



Township of Delaware Committee
Regular Meeting Minutes
September 11, 2023 at 7:30 PM – In Person
Second Floor Meeting Room – Town Hall
570 Rosemont Ringoes Road, Sergeantsville, NJ

Mayor Herman called the meeting to order at 7:31 pm and read the statement of compliance with the Open Public Meetings Act. This meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was transmitted to the Hunterdon Democrat, Trenton Times, and Star Ledger, posted on the Township Website, on the Municipal Building Bulletin Board, and filed with the Township Clerk as required by law.

Mayor Herman led the meeting in the pledge of allegiance.

Mayor Herman asked for a moment of silence in honor of those affected by the events of 9/11.

ROLL CALL

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

JCP&L PRESENTATION AND Q&A SESSION

Amy Overman (Regional External Affairs NJ) made a presentation about Delaware Township and storm restoration, including sources of outages from Jan 2021-July 2023, the substations and circuits serving Delaware Township. She commented on the Forestry Program, the 4-year vegetation management cycle by substation. Within this program, hazard trees are removed with the property owners' permission, usually within the right of way. Since 2018, they've removed over 20,000 in the territory, particularly due to ash borers. The requirement is to remove the overhang and limbs over primary conductors within the right of way. Additionally, they are trying to remove as many trees affected by ash borers as possible. However, trees are the homeowners' responsibility under NJ law. Homeowners are encouraged to hire a line certified contractor for tree removal. Delaware Township's schedule within the 4-year cycle is 2023 "Ringoes"* circuit (and the occurrence of outages are coming down in that area), 2024 will be "Gilboa" and "West Flemington" circuits. "Gilboa" is where they are seeing many of the outages this summer. Rosemont is scheduled for 2025.

Ms. Overman indicated that there is ongoing equipment maintenance. Although most of Delaware Township's outages are not equipment related, they are still checking circuits, repairing, and replacing. Work was done in "Gilboa" and "Rosemont."

She went on to discuss the Service Restoration Process – including details about the response process during outage events, including smaller events, explaining that there are several responders with specific areas of responsibility that are dispatched to assess & make safe (Hazard Responders) and provided the order in which repairs are made (generally largest outage to smallest). The forestry crew deals with trees, linemen make repairs. For smaller incidents, service crews will be deployed. Safety is



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always a priority for both residents and crews. She provided directions for reporting outages either by calling 1-888-LIGHTSS, using their app/texting and registering online to report an outage or a tree issue.

*Names of circuits are used to protect the locations per Homeland Security

The meeting was then open for public comments pertaining to JCP&L only, with a limit of 3 minutes per comment. Several residents provided detailed accounts of their communication with JCP&L to date regarding their specific cases/issues. Ms. Overman made a note of several of their concerns and promised to look into them.

John DiMatteo, resident, presented the issue he had regarding a branch that was hanging over a power line that was intended to be dealt with as part of the 2024 cycle. It subsequently fell, hitting the power line and destroying his mailbox. He received subsequent communication from JCP&L. After speaking with a supervisor, a lineman was dispatched, but took no action as it was a tree issue. Per Ms. Overman, a follow-up visit should occur this week.

Mark Ballantine, resident, indicated that a tree hit his house causing ~\$60,000 in damage. He had been told by JCP&L forestry that the tree was not dead, but was told by a tree company that it was. Asked what is the policy for right of way? Ms. Overman indicated it depends on the easement, could be 10', 15' or 25' and they focus on primary conductors. He then read from a document regarding the responsibility of utilities. Ms. Overman clarified that what he read pertains to transmission lines (high tension).

Brent Walker, resident, was told that his damage was caused by animal and equipment damage, but that was not reflected in the chart in the presentation. He has submitted for reimbursement for fuel for his generator 4 times and all were denied.

Bob Weber, resident, expressed frustration with the ETR (Estimated Time of Restoration) process, specifically checking in only to find restoration to be pushed back by 2 hours each time. Ms. Overman commented that JCP&L is working on setting actual ETRs.

Jes Stahl, resident, noted that PSE&G replaced transmission lines and asked when JCP&L will do the same. Ms. Overman responded that only 2 outages were due to equipment issues (9/6/23 and 10/31/22 which she attributed to human error). She also noted that they are working on equipment along 202/206 and in Warren County.

Donna DiMatteo, resident, indicated that when she called about her specific issue, she was told by JCP&L to call the Board of Public Utilities.

John Timko, resident, asked if the 4-year cycle can be made into a 2-year cycle. Ms. Overman restated that right now it's 4 years. She added that there are about 100 trucks per day serving Hunterdon County (both JCP&L and contractors). She explained that in vegetation management, they try to stay with that



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cycle, not pull workers off on-cycle projects, which is why some requests off-cycle are denied. She added that they sometimes do off-cycle, “hot spot” treatment if multiple calls come in for trees on the same street.

Marilyn Wanser, resident, asked for clarification on the right of way. She commented that she has downed trees in the easement.

Ken Hayes, resident, asked if a JCP&L representative can drive around to assess our Township.

Karen Hart, resident, said that she was late to the meeting because the power was out again on her street and that she had to take an alternate route to avoid powerlines on Upper Creek Road. She asked about reparations and holding JCP&L accountable. She’s had tree companies refuse to take trees down. Ms. Overman indicated that line certified companies are needed. Ms. Hart asked if residents should continue to communicate issues to the BPU to get results.

Mayor Herman asked that residents reach out to the Township Committee and have continued meetings with JCP&L to stay on top of issues.

Joan Bailly, resident, asked when will JCP&L go above and beyond the standard 4-year cycle and the minimal preventative maintenance because the current program is not working. Ms. Overman responded that they already do by taking down trees. Ms. Bailly responded that when trees are taken down, they are left in unmanageable pieces. She had to call JCP&L to come back to cut them down further so they could be moved. That should be done correctly the first time.

Ray Papalski, resident, indicated that he lives in a cellular dead zone and can’t get information during a power outage without leaving home and possibly encountering dangerous conditions. Does JCP&L work with any radio stations to provide information or address those without internet access?

Karin Pekiak, resident, stated that they need a plan to upgrade equipment. She received feedback from a lineman that the equipment is old. She’d like to see better coordination between Township and the County or State. She’d like to see a comprehensive list of locations and causes of outages. She read through the list of her equipment that has been affected/replaced, especially by brown outs – refrigerator, washing machine, sump pump, wells pump, TV and surge protectors. She is also experiencing power surges in her home which she has reported. She referenced long delays in response. Issues have increased and rates go up. Power is an essential service and it affects working from home.

Fire Chief Frank Floyd, Kingwood Township, (they cover a portion of Delaware Township) asked if there is any way to increase the JCP&L employees in Flemington to better respond to local issues. Responses often come from Washington Township. He made the point that all of these outages and downed trees have increased the burden of the volunteer squads as they are called to respond to these issues at their cost and volunteer time. He did acknowledge that since tree trimming has been done, incidents have gone down.



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Diana Garibaldi, resident, expressed her thanks and her hope that Ms. Overman will return next quarter to address the questions asked today.

Mayor Herman thanked the residents for their participation and reiterated that we should continue to have a JCP&L representative at a meeting once a quarter to stay on top of issues. He stated that issues have increased of late due to more, stronger storms and the ash borer problem. He repeated, keep in touch with the Township Committee, JCP&L and to report issues to the BPU (Board of Public Utilities). He thanked Ms. Overman and said we look forward to seeing her again before the end of the year (Q4).

APPROVAL OF MINUTES

Mayor Herman asked for a motion to approve the regular and executive session minutes from the August 14, 2023 meeting. The minutes were approved by voice vote, except for Mr. Waltman who abstained.

PROCLAMATIONS

Mayor Herman read the following proclamations: Bill Powell (Retiring Deputy OEM), Prostate Cancer Awareness Month and Childhood Cancer Awareness Month.

PUBLIC COMMENTS – Agenda Items Only

Mayor Herman opened the meeting to public comments on Agenda items. There were none.

TOWNSHIP COMMITTEE LIAISON REPORTS

Deputy Mayor Bower provided an update on DTAA/Dilts. He thanked DPW for work done so far (weeded trails, dugouts, etc.). TruGreen will be using herbicides to remove weeds from clay infields of baseball and softball field with week (date TBD, likely Wednesday, weather dependent). He discussed the allocation of funds (\$7,000 paid to the Township by Apple TV to film in the township) for capital improvements. He's working with DTAA to identify needs – update tractor for field maintenance, purchase clay to address safety of the ball fields. He also indicated that we'd discuss the search for a part-time public works employee to help in this area during Executive Session.

Mr. Waltman asked because the "Apple" funds are unrestricted, wouldn't it be better to use them for maintenance? Mayor Herman and CFO Ms. McDaniel indicated that the funds had previously been earmarked to address safety issues.

There were no other liaison reports.

DPW REPORT

Mayor Herman cited the DPW report that included projects such as tree trimming, re-grading of Pine Hill Rd., addressed downed trees and pothole repairs. They are finalizing the acquisition of materials required for the project on Raven Rock Rd.



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ADMINISTRATOR’S REPORT

Diane McDaniel’s reported that the 2022 Audit was received with no recommendations. The JIF application was submitted, a large part of the work was done by Dee Higgins. She also noted that Deputy OEM Illes confirmed that the Township is signed up for a free service called Nixle which can be used to notify residents by text or email as needed for updates/emergency communication. He will be attending the Seniors’ group meet to help sign those residents up for the service. Shen noted that the Township Engineer is present to discuss the bid awards.

CONSENT AGENDA

Mayor Herman asked for a motion to approve the Consent Agenda including, Resolution 23-160: Certification of 2022 Audit, Resolution 23-161: Authorizing Refund PERC Witness Fee – Second Day Resolution 23-162: Authorizing Mayor to Void Shared Services Agreement – Registered Municipal Clerk. The motion was approved by roll call vote.

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

Township of Delaware Resolution #23-160
Certification of 2022 Audit

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 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of *N.J.S.A. 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 *N.J.A.C 5:30-6.5*, 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, at a minimum, the sections of the annual audit entitled: Schedule of Findings and Questioned Costs, General Comments and Recommendations: and



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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: Schedule of Findings and Questioned Costs, General Comments and 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, pursuant to *N.J.A.C 5:30-6.5*; 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) 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 affirms compliance *N.J.A.C 5:30-6.5* and does hereby submit a certified copy of this resolution and the required affidavit to the Local Finance Board to show evidence of said compliance.

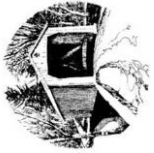
ATTEST:

Diana Rumage
Deputy Clerk
Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Rumage
Deputy Clerk



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**Township of Delaware Resolution #23-161
Refund PERC Witness Fee – Second Day**

WHEREAS, Hunter Drummey posted PERC Witness fees in the amount of \$600 (Checks 93 & 94) on July 27, 2023;

WHEREAS, after witnessing on August 24, 2023 at 430 Sergeantsville Rd, Flemington, NJ 08822, B17 L15, it was deemed only one day was needed.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, is hereby authorized to refund the PERC Witness fees for the second day in amount as of \$250;

Hunter Drummey
430 Sergeantsville Rd
Flemington, NJ 08822

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a refund check in the amount of \$250 to the property owner listed above.

ATTEST:

Diana Rumage
Deputy Clerk

Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Rumage
Deputy Clerk

**Township of Delaware Resolution #23-162
Authorizing Mayor to Void Shared Services Agreement - Registered Municipal Clerk**

WHEREAS, the Mayor was authorized to execute an Interlocal Shared Services agreement with the Borough of Stockton for Registered Municipal Clerk services as memorialized by Resolution #23-65; and

WHEREAS that Shared Services Agreement commenced January 1, 2023 and is for a term of three years; and



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WHEREAS the Shared Services Agreement provides for early termination by either party so long as there is 60 days written notice; and

WHEREAS, the Township of Delaware desires to terminate said Agreement by providing the requisite 60 days' notice; and

WHEREAS upon adoption a copy of this duly executed Resolution shall be sent electronically to Stockton Borough; and

NOW, THEREFORE, BE IT RESOLVED that the Interlocal Shared Services Agreement shall become null and void in accordance with the terms of said Agreement upon the adoption of this Resolution

BE IT FURTHER RESOLVED the Interlocal Shared Services Agreement for Registered Municipal Clerk shall terminate on November 10, 2023.

This Resolution shall take effect immediately.

ATTEST:

Diana Ramage
Deputy Clerk
Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Ramage
Deputy Clerk

OTHER RESOLUTIONS

Mayor Herman asked for a motion to approve Resolution 23-163: Awarding Bid for Lambert Road Improvement Project - Phases I & II. During the discussion segment, Township Engineer Adam Wiszniewski explained that Township has sought grant funds from the NJDEP through the Local Aid Infrastructure Fund to fund improvement to Lambert Road (resurfacing, improving a drain pipe, bridge repairs). The road will not be widened. The project was awarded to Topline. He expects it to be completed before Thanksgiving. The motion was approved by roll call vote.

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



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Charles Herman, Mayor			X			
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Township of Delaware Resolution #23-163
Awarding Bid for Lambert Road Improvement Project - Phases I & II

WHEREAS, the Township of Delaware plans to improve Lambert Road between Rosemont-Ringoes Road and Sandbrook-Headquarters Road; and

WHEREAS, the Township has obtained multiple grants from the municipal aid portion of the Transportation Trust Fund to help fund the work on Lambert Road, Phases I & II; and

WHEREAS, the Township has appropriated monies to construct the improvements on Lambert Road, Phases I & II and

WHEREAS, the Township prepared plans and bid documents for the roadway improvements on Lambert Road, Phases I & II; and

WHEREAS, the Township sought public bids for the roadway improvements on Lambert Road, Phases I & II; and

WHEREAS, bids were received and opened on Thursday, August 31, 2023; and

WHEREAS, bids were received from two (2) contractors; and

WHEREAS, the lowest bid was received from Top Line Construction Corporation ("Top Line") of Somerville, NJ in the amount of \$404,294.91 for Lambert Road, Phases I & II (Phase I Bid: \$200,310.79 & Phase II Bid: \$203,984.12); and

WHEREAS, Top Line's bid was reviewed by the Township and the low bidder was found to be qualified and the bid was found to be in compliance with the contract documents and technical specifications; and

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, at its meeting of September 11, 2023, that a contract be awarded to Top Line to construct the roadway improvements on Lambert Road, Phases I & II; and

BE IT FURTHER RESOLVED, that copies of this resolution shall be forwarded to the N.J.D.O.T.'s Division of Local Aid and Economic Development.

ATTEST:

Diana Ramage, Deputy Clerk

Charles Herman, Mayor

Approved: September 11, 2023



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Diana Ramage, Deputy Clerk

Mayor Herman asked for a motion to approve Resolution 23-164: Awarding Bid for Severns Way Roadway Improvements Projects and noted that some Township Committee members would abstain. During the discussion segment, Mayor Herman explained that the funding for this project comes from a surety bond from the builder. The motion was approved by Roll Call.

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

Township of Delaware Resolution #23-164
Awarding Bid for Severns Way Roadway Improvement Project

WHEREAS, the Township of Delaware plans to improve Severns Way between Sergeantsville Road (CR523) and Rittenhouse Road; and

WHEREAS, the Township has appropriated monies to construct the improvements on Severns Way; and

WHEREAS, the Township prepared plans and bid documents for the roadway improvements on Severns Way; and

WHEREAS, the Township sought public bids for the roadway improvements on Severns Way; and

WHEREAS, bids were received and opened on Thursday, September 7, 2023; and

WHEREAS, bids were received from two (2) contractors; and

WHEREAS, the lowest bid was received from Top Line Construction Corporation (“Top Line”) of Somerville, NJ in the amount of \$130,771.48 for Severns Way Roadway Improvements Project; and

WHEREAS, Top Line’s bid was reviewed by the Township and the low bidder was found to be qualified and the bid was found to be in compliance with the contract documents and technical specifications; and

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, at its meeting of September 11, 2023, that a contract be awarded to Top Line to construct the roadway improvements on Severns Way.



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ATTEST:

Diana Ramage
Deputy Clerk
Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Ramage
Deputy Clerk

INTRODUCTION OF ORDINANCES

Mayor Herman read **Ordinance 2023-09** by title. A motion was made to introduce Ordinance #2023-09 upon first reading and was unanimously approved by roll call vote.

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

Upon the suggestion of the Township Attorney, minor amendments were made to clarify the language in the Ordinance. A subsidiary motion was made to introduce the amended Ordinance #2023-09 upon first reading and was unanimously approved by roll call vote. It was noted for the record that the amended Ordinance #2023-09 will be listed on the Committee's 10/10/23 agenda for public hearing.

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

Ordinance 2023-09: AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY BY ADDING A NEW CHAPTER 300 TO BE ENTITLED "SMOKING" WHICH PROVIDES FOR REGULATIONS AND PENALTIES FOR VIOLATION OF THE CHAPTER



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

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

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

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

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

§300-2 Definitions:

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

CANNABIS

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

CONSUMPTION

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

RECREATIONAL AREAS

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

SMOKING

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

TOBACCO

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

TOWNSHIP-OWNED PROPERTY

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

TOWNSHIP-SPONSORED EVENT

Any community concert, parade, walkathon, march, fair, carnival, festival, celebration, competition, sports event, party, ceremony, show, demonstration, rally, race, vigil, exhibition, pageant or procession



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of any kind or any similar display in or upon any street, sidewalk, park, or other public place in the Township of Delaware.

§ 300-3 Posting of notice.

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

§ 300-4 Violations and penalties.

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

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

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

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

ATTEST:

Diana Rumage, Deputy Clerk

Charles Herman, Mayor

I, Diana Rumage, Deputy Clerk of the Township of Delaware, do hereby certify that Ordinance #2023-09 was introduced on first reading by the Township Committee of the Township of Delaware on September 11, 2023.

Diana Rumage, Deputy Clerk

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



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for final adoption at a regular meeting to be held October 10, 2023, beginning 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

Introduction: September 11, 2023

Adoption:

Mayor Herman read **Ordinance 2023-10** by title. Before the motion to approve, the Township Attorney suggested minor wording changes and the Township Engineer noted the need for a correction to the numbering in the Ordinance. The Township Attorney also recommended that the Ordinance be referred to the Planning Board for Master Plan Consistency Review in advance of the Public Hearing.

A motion was made to introduce the amended Ordinance #2023-10 upon first reading was unanimously approved by roll call vote. It was noted for the record that Ordinance #2023-10 will be listed on the Committee's 11/21/23 agenda for public hearing.

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

Ordinance 2023-10: AN ORDINANCE TO ENACT CHAPTER 315 OF THE CODE OF THE TOWNSHIP OF DELAWARE ENTITLED "STORMWATER QUALITY" TO CONFORM TO THE REQUIREMENTS OF THE TOWNSHIP'S 2023 NJDEP TIER A MUNICIPAL STORMWATER PERMIT AND COMMUNITY WIDE ORDINANCE REQUIREMENTS ISSUED BY THE STATE OF NEW JERSEY

WHEREAS, the Township of Delaware has a Municipal Separate Storm Sewer System Permit from the State of New Jersey; and

WHEREAS, the Township of Delaware has obtained a new five (5) year Municipal Stormwater Permit from the State in 2023 to cover the five-year period between 2023 and 2028; and

WHEREAS, the Township of Delaware was classified as a Tier B municipality prior to the renewal of its five (5) year municipal stormwater permit in 2023; and

WHEREAS, the Township of Delaware has been reclassified as a Tier A municipality and is subject to the Community-wide Ordinance requirements of the new Tier A Municipal Stormwater Permit; and

WHEREAS, the Community-Wide Ordinance requirements in the Township of Delaware's new Tier A Municipal Stormwater Permit necessitate the adoption of the ordinances herein on or before January 1, 2024;



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NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 315 OF THE CODE OF THE TOWNSHIP OF DELAWARE, ENTITLED “STORMWATER QUALITY”, IS CREATED AS FOLLOWS:

Part One – Chapter 315 of the Code of the Township of Delaware entitled “Stormwater Quality” shall be created as follows:

Chapter [315] – Stormwater Quality

Article I – Containerized Yard Waste

§[315]-1. Scope and Purpose.

An ordinance to establish requirements for the proper handling of yard waste in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CONTAINERIZED

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Means leaves and grass clippings.



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§[315]-3. Prohibited Conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

§[315]-4. Enforcement.

The provisions of this ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

§[315]-5. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article II – Litter Control

§[315]-6. Purpose.

An ordinance to establish requirements to control littering in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-7. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

LITTER

Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but



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does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

§[315]-8. Prohibited Conduct.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

§[315]-9. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

§[315]-10. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article III – Pet Waste Control

§[315]-11. Purpose.

An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§[315]-12. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future,



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words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

IMMEDIATE

Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL

Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§[315]-13. Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§[315]-14. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

§[315]-15. Enforcement.

The provisions of this Article shall be enforced by the Delaware Township Police and Board of Health.

§[315]-16. Violations and Penalties.



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Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article IV – Private Storm Drain Inlet Retrofitting

§[315]-17. Purpose.

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Delaware so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-18. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§[315]-19. Prohibited Conduct.



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No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 19 below prior to the completion of the project.

§[315]-20. Design Standard.

Storm drain inlets identified in Section 17 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section C. below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- C. This standard does not apply:



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1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
2. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.
3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or
4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§[315]-21. Enforcement.

This ordinance shall be enforced by the Township Engineer and Zoning Officer of the Township of Delaware.

§[315]-22. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed the maximum penalty as provided by Chapter 1, Article III of this Code for each storm drain inlet that is not retrofitted to meet the design standard.

Article V – Wildlife Feeding Control

§[315]-23. Purpose.

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§[315]-24. Definitions.



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For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

§[315]-25. Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township of Delaware, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

§[315]- 26. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

§[315]-27. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article VI – Yard Waste Collection

§[315]-28. Purpose.

An ordinance to establish a yard waste collection and disposal program in the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.



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§[315]-29. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CONTAINERIZED

Means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STREET

Means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE

Means leaves and grass clippings.

§[315]-30. Yard Waste Collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

§[315]-31. Enforcement.

The provisions of this ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

§[315]-32. Violations and Penalties.



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Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article VII – Illicit Connection

§[315]-33. Purpose.

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-34. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE

Waste and wastewater from humans or household operations.

ILLICIT CONNECTION

Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Delaware, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE

Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.



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NJPDES PERMIT

A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

NON-CONTACT COOLING WATER

Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§[315]-35. Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Delaware any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§[315]-36. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

§[315]-37. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be punishable as provided in Chapter 1, Article III, General Penalty, of this Code.

Article VIII – Improper Disposal of Waste



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§[315]-38. Purpose.

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Delaware, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-39. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§[315]-40. Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Delaware is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§[315]-41. Exceptions to Prohibition.

- A. Water line flushing and discharges from potable water sources
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)



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- C. Air conditioning condensate (excluding contact and non-contact cooling water)
- D. Irrigation water (including landscape and lawn watering runoff)
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water, and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water
- H. Flows from fire fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
 - 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 - 2. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§[315]-42. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer, and the Board of Health of the Township of Delaware.

§[315]-43. Penalties.

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be fined as provided in Chapter 1, Article III, General Penalty, of this Code.

Article IX – Privately-Owned Salt Storage

§[315]-44. Purpose.



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The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Delaware to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§[315]-45. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

DE-ICING MATERIALS

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

PERMANENT STRUCTURE

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- A. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;
- D. The structure cannot be open sided; and



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- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

§[315]-46. Deicing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.



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- i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16 th and October 14 th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures used for the storage of de-icing materials shall comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§[315]-47. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 45.D. above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§[315]-48. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer of the Township of Delaware.

§[315]-49. Violations and Penalties.



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Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as provided in Chapter 1, Article III, General Penalty, of this Code.

Article X – Refuse Containers / Dumpsters

§[315]-50. Purpose.

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Delaware and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§[315]-51. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Delaware or other public body, and is designed and used for collecting and conveying stormwater. NOTE: In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

REFUSE CONTAINER

Any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

STORMWATER

Means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.



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WATERS OF THE STATE

Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§[315]-52. Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Delaware.

§[315]-53. Exceptions to Prohibition.

- A. Permitted temporary demolition containers
- B. Litter receptacles (other than dumpsters or other bulk containers)
- C. Individual homeowner trash and recycling containers
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

§[315]-54. Enforcement.

This ordinance shall be enforced by the Police or Zoning Officer, and the Board of Health of the Township of Delaware.

§[315]-55. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be fined as provided in Chapter 1, Article III, General Penalty, of this Code.

Article XI – Severability.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such



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portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

Article XII – More Stringent Restrictions to Prevail

This Chapter is not intended to repeal, abrogate, or impair any existing ordinance. However, wherever this chapter and any other ordinance conflict or overlap, whichever imposed the more stringing restrictions shall prevail.

Article XIII – Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST:

Diana Rumage, Deputy Clerk

Charles Herman, Mayor

I, Diana Rumage, Deputy Clerk of the Township of Delaware, do hereby certify that Ordinance #2023-09 was introduced on first reading by the Township Committee of the Township of Delaware on September 11, 2023.

Diana Rumage, Deputy Clerk

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held September 11, 2023. It will be considered on second reading for final adoption at a regular meeting to be held November 21, 2023, beginning 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time, an opportunity will be given for all interested citizens to be heard.

Introduction: September 11, 2023

Adoption:

Mayor Herman asked for a motion to approve **Resolution 23-165**: Authorizing Payment of Municipal Obligations in the amount of \$2,401,474.26. The motion was approved by roll call vote.

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



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Township of Delaware Resolution #23-165
Authorizing Payment of Municipal Obligations

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Treasurer in the amount of **\$2,401,474.26**.

ATTEST:

Diana Rumage
Deputy Clerk

Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Rumage
Deputy Clerk

OLD BUSINESS

Tier A Stormwater General Permit

Township Engineer Adam Wisniewski explained the NJ DEP permit requirement. Delaware Township was Tier B with lower threshold and requirements. Following USEPA enforcement action against NJDEP for creating Tier B (that was not compliant with the Clean Water Act), all municipalities that had previously been Tier B were reclassified as Tier A.

First step for new Tier A municipalities is preparing a Municipal Stormwater Pollution Prevention Plan which was submitted in August. Once approved it releases grant funding to complete other projects related to the program. Second step is the ordinance we just introduced (#2023-10 “Stormwater Quality”). Mr. Wisniewski also mentioned there is an upcoming Tree Removal Ordinance, which was previously presented by the NJDEP and withdrawn to be redrafted. There was pushback from Municipalities. It includes regulations for tree replacement in a 1:1 ratio based on circumference. Dangerous/dead/diseased trees are excluded.

Summary memo was prepared for the Committee that outlines programs the DPW will need to do to be in compliance. Records need to be kept and filed with the DEP the following year to show we are in



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compliance. There is a 5-year implementation scheduled. When we get into year 2, we'll use the released funds for Township mapping. There will be another phase called the Watershed Improvement Plan that encourages public participation and Township Committee making improvements over several years.

Township Projects

In addition to the just approved repairs to Lambert Road and Severns Way. Mr. Wisniewski also provided an update on three Township Projects - Raven Rock Rd, Mason Farm Rd, and the Municipal Building parking lot. There are drainage issues with all three. Mr. Wisniewski and his office prepared plans for these projects working with DPW. He reported Raven Rock is in the works as of his last meeting with the head of DPW on 8/17/23. Mason Farm icing issues require repair to include a wetlands drain for water that goes over the curb into the road. Given the timeline, it is likely that project won't be completed until next year. The Municipal parking lot requires sealing and striping.

Mayor Herman asked for estimated timelines for each project to determine if they can be completed by year-end. Raven Rock is the most involved project, so he estimated 2-3 weeks. Mason Farm and the Municipal lot are smaller projects. The Municipal parking lot also has icing issues. The repair is minor, requiring installation of a 30' pipe for seepage.

Mr. Waltman asked if parking spots by the General Store could be included with the parking lot striping. He wanted to make sure that the job is not forgotten as it is urgent. Ms. McDaniel replied that we should do that project separately since we have approval from the County Engineer.

Ms. Lockwood referred back to the DPW lot and mentioned that the Stormwater Committee had made recommendations. She asked Mr. Wisniewski if he walked the DPW lot. He responded that he had provided recommendations and identified issues that the DEP would note when inspecting for enforcement issues.

Mayor Herman asked when will the DEP begin inspecting. Mr. Wisniewski responded that we will file the SPPP (Stormwater Pollution Prevention Permit) by the end of the year. It's note expected that Municipalities will be compliant in the first 12 months. We just need to show improvement over the next five years. Mayor Herman suggested we build a timeline for 5 items outlined in his memo that aren't compliant so we can refer to that plan.

Ms. Lockwood asked if there is more money coming. She reported that there are some projects near the Police Station that the Stormwater Committee identified, but don't have funding to complete. Mr. Wisniewski responded that \$75,000 is given to the new Tier A Municipalities. \$25,000 was received for preliminary work. Once our plans are accepted (some were done in Jun/July, another in August), we will get another \$50,000. This funding will go to digital mapping, with the remainder going to stormwater improvements (ex. spill kit @fueling station).



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Mr. Waltman would like Mr. Wisniewski to talk to the Director of Public Works regarding Raven Rock. Please check in on it and report back so we can identify what is needed to get that project completed before the end of the year. Mayor Herman had a call about that as well.

Open Space Coordinator

Mayor Herman asked Ms. Lockwood if she would reconsider her position on hiring a third-party provider for this role. He had the opportunity to speak with the Committee Chairwoman and she is open to it. Ms. Lockwood's preference is to find someone within the township, but if the Committee Chairwoman (Ros Westlake) agreed, then go ahead and explore the option of hiring a company. Ms. Lockwood still believes we have local talent that could fill this position. Ms. Westlake, Deputy Mayor Bower, and Ms. Lockwood will schedule a call with the organization.

NEW BUSINESS

Mayor Herman made a motion to approve Richard Trapanese as DTMUA Alternate 1, which was seconded by Mr. Waltman. The motion was approved unanimously by voice vote.

OPEN FOR PUBLIC COMMENT

Chuck Cline, resident, asked about the Tier A application, specifically tree removal. Mr. Wisniewski confirmed that the tree ordinance is still in draft form, but that he believes nuisance/dangerous trees would be exempt from regulations.

Mario Russo, resident, asked about the Park Plan update. Mayor Herman responded that it will be on the October agenda.

Peter Mantell, new Pastor of the United Methodist Church, introduced himself and made some kind remarks. He noted that he will be getting involved in the community and will be participating in the St. Baldrick's event. He shared his intention to bless the covered bridge upon completion of the repairs and would be inviting the community to that event. He also inquired about the ability to do wellness checks on residents within dead zones. He offered his church as a resource to help with outreach.

Ray Papalski, resident, brought up the issue of dead zones within the Township. He listed the impacts, such as lowered property values, planning for future lockdown issues for remote learning and working, safety issues related to driving during emergency events to get access to information. He tasked Planning Board, Zoning Board and Environmental Commission to get this resolved, new technology is available to address this situation. Residents made suggestions for interim solution via purchased or cell company provided boosters. Discussion was had about the potential for new cell towers and variances required for certain locations.

Ravenna Taylor, resident, asked the committee to reconsider holding meetings on Zoom for those who have health concerns about attending meetings in person.



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Jes Stahl, resident, asked for an update on the post office. Mayor Herman had no new information. She requested that Resolutions and Ordinances be included when posting the Agenda online. Township Attorney Joe Tauriello had reservations about publishing draft documents. Audience members commented that other townships include them with their agendas online. She added that Saturday is the Fall Fireworks at Dilts, the Board of Education will be naming the new Superintendent at the 9/19 meeting and there will also be a solar presentation. October 7 is the Block Party and October 14 they are looking for volunteers for March on Litter.

Mr. Waltman asked about notifying park neighbors of the fireworks. Ms. Stahl replied that it is on the website and the TC acknowledged that the rain date had been published.

TOWNSHIP COMMITTEE COMMENTS

Mr. Vocke had none.

Ms. Lockwood indicated that she would be attending the school's Green Team meeting on Tuesday. She also asked the Township Committee to consider a constructive letter to the BPU because JCP&L's responses aren't sufficient and there are limited responders in our local area. JCP&L need to change their practices in light of more severe storms and increased outages. She noted that the BPU just lost their chairperson, so it might make sense to wait until they are replaced.

Mr. Waltman presented a request from Sugar Maple Jerseys to put round hay bale decorations on the green. He indicated that they will be responsible for cleanup. There were no objections from the Township Committee.

Deputy Mayor Bower had none.

Mayor Herman reiterated that residents should keep reporting outages to the Township Committee to relay to JCP&L as they have been responsive. He asked if an Ordinance might be possible to hold utilities responsible for downed wires. Township Attorney Tauriello will consider draft language. He also mentioned the possibility of a loose animal Ordinance including fines to recoup the cost to the DT PD for their time and energy devoted to these events. Finally, he addressed the issues related to holding hybrid TC meetings. He would like to be able to hold hybrid meetings(in person and on Zoom). However, if a meeting is advertised as hybrid and there is a power outage that prevents the Zoom component from being included, the meeting must be cancelled. This poses a problem for conducting Township business. Township Attorney Joe Tauriello confirmed that this would be an issue. A resident added that they had to cancel a Planning Board meeting for that reason.

EXECUTIVE SESSION

Mayor Herman asked for a motion to approve Resolution 23-166: To enter into Executive Session for the purpose of discussing Personnel Matters, Contracts, Litigations, and subjects falling under Attorney-Client Privilege. The discussion is expected to take approximately 30 minutes. Action may be taken. The



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motion was made by Mr. Waltman, seconded by Mr. Vocke. The motion was approved unanimously by voice vote.

Township of Delaware Resolution #23-166
To Enter into Executive Session

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

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

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

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

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

ATTEST:

Diana Rumage
Deputy Clerk
Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Rumage
Deputy Clerk

Upon returning from Executive Session, Mayor Herman asked for a motion to approve Resolution 23-167: Appointing Acting Township Clerk. The motion was approved by roll call vote.

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

Township of Delaware Resolution #23-167
Appointing Acting Township Clerk



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WHEREAS, the Township Committee of the Township of Delaware, Hunterdon County, New Jersey desires to hire a Township Clerk; and

WHEREAS, *N.J.S.A 40A:9-133* provides that, “within 90 days of the occurrence of a vacancy in the office of municipal clerk by reason of the departure of a registered municipal clerk, the governing body may appoint a person who does not hold a registered municipal clerk certificate as acting municipal clerk for a period not to exceed one year and commencing on the date of the vacancy”; and

WHEREAS, Diana Rumage has worked for the Township as Deputy Clerk; and

WHEREAS, the Township wishes to hire Diana Rumage as Acting Clerk/Board of Health Secretary/Registrar retroactive to July 19, 2023 in accordance with the following agreed upon terms:

- Starting Salary for the position will be \$65,000 per year based on a 35-hour work week.
- A salary increase of \$5,000 will be awarded upon completion of Municipal Clerk course of study (Introduction to the Duties of the Municipal Clerk, Advanced Duties of the Municipal Clerk, Local Election Administration, Information and Records Management, Municipal Finance Administration for Municipal Clerks)
- An additional salary increase of \$8,000 will be awarded upon receipt of a Registered Municipal Clerk Certificate

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Delaware Township hereby appoints Diana Rumage as the Acting Township Clerk, for a one (1) year term effective July 19, 2023.

ATTEST:

Diana Rumage
Deputy Clerk
Approved: September 11, 2023

Charles Herman
Mayor

I certify the foregoing to be a true and correct abstract of a Resolution adopted by the Township Committee of the Township of Delaware, County of Hunterdon at an Official Meeting held September 11, 2023.

Diana Rumage
Deputy Clerk

ADJOURNMENT

Mayor Herman asked for a motion to adjourn. The motion was made by Mr. Waltman, seconded by Mr. Bower. The motion was approved unanimously by voice vote. The meeting was adjourned at 10:37 pm.

Respectfully submitted,

Diana Rumage, Acting Clerk