



DELAWARE TOWNSHIP
COMMITTEE MEETING MINUTES
JULY 13, 2020 – 7:30 P.M.

Deputy Mayor James Waltman called the regular meeting of the Delaware Township Committee to order on July 13, 2020 at 7:30 p.m., for Delaware Township, 570 Rosemont Ringoes Road (County Route 604) in Sergeantsville, New Jersey.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

NOTICE REQUIREMENTS

Deputy Mayor Waltman 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: Joseph Vocke, James Waltman, Daniel Kwasnik, Susan Lockwood, Charles Herman
Other Present: Attorney Joseph Tauriello

APPROVAL OF MINUTES FROM JUNE 29, 2020 TOWNSHIP COMMITTEE MEETING

Mrs. Lockwood motioned to approve the minutes from the Township Committee meeting of June 29, 2020. Mr. Vocke seconded the motion.

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

TOWNSHIP COMMITTEE REPORTS

DPW

Mr. Kwasnik reported DPW will begin the Tar & Chip road projects as soon as Kingwood is finished with their road projects.

Mr. Kwasnik stated the DPW mowing crew are currently continuing to mow the sides of roads.

Energy Aggregation

Mrs. Lockwood stated there is an addendum and agreement that will need to be signed off by the Mayor to extend the original agreement through December 2020. The Energy Aggregation group has gone back out for an RFP and the results are lower for the regular rate and a green rate has been added this time around. Mrs. Lockwood stated both rates came back lower than the JCP&L current rate.

Mrs. Lockwood motioned to authorize the Mayor to sign the documents for the Energy Aggregation addendum and agreement. Mr. Vocke seconded the motion, and the members approved the motion by an all in favor vote.

IT upgrade

Mr. Waltman stated the Township Municipal Building is currently in need of updating and a new system to run virtual meetings.

Mr. Caine Fowler stated the Municipal Building will need a TV, stand and computer equipment to run virtual meetings.

Mr. Waltman would like this to be purchased and set up as soon as possible so that meeting can be run in person and virtual at the same time.

DTMUA

Mr. Vocke stated the DTMUA has requested the Delaware Township DPW plow the sewer plant and the water tower access. Mr. Vocke asked Mr. John Sterbinsky to speak on behalf of the DTMUA.

Mr. Sterbinsky requested the Township Committee reconsider the request from last year to have the DPW crew snowplow the DTMUA sewer plant and water tower access road. Mr. Sterbinsky stated the cost for snow plowing has risen from \$1,200.00 to \$3,500.00 a season.

Mayor Herman asked what obligation and liability the Township would have for the two houses that are on the lane leading to the water tower.

Mr. Sterbinsky stated there is no obligation to plow in a certain time frame for the residents on the lane and DTMUA would have a 48-hour timeframe before it could become an issue.

MEETING OPEN TO THE PUBLIC FOR COMMENTS ON AGENDA ITEMS ONLY

Ms. Klink reminded the Township Committee that the Virtual setup will need to be completed as soon as possible since the Board of Adjustment and Planning Board have meetings coming up soon.

Mr. Fowler stated the equipment including the computer should be around \$3,000.00.

Mr. Waltman stated that Capital Improvement funds allocated at a prior meeting for Municipal Building may be used to help cover the cost of this project.

Mayor Herman stated the funding can possibly come from the Covid-19 support funds that the Township will be receiving.

RESOLUTION #2020-59-

DELAWARE TOWNSHIP
RESOLUTION #2020-59

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,407,000 IN PRINCIPAL AMOUNT

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (with not less than a majority of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Delaware, in the County of Hunterdon, New Jersey (the "Township") authorized

pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$3,407,000.

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided and the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

AMOUNT TO BE ISSUED	BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	PERIOD OF USEFULNESS
\$408,571	13-03	Various road improvements, finally adopted 2/25/2013	10 years
\$93,004	15-10	Acquisition of various equipment, finally adopted 7/13/2015	15 years
\$570,000	17-07	Acquisition of a fire truck, finally adopted 6/12/2017	10 years
\$1,331,322	17-08, as amended in its entirety by 19-05	2017 Road Program, finally adopted 6/12/2017, as amended 5/28/2019	10 years
\$282,103	17-09	Various capital improvements, finally adopted 6/12/2017	5 years
\$285,000	18-14 as supplemented by 19-06	Various road improvements, finally adopted 8/27/2018, as supplemented 5/28/2019	10 years
\$192,000	19-07	Rosemont Ringoes Road sidewalk installation, finally adopted 5/28/2019	10 years
\$245,000	20-01	Lower Ferry Road Improvement Project, finally adopted 2/24/2020	10 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 9.72 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof has been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

ATTEST:

Charlie Herman, Mayor

Jodi McKinney, RMC, CMC
Township Clerk
June 29, 2020

CERTIFICATION

I, Jodi McKinney, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2020-54 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on June 29, 2020.

Jodi McKinney, Clerk

The foregoing resolution was adopted by the following vote:

AYES: Vocke, Waltman, Kwasnik, Lockwood, Herman
NAYS: None

Mrs. Lockwood motioned to approve Resolution #2020-59. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION #2020-60-

DELAWARE TOWNSHIP
RESOLUTION #2020-60

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A-5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the Delaware Township Committee have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the Township Committee; and

WHEREAS, such resolution of certification shall be adopted by the Township Committee no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Township Committee have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the Township Committee to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
July 13, 2020

Charles Herman, Mayor

CERTIFICATION

I HEREBY CERTIFY this to be a true copy of Resolution #2020-60 approved by the Delaware Township Committee on July 13, 2020.

Jodi McKinney, RMC, CMC
Township Clerk

Mrs. Lockwood motioned to approve Resolution #2020-60. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION #2020-61-

RESOLUTION #2020-61
DELAWARE TOWNSHIP
HUNTERDON COUNTY

CORRECTIVE ACTION PLAN
2019 AUDIT

No Recommendations

This Corrective Action Plan, which outlines action Delaware Township will take to correct findings listed above, was prepared in accordance with Federal and State requirements.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey that it hereby approves this Corrective Action Plan.

BE IT FURTHER RESOLVED that a copy of this plan will be submitted to the Division of Local Government Services, placed on file and made available for public inspection in the office of the Delaware Township Clerk.

Certified this 13th day of July 2020

Diane Soriero McDaniel, CFO, CTC, QPA
Chief Financial Officer/Treasurer

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
July 13, 2020

Charles Herman, Mayor

Mrs. Lockwood motioned to approve Resolution #2020-61. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION #2020-62-

DELAWARE TOWNSHIP
RESOLUTION #2020-62

WHEREAS, Todd & Irene Hesse paid Delaware Township construction fees on May 08, 2020 in the amount of \$3,149.00 (Check #8003);

WHEREAS, after review of the construction fee schedule, it was determined that the applicant was overcharged in the amount of \$2,484.00;

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

Block 56, Lot 20
12 Grafton Road

To: **Todd & Irene Hesse**
10 Highland Drive
Livingston, NJ 07039-2809

Overpayment amount: **\$2,484.00**

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a refund checks totaling \$2,484.00 to the applicant listed above.

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

ATTEST:

Charles Herman, Mayor

Jodi McKinney, RMC, CMC
Township Clerk

I, Jodi McKinney, RMC, Township Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is a correct and true copy of Resolution #2020-62 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on July 13, 2020.

Jodi McKinney, RMC, CMC

Mrs. Lockwood motioned to approve Resolution #2020-62. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote.

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

RESOLUTION #2020-63-

DELAWARE TOWNSHIP
RESOLUTION #2020-63

WHEREAS, the recent changes to the Local Public Contract Law afforded local contracting units the ability to increase the bid threshold up to Forty-Four Thousand Dollars (\$44,000.00); and

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 under New Jersey Law; and

WHEREAS, Diane S. McDaniel possesses the designation and is certified as a Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C.5:34-5, et seq.; and

WHEREAS, Delaware Township desires to take advantage of the increased bid threshold that will provide certain benefits of efficiency and economics to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, that the Township Committee hereby formally increases it bid threshold to \$44,000.00 along with a quote threshold of \$6,600.00.

ATTEST:

Jodi McKinney, RMC, CMC
Township Clerk
July 13, 2020

Charles Herman, Mayor

CERTIFICATION

I HEREBY CERTIFY this to be a true copy of Resolution #2020-63 approved by the Delaware Township Committee on July 13, 2020.

Jodi McKinney, RMC, CMC
Township Clerk

Mrs. Lockwood motioned to approve Resolution #2020-63. Mr. Vocke seconded the motion, and the members approved the motion by roll call vote.

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

MEETING OPEN TO THE PUBLIC

Mr. Tim Drew, 10 Jurgensen Rd stated his support for the Open Space discussion to add maintenance for Dilt’s Park and other open space acquisitions. Mr. Drew stated it is wonderful to acquire open space but there is a need for funding to help maintain the acquired open space and Dilt’s Park.

Mr. Scott Kingston stated he supports a referendum to add maintenance to the Open Space fund to help offset the cost for maintaining the park and other open space acquisitions.

Ms. Klink presented a proposal to the Township Committee to allow the joint Annual River Clean-up to be scheduled and asked for the Township Committee’s support. Ms. Klink outlined the safety measures and social distancing guidelines that would be followed during this event.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mr. Kwasnik stated he will speak to Mr. Trstensky about adding the DTMUA to the list of plowing roads and will report back to the Township Committee.

Mayor Herman thanked Ms. McDaniel for all the support and help with achieving the no recommendation status on the 2019 Audit. Mayor Herman stated there have been recommendations that the Township has received for years. Mayor Herman stated Ms. McDaniel has worked to get these items completed and taken off the recommendation list. Mayor Herman stated Ms. McDaniel and the Financial Committee met with the Bond Council. Mayor Herman stated Delaware Township was able to lower the Township’s bond rating. Mayor Herman stated due to a great group effort this will help Delaware Township financially.

Mayor Herman stated the following:

At our last meeting, in addition to other ridiculous claims and attempts at stealing the meeting through sensationalism, there were accusations made that this Township Committee does not act in an open and fair manner. The whole discussion that took place and the additional public comments that were permitted make that argument moot. The very purpose of the conversation that we were trying to have was in the interest in being open and transparent before taking any action.

I’d like to circle back and thank both the Township Committee, our clerk for all that has been done over the last few years to make sure that we consistently meet and often exceed both the letter and the spirit of the Open Public Meeting Act.

We should all be very proud of the work that is done here in Delaware Township to maintain an open and transparent municipal government.

The three standards of the OPMA are adequate notice, closed sessions and minutes:

Adequate Notice - We have come a long way from when I first started on the Committee in providing adequate notice. In that, I mean that Mrs. McKinney does a great job of making sure the Township Committee members place their items on the agenda in a timely fashion so that it can all be properly advertised. In years past, there would be stack of "add-on's" the night of the meeting, which in theory could have limited public participation. We have worked well together to make sure that if we are discussing an item, it is listed on the agenda. Our agenda is clear, concise and properly advertised.

1. Closed Sessions - Another area where we have made great progress in the last few years. Gone are the days where a committee member would call for a Closed Session on-demand and try to discuss any item behind closed doors that they wanted. Our Committee works tirelessly with the clerk and our legal counsel to make sure that our Closed Sessions are less frequent and clearly identified. We also adopted the practice of only going into Closed Session by Resolution, which keeps us fully accountable and transparent on the need.
2. Minutes – Our clerk does a great job at clearly capturing our meeting minutes, and gives the Committee plenty of time for review/edits. As I read the Act, our Township consistently meets all the direction laid out in NJSA 10:4-14. Of particular note in that statute is the minutes are the ONLY required record of Public Meetings. It's good to know that in this instance, Delaware Township is ahead of the requirements and records all of our Township Committee meetings. The statement from a member of the public at our last meeting was false, and our record needs to reflect that there is no requirement in the State of NJ that recorded meetings need to be posted within 24 hours.

Here is a great sentence from the New Jersey League of Municipalities site under the topic of the Open Public Meeting Act. I thought it was germane to the way things went to other night and it brought me some inspiration after the rude, self-serving behavior that we witnessed:

Democracy is built on discussions, disagreement, discourse, and compromise. Municipal officials can and must find ways to take the menace out of meetings to keep government working effectively. Don't let unruly behavior takes its toll on the spirit, the body, of your community.

This is especially pertinent here because those of us on the Committee, and most residents, know that Delaware Township isn't made up of a citizenry that sits at home and then only comes out to howl at the moon when they think they aren't getting their way. We are a community of volunteers, parents, grandparents and those who just care about the Township and its future. We are not simply a handful of offensive, disrespectful, unruly cyber bullies looking to score political points from behind a screen.

Attorney Tauriello stated Delaware Township does a great job at being transparent and discussing items openly during an open public meeting. Attorney Tauriello stated the Township follows the Open Public Meeting law requirements. Attorney Tauriello stated the Clerk does a great job at clearly advertising and posting the agenda for every Township Committee meeting.

APPROVAL OF BILL LIST

Members reviewed and approved the following vouchers for payment in the amount of \$2,459,765.74 at the Regular Meeting of the Delaware Township Committee held on July 13, 2020. Mrs. Lockwood moved to approve payment of the bills on the bill list. Mr. Vocke 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 July 13, 2020 vouchers be paid.

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

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:

- DISCUSSION PERSONNEL MATTERS REGARDING DPW AND GENERAL MUNICIPAL STAFFING

1. 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
Township Clerk
July 13, 2020

Charles Herman, Mayor

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

RETURN TO OPEN SESSION

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

Mrs. Lockwood motioned to return to open session. Mr. Vocke seconded the motion, and members unanimously approved the motion by all in favor vote.

ACTION TAKEN FROM EXECUTIVE SESSION, IF ANY

No action was taken

ADJOURNMENT

Members motioned, seconded, and unanimously approved a motion to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Jodi McKinney, RMC, CMC
Township Clerk

Approved: (August 10, 2020)

Charles Herman, Mayor