



Township of Delaware Committee
Regular Meeting Minutes
November 21, 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 7:30 pm and read the statement of compliance with the Open Public Meetings Act.

Mayor Herman led the meeting in the Pledge of Allegiance.

ROLL CALL

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

*Mrs. Lockwood arrived just after roll call.

APPROVAL OF MEETING MINUTES

Mayor Waltman asked for a motion to approve the October 10, 2023 Regular & Executive Session minutes. The motion was made by Mr. Waltman, seconded by Mr. Bower and approved unanimously by voice vote. The motion carried.

PUBLIC COMMENT – Agenda Items Only

Chuck Cline, resident, asked about the designation of creeks into the Lower Delaware Wild & Scenic, which the Planning Board discussed in September. Mayor Herman responded that it is back on the agenda to discuss with legal counsel. Mr. Cline also asked for confirmation that Resolutions 23-183 & 184 are based on discussions he's had with the Administrator (not for payment of acting secretary from 10/12) and for future meeting coverage for 12/14.

TOWNSHIP COMMITTEE LIAISON REPORTS

Mrs. Lockwood reported that the Open Space Committee met and send a letter framing out the Coordinator position and how it should be advertised, including renumeration for inclusion in the 2024 budget. It should be advertised the way we do for professional services vs. an employee. The letter will be added to the December agenda. She added that the Stormwater Committee will meet next week.

Mr. Vocke and Mr. Waltman had no comments.

Mr. Bower provided an update on the Quarry. All of the stipulations from Resolution 22-87 have been satisfied. He added that the Committee recommends two additions to the Resolution for the submission of the next reclamation plan: 1) the summary status of all regulatory compliance matters and 2) the reclamation plan should be modified to depict with a symbol the location of all required signs and buffer boundary markers. A revised resolution will be forwarded for inclusion on the agenda at an upcoming meeting.



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Township Engineer, Adam Wisniewski added that he performed this year's annual Quarry inspection with Joe Chrobak and will issue his report. He noted similar conditions to last year.

Mayor Herman reported that the Holiday Parade will be on 12/2 (rain date: 12/3). DTAA will be selling donated SR food. Information on the Holiday decorating contest is on the website. Also, the covered bridge will be permanently open between Thanksgiving and Christmas.

DPW REPORT

Mayor Herman summarized the DPW report which included items such as mulch installation at playground at Dilts, pipe, inlets and paving on Raven rock, pot hole repairs and safety meeting attendance. He added that Lambert Road work has started.

Mr. Bower reported that DTAA has requested that the field liner be stored with DPW to prevent freezing.

ADMINISTRATOR'S REPORT

Ms. McDaniel reported on the Best Practices Inventory. We submitted on the 11/4/23 with a score of 38. Municipalities need 29 or greater to get full funding. This is the 13th year that the inventory has been done. Topics include ethics, personnel, cybersecurity, lead remediation, financial administration, capital projects, environment, recycling, solid waste and utilities. There were a few perspectives that we can work on for next year. Ms. McDaniel also noted that we are exploring a shared service with Raritan Township for fire inspection services. We are hoping to meet by the end of the year. She reported that per Tax Assessor Michelle Trivigno the County Tax Board selected Delaware Township for a revaluation in 2027. The last one was 2015.

Tax maps need to be updated. Mr. Wisniewski made the adjustments for this year and will give us a budget for digitizing.

The award for Raven Rock from DOT came in - \$131,598 and could be considered Part I. We can apply for the second grant. This is for resurfacing from 519 to the County Park entrance. The ordinance will be done in the Spring ordinance, then it will go to bid, be awarded and be done by summer.

Mr. Wisniewski provided an update on current road projects. Lambert Road Phases I & II were awarded to Topline in September. They are working on the roadway, last week they did mud pipe crossing, installed a catch basin and repaired a damaged cross drain pipe. This week edge repairs, stabilization and evening out, then they'll resurface. They are working with the County on the County Bridge at the end of the road, to upgrade and repair. Work should be done in 2-3 weeks.

Severns Way will be next, starting in 1-2 weeks. Crews will be staggered, so that once they complete work on Lamber Rd., they can move on to Severns. Work expected to be completed by Christmas.

Mayor Herman asked if detours have been worked out with the police and school. Mr. Wisniewski responded that there will be temporary closures during milling, but will avoid am/pm bus routes. They will coordinate directly with transportation at the schools.



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Mayor Herman asked about Raven Rock and whether there is a disadvantage to doing the two parts separately. Mr. Wisniewski responded that economies of scale were not seen by combining the two phases of Lambert. He indicated that Phase I can be done early next year or it can wait until we apply for Phase II or we can do Phase I and wait to combine II & III.

CONSENT AGENDA

Resolution 23-178: Authorizing Refund of Driveway Bond – Sciarra

Resolution 23-179: Authorizing Signing of Interlocal Agreement with DTS for Special Law Enforcement Officers II/III

Resolution 23-180: Authorizing Signing of Memorandum of Agreement with PBA Local 188

Resolution 23-181: Authorizing Lease Agreement Contract with Ricoh USA
for Copiers for the Township Building and Police Department

Resolution 23-182: Authorizing Temporary Road Closure for Tractor Parade

Resolution 23-183: Authorizing Payment for Zoning Board of Adjustment Minutes Preparation

Resolution 23-184: Authorizing Payment for Zoning Board of Adjustment Meeting Secretary

Resolution 23-185: Budget Transfer

Mayor Herman read each resolution by title and asked if any member of the Township Committee wanted a resolution pulled out for the purpose of abstaining. Hearing no request, he asked for a motion to approve Resolution 23-178 through 185. Mr. Waltman made the motion, which Mr. Bower seconded. During discussion, Mayor Herman thanked those involved in the police discussion and noted that the delay was not a reflection on our police department. The motion was approved by roll call vote. The motion carried.

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 #23-178

Authorizing Refund of Driveway Bond – B18 L 21

WHEREAS, David Sciarra posted a driveway bond on March 17, 2023 in the amount of \$2,000.00 (check # 1006);

WHEREAS, after inspection on September 20, 2023 final approval of the driveway at 28 Upper Creek Road, Block 18 Lot 21 was granted;

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 driveway bond in amount as of \$2,000.00;



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Block 18, Lot 21
To: David Sciarra
28 Upper Creek Road
Stockton, NJ 08559
Driveway Bond Amount: \$2,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a refund check in the amount of \$2,000.00 to the property owner listed above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be provided to Director of Public Works and the Chief Financial Officer.

ATTEST:

Diana Ramage, Acting Clerk

Charles Herman, Mayor

Diane McDaniel, CFO

Approved: November 21, 2023

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 November 21, 2023.

Diana Ramage
Acting Clerk

Township of Delaware
Resolution #23-179
Authorizing Signing of Interlocal Agreement with Delaware Township School for
Special Law Enforcement Officers II/III

BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that the Mayor is hereby authorized to sign the attached Interlocal Agreement with Delaware Township School for SLEO II/III for the period beginning July 1, 2023 through June 30, 2024, in accordance with the terms and conditions stated therein.

ATTEST:

Diana Ramage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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Diana Ramage
Acting Clerk

Township of Delaware
Resolution #23-180
Authorizing Signing of Memorandum of Agreement with Hunterdon County Policeman's
Benevolent Association Local 188, Delaware Township Unit

BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that Mayor Herman and Committeewoman Lockwood are hereby authorized to sign the attached Memorandum of Agreement with Hunterdon County Policeman's Benevolent Association Local 1888, Delaware Township Unit for the period beginning January 1, 2021 through December 31, 2025, in accordance with the terms and conditions stated therein.

ATTEST:

Diana Ramage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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 November 21, 2023.

Diana Ramage
Acting Clerk

Township of Delaware
Resolution #23-181
Authorizing Lease Agreement Contract with Ricoh USA
for Copiers for the Township Building and Police Department

WHEREAS, the Township Building and Police Department's copier contract has expired and there is a need to enter into a new contract; and

WHEREAS, the Township has received a proposal from Ricoh USA in 2 Gatehall Drive 2nd Floor Parsippany, N.J. 07054;

WHEREAS, the Delaware Township desires to enter into a new contract with Ricoh USA of Parsippany, NJ for one (1) Ricoh IM 5000-FMV copier for the Township Building in the amount of \$230.32 per month for 48 months beginning December 1, 2023 and one (1) Ricoh IMC 3010-FMV for the Police Department in the amount of \$299.85 per month for 48 months beginning December 1, 2023 (under state contract G2075 - #40467); and



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NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, State of New Jersey that the lease agreements shall be awarded to Ricoh USA of Parsippany, New Jersey for one (1) Ricoh copier located in the Township Building in the amount of \$230.32 per month for 48 months and one (1) in the Police Department in the amount of \$299.85 per month for 48 months (under state contract G2075 - #40467) and subject to the availability of funds.

ATTEST:

Diana Rumage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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 November 21, 2023.

Diana Rumage
Acting Clerk

Township of Delaware
Resolution #23-182
Authorizing Temporary Road Closure for Tractor Parade

WHEREAS, the Recreation Commission of the Township of Delaware desires to hold their Annual Tree Lighting on December 2, 2023 (rain date: December 3, 2023 or December 9 or 10, 2023) at The Village Green; and

WHEREAS, there is a desire to hold a Holiday Tractor Parade preceding the Annual Tree Lighting Ceremony; and

WHEREAS, the parade will require the closing of County Route 604/Rosemont-Ringoes Road between Rittenhouse Road and County Route 523/Sergeantsville Road from approximately 4:00 pm until 7:00 pm and between Delaware Township School and Rittenhouse Road from 4:30 pm until 5:30 pm.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delaware, that the Delaware Township Police Department along with Hunterdon County Roads and Bridges will assume full responsibility for the direction, protection and regulation of traffic during the time the detour is in effect.

ATTEST:



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Diana Ramage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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Diana Ramage
Acting Clerk

Township of Delaware
Resolution #23-183

Authorizing Payment for Zoning Board of Adjustment Meeting Minutes Preparation

WHEREAS, the Zoning Board of Adjustment Secretary has a need for a Secretary; and

WHEREAS, Laurie Courter served as Secretary for the October 12, 2023 meeting, but did not complete the minutes; and

WHEREAS, Diana Ramage will prepare the Minutes for the October 12, 2023 meeting.

NOW, THEREFORE BE IT RESOLVED, that Delaware Township Committee for the Township of Delaware, Hunterdon County New Jersey authorizes payment to Diana Ramage in the amount of \$400 for preparation of meeting minutes for the October 12, 2023 Zoning Board of Adjustment meeting.

ATTEST:

Diana Ramage
Acting Clerk
Approved: November 21, 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 November 21, 2023.

Diana Ramage
Acting Clerk

Township of Delaware
Resolution #23-184

Authorizing Payment for Zoning Board of Adjustment Meeting Secretary

WHEREAS, there is a vacancy in the position of Zoning Board of Adjustment Secretary; and

WHEREAS, the Zoning Board of Adjustment requires a Secretary for the December 14, 2023 meeting to take notes and prepare minutes; and



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WHEREAS, the Zoning Board of Adjustment desires to hire Kathy Klink to serve as the Secretary for that meeting. and

NOW, THEREFORE BE IT RESOLVED, that Delaware Township Committee for the Township of Delaware, Hunterdon County New Jersey authorizes payment to Kathy Klink in the amount of \$400 to serve as the Secretary for the Zoning Board of Adjustment meeting on December 14, 2023.

ATTEST:

Diana Rumage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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 November 21, 2023.

Diana Rumage
Acting Clerk

Township of Delaware
Resolution #23-185
Authorizing Budget Transfer

WHEREAS, N.J.S.A. 40A:4-58 allows for the transfer of funds between current year appropriations, should it be deemed necessary, in the last two months of the fiscal year; and

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2022, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Delaware, County of Hunterdon, and State of New Jersey that in accordance with the provisions of N.J.S.A. 40A:4-58, that the Chief Financial Officer is hereby authorized to make the transfers listed below:

CURRENT FUND		CURRENT FUND	
FROM:	Amount	TO:	Amount
Finance O/E	750.00	Audit	750.00
Clerk S/W	6,000.00	Legal	6,000.00
Total:	6,750.00	Total:	6,750.00



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ATTEST:

Diana Ramage
Acting Clerk

Charles Herman
Mayor

Approved: November 21, 2023

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Diana Ramage
Acting Clerk

ADOPTION OF ORDINANCES

Public Hearing on 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;

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



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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.

§[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



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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 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.



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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, 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.



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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.

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.



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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:
 - 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;



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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.

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



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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.

§[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,



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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.

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.

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.



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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 algacides, 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.



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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 VIII – Improper Disposal of Waste

§[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.



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§[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)
- 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.

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



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



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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.
 - 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.



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- 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.

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.



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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.

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.

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.



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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 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:



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Diana Ramage, Deputy Clerk

Charles Herman, Mayor

I, Diana Ramage, 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 Ramage, 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: November 21, 2023

Mayor Herman read the ordinance by title and then asked for a motion to open public hearing. The motion was made by Mr. Waltman and seconded by Mr. Bower. The motion was approved by Mr. Bower, Mr. Vocke, Mr. Waltman and Mayor Herman. Mrs. Lockwood abstained. The motion carried.

Public Hearing Comments

Diana Garibaldi, resident, asked for an explanation of the ordinance. Mayor Herman explained that all municipalities were redesignated as Tier A by the NJDEP and that includes requirements for street sweeping, DPW parking lot changes and inlets.

Mr. Wisniewski provided further insight. He explained that the EPA came down on the state DEP who had been directed to adhere to regulations. NJDEP created two tiers, with Tier B applying to less densely populated areas. However, the EPA said that Tier B is not a real permit as it does not address the real issues. In response, all municipalities were designated Tier A. Tier A regulations have been in place since 2004. One requirement is that municipalities have ordinances that allow for the enforcement of water quality issues including: containerized yard waste, litter control, pet waste control, private storm drains on private sites, wildlife feeding control, yard waste collection, illicit connections, improper disposal of waste, private salt storage and refuse containers & dumpsters. The State told municipalities that they have adopt and enforce these ordinances. Most would be enforced by police, code enforcement or zoning. Penalties are the general penalties per the Township. The Tier A permit requires several things including DPW yard maintenance and procedures and manuals related to DPW ditch maintenance. All of the information will be included on the website, which is in progress.

Ms. Garibaldi commented that she heard permits must be submitted by May and they are very detailed.

Mr. Wisniewski replied that had worked with the Township to prepare the Tier B permit and will now prepare the one for Tier A.



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Donna DeMateo, resident, asked about white substances she see coming off lawns at Dilts going into storm basins and asked how it might relate to this ordinance.

Richard Stoneking, resident, noted that he has seen runoff with particles come onto his property.

Mayor Herman asked for a motion to close public hearing. The motion was made by Mr. Waltman and seconded by Mr. Bower. The motion was approved by Mr. Bower, Mr. Vocke, Mr. Waltman and Mayor Herman. Mrs. Lockwood abstained. The motion carried.

Mayor Herman asked for a motion to adopt Ordinance 2023-10. 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			
Charles Herman, Mayor			X			

Mayor Herman asked if there is a way to express the financial impact of going from Tier B to Tier A. Mr. Wisniewski replied not yet. The cost so far is \$5,000-6,000 which includes inspections, reports and the ordinance. There are multi-year targets over the 5 years of the permit. There was a grant provided by the DEP to offset the cost totaling \$75,000. We received the first \$25,000 upon acknowledgement of filing. The remaining \$50,000 will be received once our plan is accepted by the DEP. Those funds will be used for the required mapping, annual reporting and the watershed improvement plan. He added that the first phase needs to be done by year three, with the final watershed by January 1, 2028.

Mr. Waltman asked if there are ramifications for not passing the ordinances. Mr. Wisniewski replied that we'd be in violation, but he hasn't see any fines assessed yet. Mr. Waltman asked if there will be EPA grants. Mr. Wisniewski responded not yet, but NJDEP has indicated that there would be more grants.

RESOLUTION 23-186: Authorizing Payment of Municipal Obligations

Mayor Herman asked for a motion to approve the municipal obligations for a total of \$3,536,626.91. The motion was made by Mr. Bower, seconded by Mr. Waltman. The motion was approved by roll call vote. The motion carried.

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 #23-186

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 **\$3,536,626.91**.

ATTEST:

Diana Ramage
Acting Clerk
Approved: November 21, 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 November 21, 2023.

Diana Ramage
Acting Clerk

OLD BUSINESS

Video Recording of Meetings

Mayor Herman asked, in an effort to defray costs, if anyone in town who has experience setting up cameras would reach out to help equip our meeting room. He explained that there would be two cameras. One facing the Township Committee and one facing the audience and that commentators would need to come up to a microphone so their comments could be picked up through a microphone.

Endorsing Designation of Creeks into the Lower Delaware Wild & Scenic River System

Township Attorney Joe Tauriello recommended that the Township not act on this endorsement right now. Mr. Waltman asked for further explanation. Mr. Tauriello responded that there will be significant impact and that he will write a memo explaining his position. Mrs. Lockwood noted that we are already part of the program and have benefitted from it, it has not had a negative impact and we'd just be adding to it. Mr. Tauriello indicated that there are significant unintended consequences. Mr. Waltman



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asked about the grants we've received. Kathy Klink, resident, added that we received a grant for Bull's Island planting and a couple of other small grants. Mayor Herman added that we are not discussing protecting the water, but rather making sure there are no infringements on Township or private property. This is not an environmental position. Mr. Waltman stated that the topic will be on the December agenda and that we won't be taking action tonight.

NEW BUSINESS

Best Practices Inventory

Ms. McDaniel presented this during the Administrator's report. Mayor Herman noted that sometimes we get questions about changes to ordinance and the reason is the state standard that we need to comply with Best Practices and to get funding. Ms. McDaniel added that we would get \$340,000 for completing the inventory.

Use of Grounds & Facilities Request – Municipally Owned Property other than Dilts

Mayor Herman explained that there is no process in place to allow residents to use the village green or other Township property beyond Dilts. He asked if we want to expand our facility use to include other Township properties to be used for events. Mr. Waltman said we should allow it with proof of insurance and collect a minor fee as long as the use is not commercial. There would be no selling of products. Mr. Vocke agreed that it should be a similar process to Dilts use. Mrs. Lockwood asked about the demand for this. Mr. Waltman and Mayor Herman indicated that inquiries have been made. Mr. Tauriello agreed with Mr. Waltman that there should be no alcohol or product promotion, but that we need an ordinance that includes all municipally owned property.

Mr. Waltman made a motion to have the Township Attorney develop an ordinance for use of all municipally owned property, which was seconded by Mr. Bower. It was unanimously approved by voice vote. The motion carried.

Zoning Board of Adjustment – Escrow fee increase

Mayor Herman read from a letter from Zoning Board of Adjustment Chairman Chuck Cline. In his letter, Mr. Cline suggested that the escrow fees be doubled. Ms. Klink and Mr. Cline indicated that there had only been one fee increase in the last 30+ years. Mr. Cline furthered that all of the professional fees have increased, so it's fitting to increase the escrow fees. He feels it's easier to give back unused funds than to get additional funds, particularly in cases when their application is denied. The ZBOA is owed \$7,000 from the beginning of this year. After some discussion about professional cost estimates and length of time for the application process, Mr. Tauriello said he would look at the fees of other municipalities and speak with Board Attorney Steve Goodell, to get a better understanding of the appropriate fee increases and draft a revised ordinance. Mr. Waltman asked what percent have not paid. Mr. Cline replied that in the last two years, 4 applicants have gone over their escrow amounts and two haven't paid (recent denials).

CORRESPONDENCE

Letter from JCP&L regarding 2024 Maintenance Cycle Trimming

JCP&L sent a 60-day notice letter regarding upcoming maintenance trimmings planned to commence on or about January 15, 2024. Mayor Herman read the list of roads scheduled for trimming in 2024 (some



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are not in Delaware Township, but are linked to the substations serving the Township): Bowne Station Rd, Brookville-Hollow Rd, Buchanan Rd, Cemetery Rd, Grafton Rd, Hamp Rd, Kingwood-Stockton Rd, Knoster Rd, Lambertville-Headquarters Rd, Main St, Queen Rd, Risler St, Rittenhouse Rd, Sandy Ridge Rd, Seabrook Rd, State Hwy 29, Stockton-Flemington Rd, Wards Rd, Warman Rd, Biser Rd, Boarshead Rd, Britton Rd, Croton Rd, Dogwood Dr, Dogwood Dr W, Easton Trenton Tpke, Harmony School Rd, Locktown-Flemington Rd, Old Croton Rd, Plum Brook Rd, Rt 579, Sandbrook-Headquarters Rd, Sergeantsville-Flemington Rd, State Hwy 12, Stockton-Flemington Rd, Stone Signpost Rd and Yard Rd.

Letter regarding Dilts Farm Park

Mayor Herman started by saying that there has been open discussion about parking planning for over two years, beginning with the referendum. He added that the Township Committee has been fully open and transparent throughout this process. He explained that the purpose of the initial subcommittee was to establish logistical needs only for the park and their insights on park needs, use and events was given to the park planner to develop the draft plan that was presented. That proposal was presented and has been on the Township website for weeks to be viewed by the residents. Residents may share their comments with the Township Committee in person or in writing at any time. Giving special consideration to a group such as Friends of Dilts Park is in direct contrast with our commitment to being fully inclusive and fully transparent and could lead to divisiveness within the community. This and any other group may send their representatives to ask questions or make comments at any public meeting.

Mayor Herman asked if any other Committee members wished to share their thoughts.

Mrs. Lockwood commented that if we had been more open at the early part of the process, none of this would have happened. She felt that it was a good start getting feedback from Township groups like the Environmental Commission and Open Space to identify needs. The draft plan that was brought to one meeting was a great start, but you didn't allow for public comment in that meeting. Mayor Herman clarified that he asked people to hold their questions during the presentation, but there was time for public comment just like every meeting. Mrs. Lockwood stated that you don't need a special group, but at some point, we need to open the discussion to everyone to provide the input. She added that people do not feel like that has happened and that's why they feel the need to form groups such as "Friends of Dilts Park.

Mayor Herman asked what is so objectionable about the presentation from the park planner. He asked if we need public input on improving parking lots. Members of the audience interjected with various comments. Mayor Herman replied that we're hiring engineers that are experts. Several unrecognized audience members commented. Mrs. Lockwood commented that there are a lot of people who have an interest and when we put the contract together with the planner, there were supposed to be a certain number of public meetings and we haven't had those meetings. Committee members replied that we held the plan presentation in a public meeting.

Laurie Sabat, resident, interjected to comment on the plan and asked if it is final and no more conversation. Mayor Herman replied that it is a draft.



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Mayor Herman asked Mrs. Lockwood about her position on the Friends of Dilts Park. She replied that all the people are asking for is to get invited to participate. Mr. Waltman replied that they will be, we hired a park planner who made his preliminary observations and we haven't done anything since then. Mrs. Lockwood asked when we will have that meeting.

Mayor Herman called the meeting back to order saying that he made the mistake of opening this discussion up to public comments and that we'll have public comments in a few minutes.

Mayor Herman asked the Committee members for their opinion on acknowledging and creating a subcommittee as requested by the Friends of Dilts Park.

Mrs. Lockwood stated that we have subcommittees on other topics, why not have a subcommittee, but it may be too late for that. She feels that we need to have a public meeting. If we had a process where everyone can be involved, then we don't need a Friends group. We have a plan as a starting point and now it's time to involve more people at a meeting with the park planner and the plan.

Mr. Waltman replied that what we're talking about is not very different at all. That is exactly what the next step would be. We just haven't done it yet. There will be a meeting on an agenda with the park planner that will allow for input.

Mr. Vocke added that people don't understand that it is a slow-moving process and that not everyone that has something to say about the park wants to be on a committee. They want to provide input on the park plan and maybe it hasn't happened soon enough. He agreed that the next step is to have the park planner at a meeting with public input.

Mr. Waltman replied that the problem with subcommittees that represent subsections of the town is that they are not representative of the full Township. An agenda that states an open discussion about the park plan is a reasonable forum for public input and for the Township Committee to take that input and work with the park planner. Any decisions that would be made would happen in a public meeting, as has always been the plan. First step was to hire a park planner, second, present initial thoughts, but no action has been taken by the Township Committee. The only way to proceed is to have another public meeting where the Committee would vote to proceed.

Mr. Bower recommended that audience members read the minutes, absorb them and come back with questions. He reiterated that these were concepts, not a plan.

Mayor Herman added that some might say we aren't acting quickly enough because of the fields in need of repair, dangerous parking. Much of the concept focuses on safety. In any other town, there would not be an open meeting about fixing bathrooms, ADA accessibility or parking. This Committee is doing everything in public, taking questions and comments.

Mayor Herman asked the Township Committee if anyone would like to make a motion to create a subcommittee to decide on projects to be done at Dilts Park and include the Friends of Dilts Park in that. None moved.



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Mrs. Lockwood moved that any meeting moving forward happen sat at Township Committee meeting or in a meeting that is publicly announced so that everyone can participate. The subcommittee with the heads of various committees has done their job, so from now on if there is going to be a meeting, it will include the public.

Mayor Herman stated all of our meetings are publicly noticed, so that's not an issue. The question is whether we need a subcommittee.

Mrs. Lockwood stated her point is that you don't need a subcommittee if you have public meetings.

Mayor Herman asked if anyone else wanted to make the motion.

Mr. Waltman stated that we will have the meetings publicly as promised.

Mayor Herman stated that hearing no motion, the meeting will move on.

Resolution Correspondence

The Mayor shared that the Township received letters from Shirley Turner and Erik Peterson in support of Delaware Township's Resolution 23-175: Supporting Bill A975 and S2643 Requiring Commercial Motor Vehicles to be Equipped with Certain Global Positioning Systems. Additionally, we received a phone call from the office of Tom Kean, Jr. in support of our position stated in Resolution 23-174: Opposing H.R. 3372 Which Would Establish a 10-Year Pilot Program for States to Test 91,000 Pound Trucks.

Mayor Herman added that the Office of Tom Kean Jr. held mobile office hours at the Township on Wednesday, which was advertised on the website and on Facebook, and nobody from the Township came to talk to the representative.

PUBLIC COMMENT

Donna DeMateo, resident, commented on the inclusion of non-elected entities, like DTAA, on the park planning subcommittee. Mayor Herman restated that they were included to provide insight into the needs and the uses of the park. Ms. DeMateo added that the intent was not clear and there is a need for better communication.

Steve Wilber, resident, asked if the criteria list based on the input from those initial groups be shared with the Township. Mayor Herman clarified that the park planner did not make recommendations based on requests from those groups, but based on the activities that go on, such as team sports. Mr. Wisniewski added that there wasn't a list of the demands. They discussed park inclusivity, passive recreation opportunities, improved safety & circulation, better organization and handicapped accessibility. While he didn't attend the plan presentation, Mr. Wisniewski viewed the concept plan and sees that there are some seating areas and addressing of environmental and stormwater concerns. Nothing has been done yet, as we don't even have a survey yet. The last survey was done in the 1990s.



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Julie Parker, resident, asked if she is correct in her understanding that the plan is maintenance and improvement of what we have, not expansion. Mayor Herman replied that based on the concept plans, the vast majority is improvements to existing facilities. The only expansion included in the concepts is expansion/improvement to the trail system. Ms. Parker asked if they are going to make the park bigger or able to hold more people or create more parking. Mayor Herman responded that parking would be eliminated, but currently there is not enough proper parking on weekends. The only proposal that might bring more people to the park is pickleball.

Howard Parker, asked about a road that would go to Headquarters Rd. Mayor Herman responded that the only thing under consideration on the additional park acreage is walking trails.

Bob Weber, resident, expressed concern about a new road and additional fields in the open space around the current park.

Richard Stoneking, resident, noted increased activity and traffic in the park, but wondered if the funds would go towards maintenance instead of expansion. Mayor Herman clarified what he meant when he said the money is not for maintenance was that the ordinance stated that we would not use Open Space money for day-to-day maintenance at the park. Projects with a longer than five-year lifespan are considered capital improvements (like the tennis court, or pickleball or basketball or ball field improvements).

Jan Weber, resident, commented that the Township Committee wants input, but input from only those who attend meetings is not inclusive. The Friends of Dilts Park letter suggested that input be inclusive and diverse. She recommended a needs analysis. Regarding Lower Delaware Wild and Scenic, Ms. Weber commented about the concern about infringement on property owners. She suggested forming a subcommittee and doing a needs analysis.

Ravenna Taylor, resident, commented that she took notes and recorded the presentation by the Lower Delaware Wild & Scenic representative and offered them to anyone who would like them. She added that the Park Planner Update wording on the agenda did not clearly state that it would be a presentation.

Mr. Wilber spoke again to comment that the Township has acknowledged input from residents regarding the Reimer property and asked if the Kean property is being considered in the park plans. Mayor Herman replied that he thought it was included. Mario Russo, resident, mentioned that some fields were left out of the concept plan and noted that there were some inaccuracies in the plan.

Mrs. Lockwood added that the Kean property has been owned for years and she wants to make sure we are planning for all of the park.

Mayor Herman noted that the 5-8 year plan is to maintain and update what is at the park now – bathroom, tennis, field improvement, basketball. He noted that he understands people's frustrations, and some miscommunication on the TC part and other miscommunication among the community. There is no design to build out Dilts park.



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Mario Russo, resident, commented that safety is the biggest concern.

Mayor Herman continued, that the only new concept that has come up is pickleball. The rest is standard maintenance and upkeep. These types of conversations would not be had in other Townships, but he's glad we're having them. It's important to know that the Committee is taking public input and addressing concerns – adjusting the trails as requested by residents.

Kathy Klink, resident, commented that the discussion about the subcommittee was the clearest explanation she's heard, that it was a data collecting subcommittee. She added that the escrow ordinance contains language about replenishment once the account drops below a certain percentage. Mr. Tauriello commented that in theory a secretary would monitor that, but if the escrow is too low to begin with, it creates needless work. Regarding Lower Delaware Wild & Scenic, Ms. Klink hopes the decision allows for public input. Mayor Herman stated that the Committee will not take action tonight.

Mario Russo, resident, commented that parking at Dilts this season was out of control and that the paved area is not actually a parking lot. He added that the central location for activities is a good idea and the sooner we can fix it, the better. He also reported that he has pricing (approx. \$2,000) and needs to decide on the location for the AED at Dilts.

Mayor Herman noted that DTAA has spent thousands on Dilts in the past number of years. Mr. Russo added \$15,000 and \$20,000. A lot of maintenance has been funded and done by DTAA volunteers.

Diana Garibaldi, resident, commented about the moving of the Reimer trail. And asked if now that there will be more trails. She commented that letter from Friends of Dilts Park indicates that there is some disconnect. She referenced Mr. Bower and he explained that a lot of the information that the public is looking for is in the minutes which were approved tonight and will be on the website. Mrs. Garibaldi indicated that she couldn't find the plans on the website. She did mention that the planner had left by the time the public had a chance to comment.

Mayor Herman stated that many of the members of the Township Committee had not met the park planner, so he was prepared to present to the Township Committee. At the last minute, it was decided that the residents would be included in the presentation. He was not prepared to address public input. No action has been taken and the presentation was posted on the Township website days later.

Mr. Tauriello added that there has been a lot of discussion about transparency and miscommunication and then read excerpts from the 10/10/23 minutes that clearly noted the purpose of the presentation and the plan for an upcoming meeting for public input. He added that social media and discussions can be misleading.

Mrs. Garibaldi added that minutes are not verbatim and not always clear, citing the omission of a letter that she read at the 5/8/23 meeting. She asked for clarification on the Lower Delaware Wild & Scenic and expressed concern about it being discussed in executive session and the significant issues cited by the Township Attorney and added that other municipalities have endorsed the proposal.



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Mr. Waltman replied that other municipalities also have not approved of it, so that is concerning too. He indicated that after the executive session discussion, the concerns will be discussed at the next public meeting to provide reasoning for the Committees decision.

Mr. Cline spoke again to ask if there are new requirements for our sewage treatment plan as a Tier A municipality. Mr. Wisniewski explained that that is separate permit from the Tier A requirements – one is for stormwater and one is for waste water/waste water treatment. Mr. Cline then commented that the ZBOA does not have a secretary which is required for the reorganization. He indicated that he would talk to the ZBOA attorney. He suggested that since there are no new applicants, we might explore a shared service agreement with another township.

Mayor Herman agreed that it would be great if the Planning and Zoning BOA could find a shared service. He offered that if Mr. Cline and Ms. Westlake would write a letter expressing interest in a shared service, that he would circulate it to the neighboring municipalities. Mr. Cline stated that he thinks the Township should bring in the applicants and the respective Boards decide who to hire. Mayor Herman replied that they are open to a recommendation of a better way to find applicants beyond advertising with the League of Municipalities. Mr. Tauriello offered to inquire with the Boards that he works with for potential applicants.

Jes Stahl, resident, asked if the Committee contacted JCP&L about the transformer near the school. Mayor Herman replied that he did not get a response to his email, but will follow up.

Valerie Tucci, resident, asked about the overlap of facilities at Dilts and at DTS and could it be a way to reduce field use at Dilts.

Ms. Weber spoke again to ask about next steps for the park planning process and how will the dates be announced and is it possible to have a weekend meeting to allow for input from a more diverse group. She commented that there is low attendance at weekday meetings and that the Committee should want input from a larger group. Mayor Herman replied that perhaps the people who don't attend the meetings don't have comments, noting that people tend to come out when a subject they are interested in is being discussed. Ms. Weber countered that most people don't know what's going on regarding Dilts Park to which the Mayor that most people in the community don't have awareness of what's going on in the Township, meaning that the majority trust the Committee will act in their best interests. In the past, budget meetings were held on Saturdays and no one from the public attended. Ms. Weber replied that the suggestion for a subcommittee was to perform a needs analysis. Mayor Herman replied that a needs analysis will come into play when looking at additional areas in the park. Ms. Weber replied that no can argue with the maintenance and safety needs. But there is a lack of knowledge and understanding of how decisions are being made and suggested that if there was a dedicated subcommittee, they could gather input to provide to the Committee. Mayor Herman replied that that isn't needed yet. Ms. Weber suggested we could be proactive, not reactive and asked why there shouldn't be a subcommittee to help plan for the future.

Several comments were made regarding a master plan for Dilts.



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Ms. Stahl spoke again to add that she feels very well informed because she is interested. If people don't attend meetings, it's not on the Township Committee. She noted that she doesn't know the source of the online information, but if people are interested, they should come to meetings. Her only recollection of the Reimer property was when Mrs. Lockwood brought it up to note that it was purchased for recreation and the potential use for soccer fields. She added that if people want to know what's going on, they should come to the meetings. The only thing the Township Committee should do is advertise better, but that doesn't mean people will come. She added that safety changes need to be made and changes to the Reimer property weren't on the plan. Ms. Stahl expressed concern about her tax money being spent on hay farming.

Mr. Weber spoke again to ask for a memo dispelling the misinformation, outlining the focus, and clarifying the five-year plan.

Mr. Waltman confirmed that since the referendum was presented to the public, safety was always the focus and wondered why people would speculate on anything more.

Mayor Herman clarified, since references had been made to it, that the bocce ball court as an Eagle Scout project funded by a benefactor in memory of his daughter and that a gaga court is an upcoming Eagle Scout project. Presentations were made and are reflected in the minutes. He also addressed allegations of a boys' club stating that while the Committee members don't always agree, 97% of the time they vote unanimously and while discussions get heated, this is the time when the Committee members get together to have discussions.

Mr. Stoneking spoke again to thank the Committee for their time tonight and asked about signing up for the tractor parade. Ms. Stahl told him to just show up to the middle school parking lot.

Mayor Herman concluded by adding that there will be a second Township Committee meeting in December for finance only, to approve payment of the bill list. It will be advertised, there will be no park discussion.

TOWNSHIP COMMITTEE COMMENTS

None.

EXECUTIVE SESSION

The Mayor asked for a motion to approve **Resolution 23-187**: 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 motion was made by Mr. Bower and seconded by Mayor Herman. The motion was approved unanimously by voice vote. The motion carried.

Upon returning from Executive Session, the Township committee voted on a motion to authorize the Township Attorney to proceed as discussed in Executive Session. The motion was approved by roll call vote. The motion carried.



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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 #23-187

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
Acting Clerk
Approved: November 21, 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 November 21, 2023.

Diana Rumage
Acting Clerk

ADJOURNMENT

Mayor Herman asked for a motion to adjourn. The motion was made by Mr. Waltman, seconded by Mayor Herman. The motion was approved unanimously by voice voted. The motion carried. The meeting was adjourned at 11:05 pm.

Respectfully submitted,

Diana Rumage, Acting Clerk