020 at 7:30 p.m., at the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Route 604) in Sergeantsville, New Jersey.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

NOTICE REQUIREMENTS

Mayor Herman read a statement noting the Notice Requirements provided for in the Open Public Meetings Act have been satisfied. Notice of this meeting was properly given by transmission to the Hunterdon County Democrat, Trenton Times, Courier News, and Star Ledger, by posting at the Delaware Township Municipal Building, and by filing with the Township Clerk all on January 3, 2020.

ROLL CALL

Present: Joe Vocke, James Waltman (7:35 p.m.), Susan Lockwood, Charles Herman

Absent: Daniel Kwasnik

APPROVAL OF MINUTES FROM FEBRUARY 10, 2020 TOWNSHIP COMMITTEE MEETING

Mrs. Lockwood motioned to approve the minutes from the Township Committee meeting of February 10, 2020. Mr. Herman seconded the motion.

Roll Call Vote: Ayes – Vocke, Lockwood, Herman

Nays - None

Absent: Kwasnik, Waltman

TOWNSHIP COMMITTEE REPORTS

Environmental Commission

Mrs. Lockwood reported the Environmental Commission is currently working with the Delaware Township Website Company to create a section to promote events, links, etc.

Open Space

Mrs. Lockwood stated Open Space reorganized with a couple of new members and there are several closings of preserved land coming up soon. Mrs. Lockwood stated the Open Space Committee is currently working on updating the Targeted Farm list which helps with State funding.

Roads

Mayor Herman reported on a resident concerned about the road conditions on Upper Creek Road by the bridge and a request to pave a parking spot where the side of the road is rutted. Mayor Herman stated he spoke to Chief Cane and the Chief denied the request for a paved parking area. Mayor Herman stated Chief Cane did request a road repair be done in the area coming down Upper Creek Road on the left as you are approaching the bridge. Mayor Herman requested Mr. Trstensky review this section of Upper Creek Road and report on the scope of work that would be needed to repair this section of the road.

Historic Advisory Committee

Mayor Herman stated a request has been made by the Historic Advisory Committee for the Township Committee to authorize a letter to be sent to the County regarding the paving of blacktop over the existing sidewalks on County Rt. 523 in the Sergeantsville Historic section and requesting that these sidewalks be restored back to the original sidewalks. Mayor Herman stated he made a few changes on the draft letter and requested Township Attorney Tauriello to review the draft letter.

Mayor Herman stated every year the Township Committee appoints a member to be the liaison to the Historic Advisory Committee. After review it has been discovered that this committee has never been established by Ordinance or Resolution and therefore it is not a requirement that any Member of the Township Committee needs to be a liaison or a member of this Committee. Mayor Herman suggested since this is a sub-committee the Township Committee does not need to appoint a liaison for this committee.

Mrs. Lockwood discussed the background history of the organization of this Committee. Mrs. Lockwood will review the documents she has on this committee and see if she can locate the descriptor for this committee. Mayor Herman stated that until there is other proof of a different formation of this sub-committee the Township Committee does not need to have a liaison for this sub-committee.

IT Sub-Committee

Mayor Herman requested the IT-Sub-committee consider the option of possibly doing a Shared Service Agreement with the Delaware Township School for a joint IT person.

Ms. McDaniel requested to have a IT plan be established for the Township.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

No Comments were made on agenda items.

ORDINANCE #2020-01 – SECOND READING

DELAWARE TOWNSHIP **ORDINANCE #2020-01**

BOND ORDINANCE PROVIDING FOR THE LOWER FERRY ROAD IMPROVEMENT PROJECT IN AND BY THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$245,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$245,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Delaware, in the County of Hunterdon, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$245,000, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$100,000 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$245,000 pursuant to the Local Bond Law. In anticipation of the issuance

of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Lower Ferry Road Improvement Project, including, but not limited to, resurfacing, curbing and striping and further including all additional and related work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed or will be filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$245,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$49,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use

the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 10, 2020

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 February 10, 2020. It will be considered on second reading for final adoption at a regular meeting to be held February 24, 2020, 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.

Mrs. Lockwood motioned to open the public hearing on Ordinance #2020-01 to the public, Mr. Vocke seconded the motion, and the members unanimously approved the motion by all in favor vote.

A Township resident asked when the road repair would be completed.

Mayor Herman stated the plan is to have this completed before the Great Crate Race in July. Mayor Herman stated the targeted time will be between now and late June. Mayor Herman stated a State grant has been secured of a \$100,000.00 to help offset the cost of this project.

Mr. Waltman motioned to close the public hearing on Ordinance #2020-01 to the public, Mr. Vocke seconded the motion, and the members unanimously approved the motion by all in favor vote.

Mr. Waltman motioned to approve Ordinance #2020-01 on second reading, and Mrs. Lockwood seconded the motion for second reading by roll call vote.

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None

Absent: Kwasnik

ORDINANCE #2020-02 –FIRST READING

DELAWARE TOWNSHIP
ORDINANCE #2020-02

WHEREAS, the Local Government Cap Law, NJSA 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 percent (2.5%) unless authorized by ordinance to increase it to three and one-half percent (3.5%) over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, NJSA 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 three and one-half (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 2020 budget by up to three and one half percent (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 three and one half percent (3.5%) increase in the budget for said year, amounting to \$37,141.91 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 of the Township of Delaware 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.

NEW, THEREFORE BE IT ORDAINED, by the Governing Body of the 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 2020 budget year, the final appropriations of the Township of Delaware shall, in accordance with the ordinance and NJSA 40A:4-45.14 be increased by 3.5%, amounting to \$129,996.70, and that the CY 2020 municipal budget for the Township of Delaware be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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 five (5) days of introduction; and,

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

Charles Herman, Mayor

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held February 24, 2020. It will be considered on second reading for final adoption at a regular meeting to be held March 9, 2020 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.

Mr. Waltman motioned to approve Ordinance #2020-02 on first reading, and Mrs. Lockwood seconded the motion for first reading by roll call vote.

Ms. McDaniel stated this is an Ordinance the Township is required to do every year. Ms. McDaniel stated this does not mean the Township will use this CAP Bank but if needed the Township will have the ability to use the CAP Bank.

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman

Nays - None

Absent: Kwasnik

RESOLUTION #2020-21 –

DELAWARE TOWNSHIP
RESOLUTION #2020-21

WHEREAS, AT&T Corp., through its operating subsidiary Teleport Communications America, LLC (collectively, “AT&T”), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install wireline (non-wireless) communications facilities in Delaware Township rights-of-way, initially to access a cell tower located in Croton; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly CenturyLink, Verizon New Jersey and Jersey Central Power & Light Co., and these companies have required that AT&T obtain approval of the Delaware Township Committee as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE DELAWARE TOWNSHIP COMMITTEE THAT:

1. Permission and authority are hereby granted to AT&T to install wireline (non-wireless) communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Delaware Township in order to provide communications services to the public, initially to access a cell tower located in Croton and for similar installations in the future upon notice as required by Paragraph G below, and to operate, maintain and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
 - B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right of way.
 - C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
 - D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Delaware Township, its officers, agents, and servants, from any claims whatsoever arising from or

in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Township.

- E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an insured and including the indemnification clause in Section D shall be filed with the Township Clerk prior to the installation of any plant. The Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using Township rights-of-way. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.
- G. Such permission be and is hereby given upon the condition that AT&T shall provide reasonable prior notice to Township officials before beginning any work, shall obtain all applicable permits which may be required by the Township, and shall arrange in advance for necessary traffic control by Township police at the expense of AT&T.
- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Notwithstanding any provision contained herein, neither the Township nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.
- J. This instrument shall be adopted on behalf of the Township by the Delaware Township Committee and attested to by the Township Clerk who shall affix the Township Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 15 years. Such permission and authority shall be automatically extended for additional periods of ten (10) years each; provided, however, that the Township shall have the right to terminate permission and authority effective at the end of the currently effective term, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority effective at the end of the currently effective term, by

request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT

This resolution authorizes AT&T to install wireline (non-wireless) communications lines within conduit or on existing poles in the public right-of-way, initially to access a cell tower located in Croton in order to provide communications services to the public.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Waltman motioned to approve Resolution #2020-21 as amended. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Lockwood,
Nays – Waltman, Herman
Absent: Kwasnik

Attorney Tauriello requested this Resolution be moved to Executive Session to discuss and possible action might be taken after Executive Session is closed.

RESOLUTION #2020-23 –

DELAWARE TOWNSHIP **RESOLUTION #2020-23**

BE IT RESOLVED that the Township Committee of Delaware Township, authorize the following signatures for all Township accounts and the signing of checks, notes and bonds or any other negotiable papers requiring signatures for Delaware Township:

Charles Herman, Mayor
or
Susan Lockwood, Committee Member

And

Diane McDaniel, CFO
Or
Danene Gooding, Deputy Treasurer

And

Jodi McKinney, RMC (as necessary)

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Vocke motioned to approve Resolution #2020-23. Mrs. Lockwood seconded the motion, and the members approved the motion by roll call vote.

Mr. Waltman stated due to his position in the banking industry, he will not be authorized to sign Township checks and therefore this resolution is needed to appoint another member of the Township Committee to sign on behalf of the Township.

Roll Call Vote: Ayes – Vocke, Lockwood, Herman
Nays - None
Absent: Kwasnik
Abstain: Waltman

AUTHORIZATION FOR THE MAYOR TO SIGN AN AGREEMENT BETWEEN DELAWARE TOWNSHIP AND D&R GREENWAY FOR THE PRESERVATION PROCESS FOR BLOCK 12, LOT 17, 18, 19 AND 22

Mrs. Lockwood motioned to authorize the Mayor to sign an agreement between Delaware Township and D&R Greenway for the preservation process for Block 12, Lot 17, 18, 19 and 22. Mr. Vocke seconded motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None
Absent: Kwasnik

AUTHORIZATION TO APPOINT RICHARD MACOMBER TO A MEMBER POSITION AND MARK WRIGHT FOR AN ALTERNATE POSITION ON THE DELAWARE TOWNSHIP PLANNING BOARD

Mr. Waltman motioned to authorize the appointment of Richard Macomber as a member and Mark Wright as an alternate member for the Delaware Township Planning Board. Mr. Vocke seconded motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Kwasnik, Waltman, Lockwood, Herman
Nays - None
Absent: None

REVIEW OF MEETING DATES

The Township Committee reviewed meeting dates.

MEETING OPEN TO THE PUBLIC

Mr. Tom Bhrul stated the rates he is currently paying appear to be currently lower than the Energy Aggregation rates. Mr. Bhrul stated concerns with IDT Energy, Inc. low ratings and reputation.

Mrs. Lockwood stated the Township is currently joining an existing agreement. Mrs. Lockwood stated the only current objective is for Township residents to have some savings. Mrs. Lockwood stated the next time the Cooperative goes out for bid there will be a larger group of communities; therefore, there should be an even a lower rate and larger savings to residents. Mrs. Lockwood stated if the new rate does not come back at a significant savings then the Township can opt out of the bid and no longer participate. Mrs. Lockwood stated if the resident does not feel they are going to have a savings the resident should opt out. Mrs. Lockwood stated that if the next go around the resident sees a savings they can always opt back in.

A resident stated in the past he participated in a third party energy program and after a year his rates and bills increased substantially.

Mrs. Lockwood stated this does happen when you join as an individual but if you go in as a group the State of New Jersey has laws that prevent the Energy Companies to increase a rate for

a Town until the agreement expires but the Cooperative would rebid before that agreement expires.

Mayor Herman stated if the Township Committee decides the Energy Aggregation Agreement is not in the best interest of the residents, the Township will opt out of the Cooperative and not participate in the new agreement.

Mrs. Lockwood reviewed the history of how Delaware Township was approached and the background of how this Cooperative was chosen. Mrs. Lockwood reviewed the Towns that would be joining together for the October energy bid.

Mr. Zack Rich, Freeholder, stated West Amwell Township was part of the South Hunterdon Regional Cooperative in 2009 and there was a savings the first round but then the last two bids rounds there were not any savings.

These dates have been placed on the Delaware Township Website.

Information sessions for the Hunterdon Area Energy Cooperative:

Lambertville (18 York Street) Monday, March 2nd at 7:00 p.m.

Frenchtown (Boro Hall) Thursday, March 5th at 12:00 noon and again at 7:00 p.m.

Mrs. Lockwood will request an Energy Aggregation Representative to have a table at the Delaware Township School Earth Day.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mrs. Lockwood reported Penn East has requested the Federal Energy Regulatory Commission to allow Penn East to build the pipeline in Pennsylvania and get approval from NJ at a later date.

Mrs. Lockwood stated the concern with Penn East building the pipeline in Pennsylvania is that this could be built right up to the New Jersey border and then Penn East can argue the pipeline now needs to be constructed through New Jersey. Mrs. Lockwood stated the Pipeline Sub-Committee is creating a letter to ask FERC not to allow Penn East to build the Pipeline in Pennsylvania.

Ms. McKinney requested the March 9, 2020 agenda deadline be pushed up one day to Tuesday, March 3, 2020. The Township Committee Members agreed to this request.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment in the amount of \$15,775.97 at the Regular Meeting of the Delaware Township Committee held on February 24, 2020. Mr. Waltman moved to approve payment of the bills on the bill list. Mrs. Lockwood seconded the motion. Members approved the motion to pay the bills by roll call vote.

BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that the February 24, 2020 vouchers be paid.

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None
Absent: Kwasnik

EXECUTIVE SESSION –

RESOLUTION AUTHORIZING CLOSED SESSION **DELAWARE TOWNSHIP COMMITTEE**

BE IT RESOLVED by the Township Committee of the Township of Delaware in Hunterdon County, New Jersey follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

2. The general nature of the subjects to be discussed in this session is as follows:

- TO DISCUSS PERSONNEL MATTERS
- TO DISCUSS LITIGATION MATTERS

3. It is unknown precisely when, if ever, the matters discussed in this session may be disclosed to the public; and matters involving personnel evaluations may not ever be released.

Approval of any agreement with any bargaining unit shall only take place by action of the governing body in a public session.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Waltman motioned to approve the foregoing resolution. Mrs. Lockwood seconded the motion, and members unanimously approved the resolution by all in favor vote.

RETURN TO OPEN SESSION

Mr. Waltman motioned to come out of Executive Session. Mr. Vocke seconded the motion, and members unanimously approved the motion by all in favor vote.

Mayor Herman announced that all items in executive shall remain in Executive Session.

RESOLUTION #2020-21 –

DELAWARE TOWNSHIP **RESOLUTION #2020-21**

WHEREAS, AT&T Corp., through its operating subsidiary Teleport Communications America, LLC (collectively, “AT&T”), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install wireline (non-wireless) communications facilities in Delaware Township rights-of-way, initially to access a cell tower located in Croton; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly CenturyLink, Verizon New Jersey and Jersey Central Power & Light Co., and these companies have required that AT&T obtain approval of the Delaware Township Committee as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE DELAWARE TOWNSHIP COMMITTEE THAT:

2. Permission and authority are hereby granted to AT&T to install wireline (non-wireless) communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Delaware Township in order to provide communications services to the public, initially to access a cell tower located in Croton and for similar installations

in the future upon notice as required by Paragraph G below, and to operate, maintain and repair said facilities, subject to the following:

- A. The facilities shall be installed in underground conduit and/or on to existing utility poles in the public right-of-way.
- B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right of way.
- C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless Delaware Township, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Township.
- E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an insured and including the indemnification clause in Section D shall be filed with the Township Clerk prior to the installation of any plant. The Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using Township rights-of-way. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.
- G. Such permission be and is hereby given upon the condition that AT&T shall provide reasonable prior notice to Township officials before beginning any work, shall obtain all applicable permits which may be required by the Township, and shall arrange in advance for necessary traffic control by Township police at the expense of AT&T.
- H. AT&T shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Notwithstanding any provision contained herein, neither the Township nor AT&T shall be liable to the other for consequential,

incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

- J. This instrument shall be adopted on behalf of the Township by the Delaware Township Committee and attested to by the Township Clerk who shall affix the Township Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of 15 years. Such permission and authority shall be automatically extended for additional periods of ten (10) years each; provided, however, that the Township shall have the right to terminate permission and authority effective at the end of the currently effective term, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority effective at the end of the currently effective term, by request of Resolution with a minimum of one year from passage of such Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT

This resolution authorizes AT&T to install wireline (non-wireless) communications lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Vocke motioned to approve Resolution #2020-21 as amended. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Lockwood, Waltman, Herman
Nays – None
Absent: Kwasnik

RESOLUTION #2020-24 – This resolution was requested to be placed after the Executive Session so that the Township Committee can be advised by the Township Attorney due to Negotiations.

DELAWARE TOWNSHIP **RESOLUTION #2020-24**

AUTHORIZES EXECUTION OF A SHARED POLICE SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF DELAWARE AND THE TOWNSHIP OF EAST AMWELL

WHEREAS, Township of East Amwell has a need for increased enforcement of traffic laws within its borders to supplement New Jersey State Police coverage; and

WHEREAS, Delaware Township through the Delaware Township Police Department can provide supplementary traffic enforcement services to the Township of East Amwell using existing manpower and equipment; and

WHEREAS, both parties have agreed that the Delaware Township Police Department will provide supplemental traffic enforcement services to Township of East Amwell in accordance with

the Uniform Shared Services and Consolidated Act, N.J.S.A. 40A:65-1 e.t seq. and under the terms and conditions of the Shared Police Services Agreement to be executed by both parties; and

WHEREAS, the Delaware Township Attorney and Township of East Amwell Attorney have prepared and approved said Agreement.

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

- 1. The Mayor and Clerk are hereby authorized and directed to execute a Shared Services Agreement for Police Services in the Township of East Amwell. The term of the Shared Services Agreement shall be one-year effective March 1, 2020 and extending to December 31, 2020 unless terminated sooner. The parties may agree in writing to renegotiate or extend this Agreement at the expiration of its term for a one (1) year term.
- 2. A copy of this Resolution and the executed Shared Services Agreement shall be forwarded to the Department of Community Affairs.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

CERTIFICATION

I, Jodi McKinney, RMC, Clerk of the Township of Delaware, certify that the foregoing Resolution was adopted by the Township Committee of the Township of Delaware at its meeting held on the 24th day of February 2020.

Jodi McKinney, Municipal Clerk

Mrs. Lockwood motioned to approve Resolution #2020-24. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None
Absent: Kwasnik

RESOLUTION #2020-25 –

DELAWARE TOWNSHIP
RESOLUTION #2020-25

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to set 2020 salaries for all Township employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that 2020 annual salaries for all non-contracted employees retroactive to January 1, 2020 are established as follows:

ADMINISTRATION		
Mayor	Charles Herman	\$ 3,958.00
Township Committee	Joseph Vocke	\$ 3,958.00
	Susan Lockwood	\$ 3,958.00
	James Waltman	\$ 3,958.00
	Daniel Kwasnik	\$ 3,958.00
ASSESSOR’S OFFICE		
Assessor	Michelle Trivigno	\$36,965.00

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	Philip Izzo	\$32,505.00
Electrical Subcode Official and Electrical Subcode Inspector	Peter Buchanan	\$21,649.00
Plumbing Subcode Official, Plumbing Subcode Inspector, Mechanical Subcode Inspector, Fire and Building Inspector	Phillip Izzo	\$14,857.00
Alternate Substitute Electrical or Plumbing Inspector		\$32.47 hourly
Zoning Officer/Flood Plain Admin	Michael Mullin	\$ 7,927.00
Technical Assistant/Secretary to CCO (not to exceed 20 hrs./week)	Tammy Oberly	\$21.33/Hr.
Stockton Inspections	Phil Izzo, Peter Buchanan	\$28.00 per inspection

CLERK’S OFFICE

Township Clerk	Jodi McKinney	\$61,636.00
Deputy Registrar	Deanna Higgins*	\$ 2,627.00
COAH Municipal Housing Liaison	Kathleen Klink	\$ 2,912.00
COAH Municipal Administrative Agent	Kathleen Klink	\$ 4,894.00
Administrative Assistant	Kathleen Klink	\$2,174.00

FINANCE ADMINISTRATION

Tax Collector	Danene Gooding*	\$43,720.00
CMFO/Treasurer	Diane S. McDaniel*	\$89,303.00
Deputy Treasurer	Danene Gooding*	\$12,253.00
Qualified Purchasing Agent	Diane McDaniel*	\$ 5,000.00

HEALTH DEPARTMENT

Perc Test Witness	Robert Kleckner	\$200.00 per test
Perc Test Alternate Witness	Peter Enea	\$175.00 per test
Board of Health Secretary	Danene Gooding*	\$ 6,790.00

ANIMAL CONTROL DEPARTMENT

Animal Control Licensing Agent	Deanna Higgins*	\$ 5,941.00
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POLICE

Chief of Police (Per Contract)	Phillip C. Cane*	\$114,228.00
Class II Special Police Officer	Harry Harbourt Jeff Jones	\$25.50 hourly
Court Security court session	All Officers	\$175.00 per
Police Department Administrative Assistant	Deanna Higgins*	\$25,465.00

Police Department Matron	Deanna Higgins*	\$66.79 hourly**
	**Minimum 3-hour callout and \$14.00 per hour after three hours if not already covered by salary	
Crossing Guard	Heather Schlesier	\$18.02 per shift
OFFICE OF EMERGENCY MANAGEMENT		
OEM Coordinator	Phillip C. Cane*	\$ 3,996.00
Deputy OEM Coordinator	William Powell	\$ 9,368.00
Emergency Mgmt Coordinator's Sec	Deanna Higgins*	\$ 2,107.00
ROAD DEPARTMENT		
Road Supervisor/Director of Public Works	Jay Trstensky*	\$87,704.00
Road Department Administrative Asst.	Deanna Higgins*	\$25,465.00
DPW – Mower/Road Dept Help	Thomas Higgins	\$18.01
hourly	H. William Harbourt	\$15.30
hourly	Dale Haberle	\$15.30
hourly		
DPW – Snow Plow Help	Dave Swackhamer	\$20.97
hourly	H. William Harbourt	\$22.44
hourly	Dale Haberle	\$22.44
		hourly
BUILDINGS AND GROUNDS		
Dilts Farm Park Custodial Services	Doris Culberson	\$ 8,650.00
Police/Road Depts./Township Bldg. Cleaning Services	Rose Dipple	\$21.40 hourly
TOWNSHIP BOARDS		
Planning Board Clerk	Kathleen Klink	\$10,824.00
Board of Adjustment Clerk	Kathleen Klink	\$13,630.00
Environmental Commission Secretary	Kathleen Klink	\$ 1,624.00
Open Space Coordinator	Katherine Fullerton	\$ 10,000.00
Certified Recycling Coordinator and Clean Communities Coordinator	Kathleen Klink	\$ 2,871.00
MUNICIPAL COURT- Separate Resolution		
Mileage Reimbursement rate		57.5 cents/mile 2020 IRS

*Medicare Part B compensation .5%

ATTEST:

Jodi McKinney, RMC, CMC

Charles Herman, Mayor

Township Clerk
February 24, 2020

Mr. Waltman motioned to approve Resolution #2020-25. Mrs. Lockwood seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood
Nays - Herman
Absent: Kwasnik

RESOLUTION #2020-26 –

DELAWARE TOWNSHIP
RESOLUTION #2020-26

WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to set 2020 salaries for Municipal Court employees not covered under collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Delaware Township Committee that the 2020 annual salaries for Shared Court employees retroactive to January 1, 2020 unless noted differently are established as follows:

Municipal Court

Magistrate (1/2 share) Edward Martin, Esq.
\$15,146.00
(Includes Franklin Share\$4,594.00)

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

Court Violations Clerk (1/2 share) Catherine Adamo (Starting 5-14-19)
\$17.34/Hr

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

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Waltman motioned to approve Resolution #2020-26. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None
Absent: Kwasnik

RESOLUTION #2020-27 –

DELAWARE TOWNSHIP
RESOLUTION #2020-27

WHEREAS, N.J.S.A. 40A:11-3 a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Diane Soriero McDaniel possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services, and

WHEREAS, the Township Committee desires to take advantage of the increased bid threshold to \$40,000; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to increase its bid threshold to \$40,000.00; and

BE IT FURTHER RESOLVED, that the Township Committee hereby appoint Diane Soriero McDaniel as the Qualified Purchasing Agent to exercise the duties of purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED, that in accordance with N.J.A.C. 5:34-5.2 the Delaware Township Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Diane Soriero McDaniel's certification to the Director of Local Government Services.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
February 24, 2020

Charles Herman, Mayor

Mr. Vocke motioned to approve Resolution #2020-27. Mr. Waltman seconded the motion, and the members approved the motion by roll call vote

Roll Call Vote: Ayes – Vocke, Waltman, Lockwood, Herman
Nays - None
Absent: Kwasnik

Mayor Herman stated he will create a Proclamation for the Boy Scout Court of Honor program that will be promoting Vincent Colalillo to Eagle Scout.

ADJOURNMENT

Members motioned, seconded, and unanimously approved a motion to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Jodi McKinney, RMC, CMC
Township Clerk

Approved: (March 9, 2020)

Charles Herman, Mayor