



**DELAWARE TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
MAY 8, 2023 – 7:30 PM**

Mayor Herman called the regular meeting of the Delaware Township Committee to order on May 8, 2023 at 7:30 PM. Mayor Herman 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.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF RESOLUTION

Resolution #2023-111: Appointment of Acting Municipal Clerk

A motion by Waltman, seconded by Lockwood, to approve Resolution No. 2023-111 by roll call vote by Attorney Tauriello.

Bower: Yes; Herman: Yes; Lockwood: Yes; Vocke: Yes; Waltman: Yes

**DELAWARE TOWNSHIP RESOLUTION #2023-111
Appointment of Temporary Acting Municipal Clerk**

WHEREAS, when a vacancy occurs in the office of the Municipal Clerk, NJAC 5:32-5.3 permits the governing body to appoint an Acting Municipal Clerk.

WHEREAS, such a situation has occurred in Delaware Township and the Township Committee wishes to appoint Denise Filardo as Temporary Acting Municipal Clerk for the May 8, 2023 Township Committee meeting.

I hereby certify the above to be a true copy of a Resolution Adopted by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey at a duly convened meeting held on May 8, 2023.

ROLL CALL/AGENDA REVIEW

Present: Mayor Charles Herman, Deputy Mayor Chad Bower, Committee Members Susan Lockwood, Joe Vocke and James Waltman along with CFO Diane McDaniel, Laura Atwell, Auditor, Acting Township Clerk, Denise Filardo and Attorney Joseph Tauriello.

PUBLIC COMMENT – Agenda Items Only

Mayor Herman opened the floor to the public to express their thoughts for any items listed on the agenda.

Daniel Aiello, resident, asked that the Township Committee increase the stipend for field improvements.

John Feiss, resident, thanked the Committee and the Township's work with FEMA for all the work recently completed on Lower Creek Road and indicated that all the neighbors are appreciative as well.

Ravenna Taylor, resident, opined that the Township should have a park planner.

There were no other comments from the public on agenda items.

Seeing no other members of the public who wished to comment on agenda items, Mayor Herman closed the floor to public comment.

TOWNSHIP COMMITTEE LIAISON REPORTS

BOARD OF EDUCATION

Committeeman Vocke stated there is nothing to report at this time.

OPEN SPACE

Committeewoman Lockwood reported the following:

- The Green Team held a good event at the school with gorgeous weather.
- Open Space is seeking a Coordinator and is asking the Township Committee for their appointments.
- The EC has applied for the ANJEC Grant and if received plans to update and mail a flyer regarding conservation easements to applicable property owners.
- The EC has also applied for the Sustainable New Jersey Grant. Mayor Herman stated that we received the Sustainable NJ Grant in the amount of \$2,000.

Committeeman Waltman noted that since Lower Creek Road has been repaired complaints of speeding have been received and the Police Chief is re-engaging and a speed study will commence.

Mayor Herman suggested that speeding be addressed in the next newsletter and all other roads should be addressed. Most of the speeding is done by Township residents.

RECREATION COMMITTEE

Mayor Herman reported the following:

- A budget will be approved for DTAA.

- An Open Space Coordinator is about to be hired.
- The Sergeantsville Post Office will not be moving into the Bagel Barn building, we are meeting with the firehouse to discuss.

QUARRY COMMITTEE

Committeeman Bower reported that the Township Attorney has done a great job.

CONSENT AGENDA – APPROVAL OF THE FOLLOWING RESOLUTIONS:

2023-112, 2023-113, 2023-114 and 2023-115

A motion by Waltman, seconded by Lockwood to approve the following resolutions 2023-112, 2023-113, 2023-114 and 2023-115 by consent agenda was unanimously approved by roll call vote. Bower: Yes; Herman: Yes; Lockwood: Yes; Vocke: Yes; Waltman: Yes

TOWNSHIP OF DELAWARE RESOLUTION #2023-112 Appointing Township Clerical Help

BE IT RESOLVED the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey hereby appoints both:

Patricia Rose

and

Diana Ramage

as Clerical Hourly Help at an hourly rate of \$20.00:

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

TOWNSHIP OF DELAWARE RESOLUTION #23-113 Payment No. 4 to Vollers for Lower Creek Road Project

BE IT RESOLVED by the Township Committee of the Township of Delaware that the following payment be authorized in accordance with the Township Engineer's correspondence dated April 14, 2023, a copy of which is attached, for the **Lower Creek Road Emergency & Design Project**:

Contract Award Amount: \$ 1,047,049.40

Amount of work completed:	\$ 837,538.10
Less 2% Retainage	\$ 7,762.15
Amount Payment Invoice No. 1 -3	\$ 449,430.30
Amount Due Invoice No. 4:	\$ 380,345.65

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

Delaware Township Resolution #2023-114
Emergency Appropriation Cancellation Amount Resolution

WHEREAS, an emergency had arisen with respect to various capital repairs including expenses for the repair of roads or other public property needed as a result of damage incurred by Hurricane Ida and, no adequate provision was made in the 2021 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by Delaware Township Resolution #2021-79, is \$950,000, and three (3) percent of the total current and utility operating appropriations in the budget for 2021 is \$118,498; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total current and utility operating appropriations in the budget for 2021; and

WHEREAS, the Township of Delaware, in the County of Hunterdon, New Jersey has deemed an emergency appropriation to be necessary and such appropriation is conforming to the provisions of N.J.S.A. 40A:4-49; and

WHEREAS, the total actual amount of the emergency appropriations is \$351,000; and

WHEREAS, the Township of Delaware approved Resolution 2022-24 on March 14, 2022 cancelling \$599,000.

WHEREAS, the Township of Delaware now needs to cancel an unappropriated amount of \$270,496.

NOW, THEREFORE, BE IT RESOLVED, by the Delaware Township Committee that in accordance with N.J.S.A. 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to cancel \$270,496 of the emergency appropriation as adopted.

**Township of Delaware Resolution #23-115
Requesting Permission for the Dedication by Rider**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, insert the statutory authorities provides for receipts by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the trust fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

<u>TRUST</u>	<u>REQUIRED BY</u>
Environmental Trust	NJS 40A:5-29
Sutton Burial Ground	NJS 40A:5-29

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

1. The Governing Body does hereby request permission of the Director of the Division

of Local Government Services to pay expenditures of the above trust funds.

2. The CFO of the Township of Delaware, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

INTRODUCTION/PUBLIC HEARING ON ORDINANCES

Introduction to Ordinance #2023-03:

Mayor Herman read Ordinance #2023-03 by title.

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

Laura Atwell, Township Auditor provided an overview of the 20-23 budget highlighting the following:

- We are under State Review this year;
- Revenues and Appropriations with regard to the Shared Services Agreement with Stockton;
- Reserves were applied to debt, decrease in Deferred Charges;
- Prior Year Appropriations were cancelled and sent to Surplus;
- Tax collections exceeded 98%;
- Taxes increased approximately \$20 per quarter per \$400,000 of assessed value.

Mayor Herman noted the unanticipated increase in employee health benefits and communicated that we did our best to keep the tax increase as low as we could.

Mayor Herman thanked Ms. McDaniel and Ms. Atwell for their hard work on the budget.

Donna DiMatteo, resident, Road questioned the significant increase in health benefits.

Mario Russo, resident, asked if there was money in the Budget for improvements to Dilts Park.

Kathy Klink, resident, noted that money was moved from Open Space last year and asked if those funds have been used yet.

Mayor Herman explained that the State Employee Health Benefits increased by close to 30%. The State found a way to buffer the increase for the State but not for Municipalities.

Ms. Atwell offered that the Township received a grant in the amount of \$40,000, and Open Space contributed \$80,000 for park improvements.

Seeing no other members of the public with comments, a motion was made by Committeeman Bower, seconded by Committeemen Waltman to close the Public Hearing.

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing body of the Township of Delaware in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing body hereby determines that a 3.5% increase in the budget for said year, amounting to \$40,544.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing body of Township of Delaware, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Delaware shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$141,906.72, and that the CY 2023 municipal budget for the Township of Delaware be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

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

ATTEST:

Denise Filardo, Temporary Clerk

Charles Herman, Mayor

Committee	Motion	2 nd	Ayes	Nays	Abstain	Absent
Herman			X			
Bower		X	X			
Waltman	X		X			
Lockwood			X			
Vocke			X			
		Total Votes	5	0		

Introduction: February 21, 2023

Publication of Introduction: April 27, 2023

Public Hearing: May 8, 2023

Adoption: May 8, 2023

Publication of Adoption: May 18, 2023

NOTICE

PLEASE TAKE NOTICE that the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held February 21, 2023. It was adopted at a regular meeting held May 8, 2023, beginning at 7:30 P.M. at the Township Building, 570 Rosemont Ringoes Road, Stockton, New Jersey.

PUBLIC HEARING AND ADOPTION OF 2023 BUDGET

Introduction to Ordinance #2023-03:

Mayor Herman read Ordinance #2023-03 by title.

A motion by Waltman, seconded by Bower to open public comment on Ordinance #2023-03 was unanimously approved by voice vote.

Hearing no members of the public speak up, a motion by Bower, seconded by Waltman to close public comment on Ordinance #2023-03 was unanimously approved by voice vote.

A motion by Waltman, seconded by Bower to adopt Ordinance #2023-03 was approved by roll call vote. Bower: Yes; Herman: Yes; Lockwood: Yes; Vocke: Yes; Waltman: Yes

**Delaware Township Resolution #2023-116
2023 MUNICIPAL BUDGET AMENDMENT**

WHEREAS, the local municipal budget for the year 2023 was introduced on the 10th day of April 2023 and

WHEREAS, the public hearing on said budget will be held as advertised on May 8, 2023, and

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Delaware, County of Hunterdon that the following amendments to the introduced budget of 2023 be made:

Roll Call Vote:

Herman – ____ Bower - ____, Lockwood – ____, Vocke – ____, Waltman – ____

	<u>From</u>	<u>To</u>
GENERAL REVENUES		
Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations		
Consolidated Municipal Property Tax Relief Aid	\$ 336,314.00	\$ -
Energy Receipts Tax (P.L. 1997, Chapters 162 & 167)	27,412.00	336,314.00
Garden State Trust	17,423.00	27,412.00
Municipal Relief Funds Aid	-	17,423.00
Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated		
With Prior Written Consent of the Director of Local Government Services		
Shared Service Agreements Offset With Appropriations:		
Stockton Borough - Clerk/CFO	46,477.89	44,950.00
Total	<u>\$ 427,626.89</u>	<u>\$ 426,099.00</u>
Total General Revenues	<u>\$ 5,627,890.86</u>	<u>\$ 5,626,362.97</u>

GENERAL APPROPRIATIONS

Municipal Purposes excluded from "CAPS"

Shared Service Agreements

Stockton Borough - CFO	\$ 24,947.89	\$ 22,950.00
Stockton Borough - Clerk	21,530.00	22,000.00
Total	<u>46,477.89</u>	<u>44,950.00</u>

Total Appropriations

\$ 5,627,890.86

\$ 5,626,362.97

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget adopted by the Governing Body on the 8th day of May, 2023.

CERTIFIED BY ME

8-May-23

Date

Denise Filardo, Acting
Clerk

It is hereby certified that this resolution has been reviewed and the 2023 budget as amended by this resolution has been found to be in balance.

CERTIFIED BY ME

Date

Registered Municipal
Accountant

A motion by Waltman, seconded by Lockwood to approve Resolution #2023-116 was approved by roll call vote.

Bower: Yes, Herman: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Delaware Township Resolution #2023-117
Adopt 2023 Budget

BE IT RESOLVED by the Township of Delaware, County of Hunterdon and State of New Jersey that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

REVENUE AND APPROPRIATIONS SUMMARIES

1. GENERAL REVENUES	
Surplus Anticipated	\$ 610,000.00
Miscellaneous Revenues Anticipated	\$ 981,703.17
Receipts from Delinquent Taxes	\$ 260,000.00
2. AMOUNT TO BE RAISED BY TAXATION	
FOR MUNICIPAL PURPOSES	\$ 3,774,659.80
TOTAL REVENUES	\$ 5,626,362.97
5. GENERAL APPROPRIATIONS:	
Operating Expenses:	
Salaries & Wages	\$2,087,684.64
Other Expenses	\$1,831,509.33
Deferred Charges & Other Appropriations	\$ 522,112.00
Capital Improvements	\$188,000.00
Municipal Debt Service	\$ 547,107.00
Reserve for Uncollected Taxes	\$ 400,000.00
TOTAL APPROPRIATIONS	\$ 5,576,412.97
BALANCE OF OUTSTANDING DEBT	
Interest	\$1,568,949.80
Principal	\$6,970,000.00
Outstanding Balance	\$8,538,949.80

A motion by Vocke, seconded by Bower to approve Resolution 2023-117 was approved by roll call vote.

Bower: Yes, Herman: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

APPROVAL OF THE BILL LIST

**TOWNSHIP OF DELAWARE RESOLUTION #23-118
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 **\$3,971,802.33**

A motion by Bower, seconded by Waltman to approve Resolution #2023-118 was approved by roll call vote.

Bower: Yes, Herman: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

ADMINISTRATIVE UPDATE

Ms. McDaniel reported that the new railing has been installed at the Municipal Building.

NEW BUSINESS

Discussion of Park Improvements

Mayor Herman reported that a very productive meeting regarding park improvements took place last week with representatives from Shade Tree Commission, Open Space Committee, Environmental Commission and Recreation Commission. Committeeman Bower was away last week, and Committeeman Waltman filled in his place. We are not engaging with a park planner at this time. It was identified that the Basketball and Tennis Courts are the top safety issues. The restrooms are not unsafe, so we do not feel it is a priority to upgrade them at this time.

We would like to make a recommendation to the Township Committee to ask the Township Engineer to prepare bid specs to make the necessary repairs in the interest of public safety.

Committeewoman Lockwood expressed her opinion that she is not sure the money should be spent on the tennis courts at this time as she is not sure that tennis is a priority, noting that if the tennis courts are closed there is no safety issue. Ms. Lockwood stated that it is a lot of money committed to one thing and suggested we get someone to work with us on a comprehensive plan for the entire park.

Committeeman Vocke opined that we should fix what is broken before beginning other projects. The tennis court is broken, and he feels that is a reasonable place to start.

Committeeman Bower noted that the tennis court are often packed, and he agreed with Committeeman Vocke. Mr. Bower also noted that repairing the tennis court will not change the existing footprint and therefore does not need the input of a park planner. A park planner would be best utilized for any future areas of expansion. At that time, we will go back to residents to obtain their input.

Committeeman Waltman offered that there is a difference between expanding the parking lot and repairing the tennis court for public safety.

A recommendation was made that the Township Committee make a motion to ask the Township Engineer to prepare bid specs for repair of the tennis courts.

A motion was made by Committeeman Waltman, seconded by Committeeman Bower and approved by roll call vote:

Bower: Yes, Herman: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

Mayor Herman opened the floor to public comment.

Diana Garabaldi, resident, stated that she is in support of a Park Planner and a Subcommittee. She agrees that money should be used to repair tennis courts provided there is a well-thought-out plan. Ms. Garabaldi opined that pickle ball generates noise and if that is considered a plan should be established.

Gayle Conover of 60 Covered Bridge Road offered the following:

- A Unity Bicycle Tour will come through Sergeantsville on May 10th. Route 604 will be closed for about 20 minutes and a short service will be conducted where a bicycle rider was killed last year.
- She is in support of a Park Planner.
- She asked if a speed study could be conducted on Lower Creek Road.

Mayor Herman offered that in addition to Lower Creek Road we should look at speeding on other Township Roads. If we lower the speed limit on Lower Creek, we should lower it on other Township Roads as well.

Judy Allen, resident, stated that she is pleased about repairing the tennis courts and suggested that DPW repair the gate and patch cracks in the pavement so that the courts do not need to be shut down while we await the resurfacing.

Mayor Herman noted that the tennis courts will be totally overhauled.

Joe Wiley, resident, thinks it would be a great idea to lower the speed limit throughout the town.

Valerie Tucci, resident, communicated that it is the Township's fiduciary responsibility to ensure that the work on the tennis courts is done to code and specs.

Ravenna Taylor, resident, expressed that \$100,000 is a lot of money.

Steven Wilbur, resident, asked for subcommittees wish lists to be posted on the Township website. Mayor Herman agreed to this.

Mr. Wilbur asked if the Township could request a bid for fence netting which would act as a wind and sound barrier.

Peter McCrohan, resident, stated that \$25,000 was from taxpayers and in his eyes, it is not being used.

Mr. Waltman stated that we are trying to do what is right and act prudently and cautiously in how we spend money.

Kathy Klink, resident, offered that Open Space money is to be used for capital expenditures. Ms. Klink asked if an ad will be placed for an Open Space Coordinator.

Mario Russo, resident, opined that Dilts Park is in bad shape as it has been neglected for a decade. He stated that the bathrooms back up, the water fountain doesn't work, and the playground is not up to standard.

Discussion ensued regarding funding for DTAA and responsibility for safety related maintenance.

Jes Stahl asked if DPW could place barricades between the pavilion and rest rooms to funnel traffic. Committeeman Waltman suggested the possibility of pedestrian crossing signs and sawhorses.

Seeing no other members of the public come forward, Mayor Herman closed the floor to public comment.

FINAL COMMENTS OF THE TOWNSHIP COMMITTEE

Committeeman Bower acknowledged all of the hard work for opening day, noting it was one of the best sessions he has attended, and a job nicely done.

Committeeman Waltman noted that the Open Space fund currently has \$1,000,000 and hasn't been put to work. We have had to raise taxes due to cost-of-living increases. Mr. Waltman expressed concern about families possibly not being able to afford to be here in future years. He asked if we need to continue to add the 6 cent Open Space Tax, perhaps we should go to referendum to reduce to 2 cents to help offset the property tax increase.

Committeewoman Lockwood offered that the Open Space tax has been purposeful.

Discussion ensued regarding Open Space and Environmental Coordinators.
Mayor Herman thanked Denise, Diane and Danene for all of their help while we were short staffed.

EXECUTIVE SESSION: Approval of Resolution #23-119: To Enter into Executive Session for the Purpose of discussing Personnel Matters, Litigation and Contractual Matters, Falling Under Attorney-Client Privilege. *Action may be taken.*

**TOWNSHIP OF DELAWARE RESOLUTION #23-119
AUTHORIZING ENTERING 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.

A motion by Waltman, seconded by Bower to approve Resolution #23-119 and enter into Executive Session was unanimously approved by roll call vote.

Bower: Yes, Herman: Yes, Lockwood: Yes, Vocke: Yes, Waltman: Yes

It was noted for the record that the Acting Clerk Filardo was excused from the meeting at this time, 9:41 PM.

Respectfully Submitted by,
Denise Filardo, Acting Township Clerk

Approved: July 10, 2023