



**Township of Delaware
Regular Meeting
February 21, 2023 at 7:30 pm**

Motion to Approve: Mrs. Lockwood Seconded by Mr. Waltman. All in favor

Regular Meeting January 9, 2023 and Regular Meeting January 9, 2023 – Executive Session
Motion to Approve: Mr. Waltman Seconded by Mrs. Lockwood. Abstain: Vocke

Special Meeting February 8, 2023 and Special Meeting February 8, 2023 – Executive Session (as amended)
Motion to Approve: Mr. Waltman Seconded by Mrs. Lockwood. All in favor

FIRST READING ORDINANCE

Calendar Year 2023 Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.4)

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood	X		X			
Joseph Vocke		X	X			
James Waltman			X			
Charles Herman, Mayor			X			

Second Reading will be on March 13, 2023, at 7:30pm

SECOND READING ORDINANCE: An Ordinance by the Delaware Township Committee Amending the Delaware Township Code of Ordinance to Repeal Chapter 203 - FLOOD DAMAGE PREVENTION; to Adopt a New Chapter 203 Floodplain Management; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date.

Motion to open to the public – Mrs. Lockwood
Second by Mr. Vocke

Chuck Kline – 32 Reading Rd – asked how this ordinance effects the Board of Adjustments and restrictions. Township Attorney Joe Tauriello explained the ordinance. Mrs. Orlando stated she would send a copy to the Board of Adjustment secretary after adoption.

Gayle Conover – 60 Covered Bridge Rd asked who the Floodplain Administrator is. Mr. Tauriello answered it is the zoning officer.

Seeing no other public comments, Mayor Herman asked for a motion to close to the public.
Motion by Mrs. Lockwood
Second by Mr. Waltman.



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Mayor Herman asked for a motion to Adopt Ordinance 2023-01.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood			X			
Joseph Vocke		X	X			
James Waltman	X		X			
Charles Herman, Mayor			X			

SECOND READING ORDINANCE: An Ordinance to Amend Delaware Township Code Chapter 5 Article 5.25

Entitled Members

Motion to open to the public – Mr. Vocke

Second by Mrs. Lockwood

Seeing no comments from the public, Mayor Herman asked for a motion to close the public portion.

Motion to close to the public – Mr. Vocke

Second by Mrs. Lockwood

Mayor Herman asked for a motion to Adopt Ordinance 2023-02.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood	X		X			
Joseph Vocke		X	X			
James Waltman			X			
Charles Herman, Mayor			X			

Resolution 23-75

WHEREAS, the Township Committee of the Township of Delaware has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution; and

WHEREAS, the following resolutions require no discussion and have been previously reviewed by each Governing Body member:

- Resolution 23-76: Authorizing and Updating Income Limits For Affordable Housing
- Resolution 23-77: Authorizing Budget Transfers
- Resolution 23-78: Authorizing Cancellation of Taxes – Block 6 Lot 15



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- Resolution 23-79: Approving Special Event – Farmland Ride – Flemington Jewish Center
- Resolution 23-80: Authorizing Mayor to Sign Amended Green Acres Project Agreement
- Resolution 23-81: Authorizing Refund – PERC Test Witness Fees – Block 34 Lot 14.02 - Robert Willey
- Resolution 23-82: Authorizing Submission of a Strategic Plan for the Central Hunterdon Municipal Alliance Grant for Fiscal Year 2024
- Resolution 23-83: Authorizing Submission of Sustainable Jersey Small Grant
- Resolution 23-84: Authorizing Partial Payment - Vollers Excavating & Construction, Inc. – Lower Creek Road Emergency Repair Project – In the Amount of \$100,955.29.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that each of the above listed Resolutions be approved and adopted by the Township Committee with the same legal effect as though each was read in its entirety at the February 21, 2023 meeting and adopted by separate vote.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood	X		X			
Joseph Vocke		X	X			
James Waltman			X			
Charles Herman, Mayor			X			

Resolution 23-76

WHEREAS, Courts throughout New Jersey have determined to establish regional income limits to comply with the Directives of the Fair Housing Act and to more generally ensure the implementation of each municipalities obligation through the availability of existing Affordable Housing and new Affordable Housing constructed pursuant to Mount Laurel IV; and

WHEREAS, since Mount Laurel IV, Courts throughout New Jersey have deemed it appropriate to establish income limits and rent increases based upon COAH’s methodology for setting such income limits and rent increases and to empower municipalities to update such income limits and rent increases on an annual basis based upon the process history used by COAH; and

WHEREAS, the 2023 Affordable Housing Regional Income Limits by Household Size has been promulgated for the Region III District, in which the Township of Delaware is located.

NOW THERE BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that the 2023 Affordable Housing Regional Income Limits by Household Size for Region III is hereby adopted by the Township of Delaware a copy of which is annexed hereto and made a part hereof.



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Resolution 23-77

WHEREAS, various 2022 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfer between the 2022 budget in the last two months of 2022; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Delaware Township, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$4,100.00 be made between the 2022 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Computer Maint (2022)	\$4,100.00	
Diesel (2022)		\$2,500.00
Gasoline (2022)		\$1,600.00

Resolution 23-78

WHEREAS, the Delaware Township tax Assessor has received all documents confirming the status of a permanently and totally disabled veteran for the owner of record of Block 6, Lot 15, 41 Boar's Head Road: and

WHEREAS, this property will remain exempt from property tax while it remains the principal residence of the permanently and totally disabled veteran.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that the old billing for 1st and 2nd quarter 2023 billing should be removed from this property:

Block/Lot	Amount (1st and 2nd 2023 quarter billing)
Block 6 Lot 15	\$8,716.16

BE IT FURTHER RESOLVED that the records of the Tax Collector be adjusted to remove these old billings and a certified copy of this resolution shall be provided to the Tax Collector and Chief Financial Officer.



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Resolution 23-79

WHEREAS, Flemington Jewish Community Center (FJCC) has applied for a Special Event Permits for a recreational bike ride throughout Hunterdon County on Sunday, June 11, 2023 from 8:30am – 9:30am; and

WHEREAS, the applicant has supplied all documentation required under Township Code Chapter 314, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that the Special Event Permit be issued to FJCC for a recreational bike ride throughout Hunterdon County on Sunday, June 11, 2023, from 8:30am – 9:30am.

Resolution 23-80

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Delaware has previously obtained a loan of \$-0- and/or a grant of \$4,520,000 from the State to fund the following project(s):

#1007-02-016; and

WHEREAS, the State and the Township of Delaware intend to increase Green Acres funding by \$500,000; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as **#1007-02-016** and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$500,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;



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The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

This resolution shall take effect immediately.

Resolution 23-81

WHEREAS, Robert Willey scheduled Soil Test Witnessing at Block 34 Lot 14.02 and paid the required six hundred dollar (\$600) fee on December 28, 2022 with check number 356; and

WHEREAS, on January 17, 2023 the machinery failed to work for the required testing and of the scheduled testing a machine issue caused the testing to be delayed and rescheduled. The fee to reschedule was paid on January 18, 2022 in the amount of six hundred dollars (\$600) with check number 357; and

WHEREAS, the test was completed successfully on the January 19, 2023, for a total of two days of onsite testing.

WHEREAS, in an email dated January 20, 2023, Walter Wolf verified testing was completed in 2 days and the amount of six hundred dollars (\$600) can be refunded.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that Robert Willey be refunded six hundred dollars.

Resolution 23-82

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon.

NOW, THEREFORE, BE IT RESOLVED by the Township of Delaware, County of Hunterdon, State of New Jersey hereby recognizes the following:



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1. The Township Committee does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	<u>\$15,463.00</u>
Cash Match	<u>\$3,865.75</u>
In-Kind	<u>\$11,597.25</u>

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 23-83

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Delaware strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Delaware is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants funded by PSEG;

WHEREAS, the Township Committee of Delaware Township has determined that the Township of Delaware should apply for the aforementioned Grant.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, formally authorize the submission of an application for the aforementioned Sustainable Jersey Grant funded by PSEG for an amount not to exceed \$2,000; and

BE IT FURTHER RESOLVED the Green Team/Environmental Commission's Grant Subcommittee and the Open Space Committee's Grant Subcommittee and the Township CFO as needed are authorized to submit such paperwork as required on the Township's behalf for this grant program.

Resolution 23-84

WHEREAS, Vollers Excavating & Construction has been contracted for work on Lower Creek Road Emergency Project; and

WHEREAS, Vollers Excavating & Construction has requested second partial payment for work completed through December 31, 2022 in the amount of \$100,955.29.



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WHEREAS, Township Engineer Adam Wiszniewski has recommended to the Township Committee, in correspondence dated February 15, 2023, that this payment be made.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that the first contract payment, less a 2% retainage fee, is authorized to be paid to Vollers Excavating & Construction for work completed through November 30, 2022 on the Lower Creek Road Emergency Repair Project:

Payment #2	\$ 103,015.60
Less 2% Retainage	(2,060.31)
Amount Due Payment Request final:	\$ 100,955.29

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

Resolution 23-85

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.

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 amended amount of **\$1,402,245.68**.

*PO 6870 – Check # 14945 in the amount of \$50.00 pulled from bills list by Mayor Herman.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood			X			
Joseph Vocke		X	X			
James Waltman	X		X			
Charles Herman, Mayor			X			

See Bills List on Next Page



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Old Business

Mayor Herman stated the USPS has been working on a new location for the Sergeantsville Post Office. There were 3 possible locations, and it appears it has been narrowed down to 1 location. USPS is in talks with the property owner.

New Business

Mayor Herman tabled the Recreation Commission and Environmental Commission appointments to the March meeting.

Mayor Herman explained that the previous DTMUA appointment made was a conflict of interest per the DTMUA and their attorney.

Mayor Herman and the Township Committee acknowledged the new members for the Sergeantsville Volunteer Fire Company Fire Relief Association.

Mayor Herman and Acting Administrator McDaniel explained the anticipated 2023 Capital Project Proposals. There is DOT grant funding for Lambert Rd.

Discussion regarding the HCCPS 2023 Electricity Supply Service Bid. Mrs. Lockwood explained how it worked. Mayor Herman requested a motion to participate in the bid.
Motion by Mrs. Lockwood. Second by Mayor Herman. All in favor.

Mayor Herman asked Mrs. Orlando to send DPW Director the information on Municipal Participation in the Hunterdon County bids for Long Life Epoxy Traffic Lines and 2023 Surface Treatment. Report is requested before the March 13th meeting so discussion and a decision can be made if the Township wants to participate.

Daniel's Law discussed. Mayor Herman said that going forward, during the public comment period of a meeting, he will not require those protected by Daniel's Law to give their name and address. Township Attorney Tauriello explained the Law, complicating issues with complying, and how the Township is working to protect those who requested protection.

Township Attorney requested a motion to authorize Township Attorney, Acting Administrator, Township Clerk, and Deputy Township Clerk to come up with short term measure for compliance and long-term permanent solutions to balance Daniel's Law and transparency.
Motion – Mr. Waltman Second – Mr. Vocke All in favor.

Township Committee Comments

none

Public Comment

Mayor Herman opened the meeting to Public Comments.



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Chuck Kline – 22 Reading Rd – asked how Daniel’s Law affects Planning Board and Zoning Board of Adjustments. Mr. Tauriello explained and said he would reach out to their attorney.

Mr. Kline also asked for an update on the railings for the Municipal Building ramp. Acting Administrator said final drawings should be approved this week.

Gayle Conover, 60 Covered Bridge Rd – asked when Covered Bridge Rd will get repaired. There is a road inventory meeting happening soon to list the roads needed.

John Kafarski brought a map of Dilts Park and the gopher hole he reported back in December. Map given to Mayor Herman.

Kathy Klink inquired about her reappointment to the Environmental Commission being tabled. Mayor Herman and Mr. Waltman explained it had to do with pension waiting period and it was done for her protection.

Ruth Mummy spoke regarding establishing a fund to contribute to memorial benches in the Township, and volunteered to help set it up.

Executive Session Resolution 23-86 at 8:38pm

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, Contractual Matters, Litigation**

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.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood		X	X			
Joseph Vocke			X			
James Waltman	X		X			
Charles Herman, Mayor			X			



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Executive Session ended at 9:20pm

Roll Call:

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

Mayor Herman requested a motion to authorize the Mayor Herman, Mr. Bower, Township Attorney, and Acting Administrator to negotiate with employee requesting leave.

Township Committee	Motion	Second	Yea	Nay	Abstain	Absent
Chad Bower						X
Susan Lockwood		X	X			
Joseph Vocke	X		X			
James Waltman						X
Charles Herman, Mayor			X			

Motion to adjourn at 9:21pm made by Mrs. Lockwood. Second by Mr. Vocke. All in favor.

Respectfully submitted,

Monica Orlando, RMC
Township Clerk

Approved: