



DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
July 12, 2021 – 7:30 PM
In Person

Mayor Waltman called the regular meeting of the Delaware Township Committee to order on July 12, 2021 at 7:30 PM. Mayor Waltman announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat, Trenton Times, Courier News and the Star Ledger, was posted on the bulletin board in the Municipal Building and filed with the Township Clerk on January 5, 2021.

PLEDGE OF ALLEGIANCE

Mayor Waltman led those in attendance in the pledge to the nation's flag.

ROLL CALL

Present: Mayor James Waltman, Deputy Mayor Joseph Vocke, Committee Members Daniel Kwasnik, Charles Herman and Susan Lockwood along with Township Clerk Maria Andrews, Deputy Township Clerk Tiffany Crivelli, and Township Attorney Joseph Tauriello.

APPROVAL OF TOWNSHIP COMMITTEE MEETING MINUTES

A motion by Herman, seconded by Kwasnik, to approve the Committee's 6/14/2021 Regular Meeting and Executive Session minutes and 6/29/2021 Special Session and Executive Session minutes was approved by voice vote.

TOWNSHIP COMMITTEE LIAISON REPORTS

Committeeman Kwasnik stated that the DPW does not have a stump grinder but they can obtain one for the stump at Dilts Park. Committeeman Kwasnik also noted that roadside mowing is ongoing, but that the DPW is limited with what can be done and when it can be done due to manpower as they are in need of seasonal help but have not received any responses. Mayor Waltman added that the DPW went to Worman Road with the grader which made a vast improvement on the road condition.

Committeewoman Lockwood noted the Supreme Court made a decision that the PennEast Pipeline can seize land from the state of New Jersey for its construction, but they would still need approvals to do the work. Committeeman Herman inquired if the Township would be able to come up with a resolution opposing the Pipeline decision within the Township.

Committeewoman Lockwood noted the next Newsletter would be out September 1st.

Committeewoman Lockwood stated she attended the Seniors meeting and reported on the Open Space Referendum, however they did not have any questions or feedback on it. Committeewoman Lockwood noted the Seniors inquired about the Tennis Center and the Electrical Co-op.

Mayor Waltman stated that the Parking Permit signs have been erected on Paulmier Road, however the ordinance sticker will not be placed on them until it is adopted.

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment for any items listed on the agenda.

The following residents expressed some concerns and recommendations regarding the proposed Open Space Referendum:

Judy Allen, 132 Sandy Ridge Road
Gary Hinesley, 699 Rosemont Ringoes Road
Patrick Miller, 17 Paulmier Road
Scott Kingston, 21 Hewitt Road
Ela Kingston, 21 Hewitt Road
Donna DiMatteo, 241 Lambertville-Headquarters Road
Bob Streilein, 2092 Daniel Bray Highway
Tim Drew, 10 Jurgensen Road
Revenna Taylor, 43 Lambertville Road
Debbie King, 945 Sergeantville Road
Nancy Bond, 22 Graft Road

Kenneth Hyman, 36 Pine Hill Road
Linda McKeegan, 2092 Daniel Bray Highway
Chuck Taylor, 43 Lambertville Road
Jess Roethel, 15 Sandbrook Headquarters Road
Brian Sulewski, 511 County Road 579
Kathy Klink, 155 Lower Ferry Road

Hearing no other members of the public speak up, Mayor Waltman closed the floor to public comment.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Public Hearing on Ordinance No. 2021-06

Mayor Waltman read Ordinance No. 2021-06 by title.

**Delaware Township
Ordinance No. 2021 – 06**

An Ordinance of the Township of Delaware, County of Hunterdon, and State of New Jersey to Authorize an Expenditure and Appropriation from Reserve for Police Vehicle/Equipment \$33,000.00 for the Purchase of a Police Utility Interceptor, All-Wheel Drive and Accessories

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

Section 1. Delaware Township has a need for a police vehicle; and,

Section 2. Delaware Township hereby authorizes an appropriation and expenditure for the vehicle to exceed \$33,000.00; and,

Section 3. Total amount to be expended from Reserve for Police Vehicle/Equipment shall not exceed \$33,000.00.

Section 4. This Ordinance shall take effect immediately upon adoption in accordance with the laws of the State of New Jersey.

A motion by Herman, seconded by Lockwood to open Ordinance #2021-06 for public hearing was unanimously approved by voice vote.

Hearing no members of the public speak up, a motion by Herman, seconded by Lockwood to close Ordinance #2021-06 for public hearing was unanimously approved by voice vote.

A motion by Herman, seconded by Lockwood to adopt Ordinance #2021-06 was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Mayor Waltman read Ordinance No. 2021-07 by title.

**Delaware Township
Ordinance No. 2021 – 07**

An Ordinance to Amend Chapter 260-1 of the Code of the Township of Delaware Entitled “Intoxication in Public or Semipublic Places; Nudity; Indecent Acts Prohibited.”

§260-1 Intoxication in public or semipublic places; nudity; indecent acts prohibited.

No person shall appear in any street, sidewalk, ally, park or other public place, quasi-public place to which the public is invited in a drunken or intoxicated condition, or in a state of nudity, or make any indecent exposure of his or her person or be guilty of any other lewd or indecent act of behavior, or exhibit, sell or offer to sell any indecent or lewd item or thing or exhibit or perform in public any lewd act or other representation.

A motion by Herman, seconded by Kwasnik to introduce Ordinance #2021-07 and move forward with a public hearing set for August 9, 2021 on Ordinance #2021-07 was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Mayor Waltman read Ordinance No. 2021-08 by title.

**Delaware Township
Ordinance No. 2021 – 08**

**An Ordinance by The Township of Delaware in Hunterdon County, New Jersey Amending
Section 7-3 of the Delaware Township Municipal Code to Include Permit Parking in
Designated Area**

WHEREAS, residents of the Township of Delaware have been negatively impacted by non-resident parking in certain residential communities; and,

WHEREAS, certain communities have Home Owner’s Associations (HOA) that wish to regulate parking within their community for the general health safety and well-being of its residents.

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Delaware in the County of Hunterdon, State of New Jersey, as follows:

1. Section 7-3 of the Delaware Township Municipal Code is hereby amended by adding a new paragraph (10) entitled §7-3.10 Parking by Permit Only which states as follows:

“No person shall park a vehicle upon Paulmier Road, or any part thereof, without first obtaining a parking permit issued through the HOA and visibly displayed within the vehicle. Any person convicted of violating the provisions of this chapter shall be liable to a penalty of \$50.00”

2. Any article, section, paragraph, subsection, clause, or other provision of the Delaware Township Code that is inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This ordinance shall take effect upon its passage and publication and filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

A motion by Herman, seconded by Vocke to introduce Ordinance #2021-08 and move forward with a public hearing set for August 9, 2021 on Ordinance #2021-08 was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Mayor Waltman read Ordinance No. 2021-09 by title.

**Delaware Township
Ordinance No. 2021 – 09**

A Capital Ordinance of the Township of Delaware, County of Hunterdon, And State of New Jersey to Authorize an Expenditure and Appropriation from The Capital Improvement Fund for The Purchase of Road Improvements in The Amount of \$108,000.00.

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

Section 1. Delaware Township has a need to chip, tar and make improvements on various roads including but not limited to Dunkard Church Road, Haines Road, Yard Road, Britton Road, and Biser Road in Delaware Township in order to maintain our road system. Delaware Township hereby authorizes an appropriation and expenditure for labor and materials to make improvements on various township roads, in an amount not to exceed \$108,000.00; and,

Section 2. Total amount to be expended from the capital improvement fund shall not exceed \$108,000.00.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This Ordinance shall take effect immediately upon adoption in accordance with the laws of the State of New Jersey.

A motion by Vocke, seconded by Kwasnik to introduce Ordinance #2021-09 and move forward with a public hearing set for August 9, 2021 on Ordinance #2021-09 was approved by roll call vote.
Herman: Recused, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

RESOLUTIONS

**Delaware Township Resolution #2021-60
Maintenance Bond and Final Payment for Lower Ferry Road Improvement Project**

WHEREAS, the Township Engineer has recommended the acceptance of a Revised Maintenance Bond under the terms of the contract with Topline Construction for the Lower Ferry Road Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware that the following Maintenance Bond be accepted that is a 2-year maintenance bond with a start of 6/1/21 which is replacing Great American Insurance Group Bond NO. CA-3630804 M in the amount of \$21,823.18:

| | |
|--------------------------------|-------------|
| Great American Insurance Group | |
| Bond No. CA-3630804 M | \$20,466.65 |

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following payment be authorized in accordance with the Township Engineer's recommendation:

| | |
|---|--------------|
| Contract Award Amount | \$140,455.02 |
| Change Order #1 | (\$4,010.69) |
| Total (final) Amount of Work Completed | \$136,444.33 |
| Percentage of Work Completed | 100% |
| Amount Paid Payment Request No. 1 | \$142,695.46 |
| Amount Due/(OWED) Final Payment-Retainage | (\$6,251.13) |

Topline Construction
22 Fifth Street
Somerville, NJ 08876

ATTEST:

| | |
|---|-------------------------------|
| _____ Maria Andrews, Township Clerk, RMC | _____ James Waltman, Mayor |
|---|-------------------------------|

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

Diane S. McDaniel, CFO

Approved: July 12, 2021

**Delaware Township Resolution #2021-61
ABC License Renewal – Kingalo, Inc**

WHEREAS, the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey has reviewed an application for renewal of a Plenary Retail Consumption inactive license for the twelve-month period ending June 30, 2022 for the following licensed premise:

Kingalo, Inc
Trading as Old Croton Bar and Grill
300 Old Croton Road
Flemington, NJ 08822
License #1007-33-001-010

WHEREAS, no timely written objection has been filed with the office of the Delaware Township Clerk related to these licensed premise.

NOW, THEREFORE, BE IT RESOLVED, that the Delaware Township Committee does hereby grant a one-year renewal to the above listed licensed premise.

BE IT FURTHER RESOLVED, that the Delaware Township Clerk is authorized to execute a license and to issue the license certificate to Kingalo, Inc.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

Approved July 12, 2021

**Delaware Township Resolution #2021-62
Lambert Road Project**

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Lambert Road Improvement project.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Delaware formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Lambert Road Improvement-00579 to the New Jersey Department of Transportation on behalf of Township of Delaware.

BE IT FURTHER RESOLVED, that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Township of Delaware and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

CERTIFICATION

I, Maria Andrews, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2021-62 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on July 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: July 12, 2021

A motion by Herman, seconded by Lockwood to approve Resolutions #2021-60 - 62 was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Mayor Waltman stated that the Committee listened to the concerns from the residents regarding the Open Space Referendum and took it all into consideration to provide the verbiage for the ballot.

Mayor Waltman noted that the vote for Resolution #2021-63 is only to approve the language for the ballot and that the vote for enacting the Open Space Referendum is done by the residents of the Township in November at the polls.

**Delaware Township Resolution #2021-63
Authorizing The Submission of a Proposition at The 2021 General Election Regarding the
Authorized Purposes of the Annual Delaware Township Open Space Tax Levy**

WHEREAS, following an affirmative vote at a public referendum, in 1996 the Township of Delaware established an Open Space Trust Fund, Open Space Committee and Open Space Tax in the amount of .02 cents per hundred which was dedicated to funding the Township's Open Space Trust Fund;

WHEREAS, following an affirmative vote at a public referendum, in 2001 the Township of Delaware established an additional Open Space Tax in the amount of .02 cents for a total of .04 cents per hundred which was dedicated to funding the Township's Open Space Trust Fund;

WHEREAS, following an affirmative vote at a public referendum, in 2006 the Township of Delaware established an additional Open Space Tax in the amount of .02 cents for a total of .06 cents per hundred which was dedicated to funding the Township's Open Space Trust Fund;

WHEREAS, the currently authorized annual Open Space Tax levy is six cents (\$0.06) per one hundred dollars (\$100.00) of assessed value of real property;

WHEREAS, referenda approved by the voters of Delaware Township have authorized the use of the annual Open Space Tax levy to (a) acquire land, easements, development rights or other interests in real estate for recreation, conservation and farmland preservation purposes and to(b) pay debt service on indebtedness issued or incurred by the Township for the aforesaid acquisitions for passive recreation and conservation purposes;

WHEREAS, over the course of several years the Township has successfully acquired and preserved various unique and valuable parcels of land for conservation, recreation, and farmland preservation purposes;

WHEREAS, the Township Committee wishes to encourage and facilitate responsible public access to and use of lands, or interests therein, acquired for any conservation or recreation purpose by Township residents by making improvements to such lands;

WHEREAS, N.J.S.A. 40:12-15.1 et seq. (hereinafter "state statute"), specifically, N.J.S.A.40:12-15.7d, permits the Township Committee to submit a proposition to the voters of Delaware Township adding or removing purposes authorized by said state statute for which the annual Open Space Tax levy may be expended; and

WHEREAS, the Township Committee has determined that it is in the Township's interests to permit the use of up to up to .01 cent out of every .06 cents collected of the annual Open Space Tax levy for the development and maintenance of all lands or interests acquired and to pay debt services on indebtedness issued or incurred for such development or improvements. The term "development" as defined by statute as "any improvement to land acquired for recreation and conservation purposes designed to expand and enhance its utilization for those purposes;"

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware as follows:

1. Pursuant to N.J.S.A. 40:12-15.7d, the following question shall be submitted to referendum at the next general election on November 9, 2021:

Currently the Delaware Township Open Space Tax is used exclusively for acquisition. Without increasing the amount of the current Delaware Township Open Space Tax, shall the uses permitted for the Delaware Township Open Space Trust Fund be expanded to include development and improvement of municipal lands solely for recreation and conservation purposes? These uses would be in addition to continuing to preserve open space, farmland, and natural areas and for the payment of debt service or indebtedness issued or incurred by the Municipality for any of the purposes described above. All projects will be awarded through a fair and open process, acquisitions from willing sellers only, and will be funded by the existing Open Space Tax rate of .06 cents per hundred dollars of assessed property, with up

to .01 cent of this total assessed tax to be available for development and improvement solely to expand or enhance conservation and recreation.

YES NO

INTERPRETIVE STATEMENT

If approved, the referendum does not increase the Delaware Township Open Space Tax rate. Presently, Delaware Township’s Open Space Trust Fund is used to (a) acquire land, easements, development rights or other interests in real estate for recreation, conservation, and farmland preservation purposes and (b) to pay debt service on indebtedness issued or incurred by the Township for these acquisitions. Voting “YES” on the question would allow, but not require, the Township to utilize a limited portion of the Delaware Township Open Space Trust Fund (up to .01 cent out of every .06 cents collected) for the development and improvement of all lands or interests therein acquired and to pay debt services on indebtedness issued or incurred for such development or improvements. The Township will use a fair and open process to determine how funds are allocated each year and continue to conduct an annual independent audit of how funds have been spent during the preceding year. As used herein, the word “development” means “any improvement to land acquired for recreation and conservation purposes designed solely to expand or enhance utilization for those purposes.”

- 2. It is requested that the Hunterdon County Clerk include the above question and interpretive statement on the official ballot for the next general election to be held on November 9, 2021; and
- 3. The Township Clerk shall submit a certified, true copy of this resolution to the Hunterdon County Clerk.

ATTEST:

Maria Andrews, Township Clerk, RMC

James Waltman, Mayor

CERTIFICATION

I, Maria Andrews, Clerk of the Township of Delaware, in the County of Hunterdon, New Jersey do hereby certify that the foregoing is correct and true copy of Resolution #2021-63 adopted by the Township Committee of the Township of Delaware, in the County of Hunterdon, in the State of New Jersey on July 12, 2021.

Maria Andrews, Township Clerk, RMC

Approved: July 12, 2021

A motion by Herman, seconded by Vocke to approve Resolution #2021-63 was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: “Present”, Vocke: Yes, Waltman: Yes

NEW BUSINESS/OTHER

Mayor Waltman stated that every September is Childhood Cancer Awareness month and that Ms. Swackhammer asked if the Township could use yellow lightbulbs in support. Mayor Waltman agreed and would have DPW Director Trstensky get a count of how many are needed for the Township buildings. Deputy Clerk Crivelli stated she would post the information on how residents can show their support as well on the Township website.

Mayor Waltman noted there was a vacancy for a member on the Open Space Committee. Karin Peklak submitted a Citizen Leadership Form with interest.

A motion by Herman, seconded by Lockwood to approve Karin Peklak as a member on the Open Space Committee was approved by voice vote.

Deputy Mayor Vocke stated John Sterbinsky of the DTMUA submitted a letter of resignation from his position as Chair and a request for a leave of absence. Deputy Mayor Vocke recommended the Committee accept the letter of resignation and table the request for a leave of absence at this time.

A motion by Herman, seconded by Lockwood to approve the resignation of John Sterbinksy as DTMUA Chair was approved by voice vote.

Mayor Waltman stated the Recreation Commission submitted a letter for the approval to hire a professional planner to prepare an overall plan for Dilts Park and Sergeantsville Green.

A motion by Herman, seconded by Lockwood to seek requests for proposals for a park planner was approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

OPEN TO THE PUBLIC

Mayor Waltman opened the floor to public comment for items not on the agenda.

The following residents expressed some concerns and recommendations regarding items not listed on the agenda:

Rich McComber, 33 Haines Road – Regarding the stone stairway at Town Hall
Linda McKeegan, 2092 Daniel Bray Highway – Regarding the Paulmier Parking Permits
Revenna Taylor, 43 Lambert Road – Regarding Open Space and Dilts Park
Laurie Cameron, 32 Sanford Road – Regarding Township Fireworks and Dilts Park
Kenneth Hyman, 36 Pine Hill Road – Regarding ‘Right to Farm’

Hearing no other members of the public speak up, Mayor Waltman closed the floor to public comment.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Mayor Waltman thanked everyone in attendance for having a civil conversation tonight regarding the Open Space Referendum.

APPROVAL OF THE BILL LIST

A motion by Herman, seconded by Lockwood to approve payment of the \$ 2,643,091.35 bill list was unanimously approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

EXECUTIVE SESSION: Approval of Resolution #2021-64: To Enter into Executive Session for the Purpose of Discussing Contracts and Subjects Falling Under Attorney-Client Privilege – *The discussion is expected to take approximately 30 minutes. Action may be taken.*

A motion by Herman, seconded by Lockwood to approve Resolution #2021-65 and enter into Executive Session was unanimously approved by roll call vote.

Herman: Yes, Kwasnik: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Resolution #2021-64

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Contracts, Personnel Matters, and subjects falling under Attorney-Client privilege. The discussion is anticipated to take approximately 30 minutes. Action may be taken.
3. It is intended at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

A motion by Herman, seconded by Vocke to return to Open Session was unanimously approved by voice vote.

It was noted for the record that the Committee was in Executive Session from 9:49 PM – 10:55 PM.

ADJOURNMENT

Mayor Waltman adjourned the meeting at 10:56 PM.

Tiffany Crivelli, Deputy Clerk

James Waltman

Approved: