

**WORK SESSION
MUNICIPAL BUILDING**

**February 28, 2017
DELRAN, NJ**

Sunshine Statement: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 11, 2017 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell and Mr. Catrambone were present.

ALSO PRESENT: Mr. Paris, Mayor, Mr. O'Donnell, Solicitor, Mr. Winckowski, Engineer, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

DISCUSSION ON POTENTIAL CHICKEN PILOT PROGRAM

Council reviewed the following ordinance regarding the potential Chicken Pilot Program as drafted by the Township Solicitor:

**TOWNSHIP OF DELRAN
ORDINANCE 2017-**

**AMENDING CHAPTER 389 OF THE TOWNSHIP CODE,
ENTITLED "ANIMALS AND POULTRY"**

WHEREAS, the Township of Delran is a municipal entity organized and existing under the laws of the State of New Jersey and located in Burlington County; and

WHEREAS, the keeping of chickens and other fowl and livestock is currently prohibited by Chapter 389 of the Township Code except in areas zoned for agricultural use; and

WHEREAS, the State of New Jersey encourages municipalities to promote sustainable programs; and

WHEREAS, the keeping of "backyard chickens" is a means by which sustainability can be achieved; and

WHEREAS, in light of the above, the Township Council of the Township of Delran deems it in the best interests of the taxpayers and residents of the Township to amend Chapter 389 to authorize a pilot program which permits the keeping of "backyard chickens" under certain circumstances; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Delran, County of Burlington, and State of New Jersey, as follows:

SECTION 1: Section 389-1 of the Code of the Township of Delran is hereby amended, supplemented and revised to provide as follows:

Except as provided in Chapter 80 and Chapter 389 hereof, the keeping or harboring of domestic farm animals, wild animals or any other kind of animal, in violation of this chapter, is and shall hereafter be a nuisance.

SECTION 2: Chapter 389 of the Code of the Township of Delran is hereby further amended, supplemented and revised by adding a new Section 389-12 entitled "Backyard Chickens Pilot Program," and a new Article III entitled "Enforcement," which shall provide as follows:

Section 389-12 Backyard Chicken Pilot Program

A. A pilot program for the keeping of backyard chickens is hereby authorized. Keeping of backyard chickens shall be permitted in the Township of Delran subject to the rules and regulations as specified in this Article. The pilot program shall terminate on October 1, 2018 at 12:01 a.m., unless the Township Council of the Township of Delran act to continue same prior to that date. In the event the Township Council does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines of the pilot are maintained.

B. The following shall be eligible to participate in the pilot program: residents of single family homes or residents of "twin" homes or "row" homes which meet the criteria set forth in this Section.

C. For purposes of this pilot program, no more than twenty-five (25) licenses may be issued at any one time. Any additional households wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to Subsection J of this Chapter in conjunction with the liaison to the Governing Body.

D. There shall be a limit of four (4) chickens per license. No roosters are permitted.

E. The coop and enclosed run shall not exceed six (6) feet in height and be kept at least ten (10) feet from the habitable portion of the neighboring residential dwelling. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a resident age eighteen (18) or older is present the entire time.

F. No person shall keep chickens on their property without first obtaining a license from the municipal clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefore has demonstrated compliance with all criteria set forth in this Article II. Every license issued pursuant to this Article shall expire on December 31 of each year, excluding the December which occurs four (4) months after the pilot begins.

G. A license fee of \$25.00 shall be paid for each license issued pursuant to this Article.

H. Each applicant wishing to participate in the pilot program or desiring to keep backyard chickens thereafter in the event the pilot program is not terminated shall be required to take a class on the basics of raising backyard chickens. Proof of attendance must be presented with the completed application. The Township will provide a class minimally once a year at a nominal fee for anyone who has not previously met this requirement. The handling of this class will be the responsibility of the Chicken Advisory Board. A member of the Chicken Advisory Board will review the application with the applicant prior to final submission.

I. The following regulations and conditions for the keeping and housing of chickens shall be complied with:

- i.. The coop shall be the appropriate size for the number of chickens.
- ii. The coop shall be dry and well ventilated with windows to admit sunlight.
- iii. The coop must be kept clean.
- iv. The coop and enclosed run must be made predator-proof.
- v. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- vi. The yard in the area where the coop is located shall be clean and free from odors.
- vii. There shall be no slaughter of chickens in the Township.
- viii. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.
- ix. There shall be no selling of eggs.

J. A Chicken Advisory Board consisting of five (5) members of the community shall be formed. The Chair will be appointed to a two (2) year term by the Mayor. The Chair will select the other four (4) members, with approval of the Governing Body, who will also serve for two (2) years. Besides the Chair, of the remaining members, one will be appointed Vice-Chair and the other, Secretary of the Board. The Board shall meet on a regular basis and keep minutes which shall be submitted along with quarterly reports to the Governing Body

via the Township Council member selected as liaison to the Chicken Advisory Board. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

K. When a complaint is received by the Township, it will be forwarded to the Chicken Advisory Board for investigation by two members of the Board. If the Board finds a violation of this Article, solutions will be discussed with the offending resident to allow them to meet the requirements of the pilot program as soon as possible. However, if after thirty (30) days, the violation has not been remedied, the Township Council liaison will be notified so that enforcement proceedings can be implemented. The Chicken Advisory Board will assist anyone desiring to no longer participate in the backyard chicken program to relocate their chickens.

L. Failure to comply with the conditions and regulations set forth in the Article shall result in revocation of the license after notice and a hearing before the Governing Body.

SECTION 4: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6. This Ordinance shall take effect upon passage and publication according to law.

Mr. Catrambone stated that a few things came to mind while he was reviewing the ordinance. Mr. Catrambone asked if we know the life span of a chicken.

Mrs. Kolodi stated approximately eight years. We are asking for a maximum of four but they recommend starting with three.

Mr. Catrambone stated that in Section J., instead of having the Mayor appoint the Chair of the Chicken Advisory Board and the Chair appoint the remaining members, maybe we want to have Council make those appointments with recommendations from the Chair. Council agreed.

Mr. Catrambone stated that the appointment of a Council liaison is mentioned in Section J. and he recommended we make it clear on how the liaison is appointed.

Mr. Catrambone stated that in Section K., it discusses that the Chicken Advisory Board investigating violations and he asked if they should be handled by the Code Officer. Council will still be notified of the violations by a quarterly report.

Mr. Catrambone asked how long the pilot will run.

Mrs. Kolodi stated that it will be for a two year period.

Mr. Hatcher stated that Section A. will need to be adjusted to determine the expiration of the pilot.

Mr. O'Donnell will amend that section.

Mr. Catrambone stated that question whether we should define the size of the coop in Section I.

Mrs. Kolodi stated that they recommended we keep it similar to the limit for the size of a shed.

Mr. Hatcher stated that the maximum shed size is 10x10.

Mr. Paris asked if other towns have a size requirement.

Mr. O'Donnell stated that one town identifies it as three square feet per chicken.

Council agreed amend the ordinance to identify the per chicken size to a maximum of 10x10.

Mr. Catrambone asked if we made any recommendation on the size of the backyard as stated in the e-mail from Doug Long.

Mrs. Kolodi stated that in the e-mail Doug Long three items, the size of the chicken coop, 2a size requirement for the backyard and a notice requirement to neighbors so that they may voice objections or concerns prior to the granting of a license. Mrs. Kolodi stated that the size of the back year should not matter because the coop will have to be twenty feet from the home of any neighbor. Council also discussed the coop being five feet from the property line. Council already discussed the size of the coop. Mrs. Kolodi stated that notice requirement to neighbors bothers her because residents do not have to notify the neighbors when they get a dog or other pets.

Mr. Catrambone asked what the penalties would be if someone violates the ordinance. Council agreed that the penalty will be revocation of the license under the pilot.

Mr. Schwartz stated that he has concerns about the members of the Chicken Advisory Board members enforcing the ordinance. He feels any inspection should be handled by the Code Enforcement Officer. Mr. Schwartz stated that he also has concerns about section requiring a resident 18 years or older to be present if the chickens are outside the coop area. We may want to identify the proper fence requirements. Mr. Schwartz also brought up the issue of deed restrictions on owning chickens.

Mrs. Kolodi stated we can identify the exact requirements for the fenced area. Mrs. Kolodi asked how we would find out if a property has a deed restriction.

Mr. O'Donnell stated that it could be found in the County records. We may want to require the resident participating in the pilot to certify there is no deed restriction.

Mr. Schwartz stated that he would also like the Attorney to research how a resident could seek relief of the deed restriction.

Mr. O'Donnell stated that deed restrictions are normally handled in Superior Court.

Mr. Schwartz stated that he wants to make sure that the rights of all residents are protected.

Mr. Paris stated that if we are having the Code Official take on the inspections, we may need to look at hiring additional employees. Mr. Paris stated that we should have the residents participating in the pilot sign off that they understand the procedure.

Mr. Schwartz asked how we are going to handle it if there are more residents interested than available permits.

Mrs. Kolodi stated that it will be a first come first serve basis.

Ms. Eggers questioned whether there will only be an inspection if there is a complaint.

Mr. Catrambone stated that it seems that there will be an inspection needed after the coop is built to make sure it complies with the requirements of the ordinance. Council agreed.

Council discussed whether they want to waive the requirement for the \$25.00 zoning permit fee. Council agreed that since there will be an inspection required, they do not want to waive the fee. They will lower the fee for the license fee \$10.00.

Mr. O'Donnell will make the changes as discussed and Council will continue discussion at the next work session.

2017 BUDGET DISCUSSION

Mr. Hatcher reported that he met with the Auditor on Friday and essentially with a zero rate increase, using \$3,500,000 in surplus our tax levy would be \$10,713,160. That is approximately \$8,000 less than the levy last year and equal to the same levy since 2011. The tax rate would reduce from 76.4 cents to 76.1 cents. The budget would be \$ 1,305,946 under the spending cap and \$750,622 under the 2% levy cap. The total budget would increase approximately 1.5%, mostly based on the increase in debt service. We started the year with \$8,700,000 in surplus and based on a rough estimate we anticipate a reduction in surplus of approximately \$600,000. Mr. Hatcher stated that there are two additional capital budget items that need to be added. The first is the funds for the CDBG program. We received a \$78,000 and project cost is \$85,000. The second is the funds for Phase 2 of the Route 130 Sidewalk Project. We received a grant in the amount of \$176,000 and the project estimate is \$220,000.00.

Mr. Hatcher stated that since the Sewer Budget surplus is in good shape, he wanted to give Council the option of using the surplus to pay for some of the capital items as follows:

- Sewer Plant Water Reclamation Project – \$20,000 initial study and design of the project
- 2 Ford F350 with plows and spreader - \$96,000
- Acoustic Tool - \$30,000
- Sand Filter – Additional funds of \$450,000. The Engineer recommended that we add those funds to project and award to the low bidder. They do not feel the price will change if we authorize a re-bid.

After discussion, Council agreed to add all items to the sewer budget with the exception of the additional \$450,000 for the Sand Filter Project. At a future work session, Council will amend the prior ordinance to add the additional funds for the Sand Filter.

Mr. Hatcher mentioned that the budget line item in the amount of \$1,200.00 was missed for the Green Team and will be added as long as Council agrees. It is the same amount as last year. Council agreed.

Mr. Hatcher stated that he wanted to point out a \$30,000 increase in the Zoning budget for an additional employee to help in the vacant and abandoned property area.

Mr. Hatcher reported that there is a \$4,000 would need to be added to the Building and Grounds line items to pay for the repairs to the air conditioner. Council agreed.

Mr. Schwartz asked if we should consider the adding \$120,000 to the capital budget for the ground work needed to begin Jake's Place. This would give us to opportunity to act this year if we choose.

Mr. Hatcher stated that a lot of the work is for the playground surface and that cannot be installed until the equipment is installed.

Mr. Catrambone stated that they have an update meeting with Jake's Place tomorrow night. We will have a better idea at that time where we stand. He does not feel we will be in position to begin work this year.

Mr. Hatcher asked whether or not Council wants to include any funds to rehabilitate 903 Oak Avenue. Council agreed not to add funds at this time. Mr. Hatcher stated that he would like to have some of the hedges removed in the front so that the police have better access to the property. Council agreed.

The 2017 budget will be introduced on March 7th and the public hearing will held on April 4th.

SEWER DISPUTES

Mr. Hatcher reviewed the following sewer disputes.

Block 156 / Lot 12 – This sewer account appeal was received on December 30, 2016. This appeal is actually early because it is based upon usage in 2016 for the 2017 bill. Therefore; we can discuss it and if you like we can make an adjustment before the bill comes out rather than waiting and having to adjust the bill later on. The resident indicates that there

was a leak in the humidifier and there is adequate provision of backup information to show that the individuals were in Florida at the time of the leak. The water was not processed as 6 inches was in the crawlspace and there was a significant reduction after the leak was fixed for which they showed an invoice. Based upon the information that they provided I would recommend adjusting this bill to the minimum for the 2017 billing period. Council agreed.

Block: 120.06 / Lot: 2 - Resident indicated that they had a flood in their basement. They provided backup information regarding a leak that was fixed in February 2015 and the sewer bill prior to that time and since has been in the area of minimal. The application does not indicate why it was late however if Council is going to authorize the application I would recommend the minimum bill. Council agreed.

Block: 118 / Lot: 4 – The date of the sewer billing claim is January 18, 2017 the toilet was broken during the first half of 2015. The resident indicates that water bills were constantly inflated due to running toilets. The neighbor fixed the toilets and the water usage has been regulated. Since the neighbor fixed the toilets they do not have bills to indicate that it was actually fixed. There is no indication as to why this was submitted late. In reviewing this information provided doesn't support the justification for the adjustment. During the first half of 2015 had 24,000 gallons used and the first half of 2016 had 19,000 gallons used so there was not a significant drop in water usage. In addition this property owner has not paid the sewer at all and probably went to tax sale and as a result has filed this appeal. I would not recommend approval on this. Council would like additional information from the resident as to why this appeal was a year late.

Block: 9 / Lot: 41.09 – This is a vacant unit with no water being used other than the month of May however they did not receive a minimum bill. This is a commercial property and they received a sewer bill for one of the other units in the complex. It appears that the water meter for this unit should have read zero and the other unit which received a minimum bill should have received a bill for \$220 a quarter. I received a telephone call from the property manager who asked me to send her a zero bill since they have their tenant's pay the bill and the other one should have been billed \$220. Based upon that we should adjust the bill to minimum and send the bill to the correct unit. Council agreed.

A resolution will be placed on the public meeting agenda for the approval.

NEW OWNERS/SEWER

Mr. Hatcher stated that the following properties have new owners and based on the regulations, the sewer bill should be adjusted to the minimum for the 4th quarter 2016. They are:

Block 30/Lot 1
Block 32/Lot 18

We will prepare a Resolution for the public meeting. Council agreed.

Mr. Catrambone stated that he would like to discuss a policy setting limit on appeals at the next work session.

REPORTS

Ms. Eggers – No report.

Mr. Hatcher – No report.

Mr. O'Donnell – No report.

Mr. O'Connell – No report.

Mr. Burrell – No report.

Mr. Schwartz – Mr. Schwartz asked that ask discussion at the next work session regarding the internet exchange zone since he missed the work session where it was discussed.

Mrs. Kolodi – Mrs. Kolodi asked how long the revision to the ordinance will take for the Chicken Pilot Program will take and what the next step will be.

Mr. O'Donnell stated that he will make the revision to the ordinance by the end of the week and Council can discuss the ordinance at the March 14th work session.

Mrs. Kolodi asked Mr. Hatcher if she received a price on the water spigot for Leon Avenue Field.

Mr. Hatcher stated we are waiting on a response from NJAW.

Mrs. Kolodi asked if we received a cost estimate for the requested improvements to the Tax/Sewer Office windows.

Mr. Hatcher stated that he will get Council that information.

Mr. Catrambone – No report.

Mr. Paris – No report.

PUBLIC PORTION

Mr. O'Connell made a motion to open the meeting to the public. The motion was seconded by Mr. Burrell. All were in favor, motion approved.

Silvia Gorostiza, 23 Cranberry Lane, stated that the chicken coop they are looking at is 6x8. She asked if the coop was smaller than the 10x10 would they still need a building permit.

Mr. Hatcher stated that he will get that information.

Mrs. Gorostiza stated that from the meetings that they have held she feels this is going to be very positive for the community.

Jennifer Reppert, 174 Westover Court, asked if there are any funds in the budget to dedicate funds to the flooding issue in Riverside Park.

Mr. Catrambone stated that the \$50,000 is in the budget should the Army Corps agree to the study. We have not heard back from them.

Phaedra Schwartz, 501 Brown Street, asked if Council has any involvement on decision for the schools such as decisions on speakers and classes.

Mr. Catrambone stated that they have absolutely no involvement in any decisions regarding the school.

Chuck Stahl, 184 Natalie Road, asked if there is any update on the purchase of the live streaming equipment.

Mr. Hatcher stated that we ran into an issue but he should have an update next week.

Mrs. Kolodi made a motion to end the public portion of the meeting. The motion was seconded by Mr. O'Connell. All were in favor, motion approved.

Mr. Schwartz made a motion to adjourn the meeting, seconded by Mrs. Kolodi. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk