

**WORK SESSION  
MUNICIPAL BUILDING**

**March 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. Shotts, Solicitor, Mr. Winckowski, Engineer, Mr. Hatcher, Administrator and Ms. Eggers, Municipal Clerk.

**CLOSED SESSION**

Mr. Burrell made a motion, seconded by Mrs. Kolodi to enter into executive session to discuss the following: Litigation Fair Share Housing v. Delran Township/Stellwag Farms Redevelopment Agreement

Mayor and Council entered into Executive Session to discuss to complaints filed against the Township by Fair Share Housing regarding Timber Ridge and Stellwag Farms.

Mr. Burrell made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mr. O'Connell. All were in favor, motion approved.

Council continued with their work session agenda.

**DISCUSSION ON POTENTIAL CHICKEN PILOT PROGRAM**

Council discussed the proposed ordinance regarding the Chicken Pilot Program.

**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 two years from the effective date of the pilot program 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 (20) 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 be kept at least twenty (20) 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. A license shall not be granted unless the applicant certifies that there are no deed restrictions which prevent chickens from being kept on the property.

G. A license fee of \$10.00 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. Applicants agree to allow chicken committee members to inspect the property for violations pursuant to the provisions of this section.

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, which shall be at least 3 feet by 3 feet of space for chicken with a maximum size of 10 feet by 10 feet. The coop shall be inspected by the Township prior to the granting of a license.

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 Governing Body will select the other four (4) members 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 by the Township Council 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 Code Official 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. A Violation of the conditions and regulations of this Article which occurs during the effective period for the pilot program shall not result in additional penalties under Chapter 389 of the Township Code.

**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.

Mrs. Kolodi stated that the ordinance followed everything the Chicken Advisory Board had discussed but they did have a few questions. Mrs. Kolodi stated that their first thought was to change the ordinance from chickens to hens but they decided to leave it as chickens.

Mrs. Kolodi asked if it would be better to move section J. before D. Council agreed that there was no issue with the order of the ordinance as long as the information is provided.

Mrs. Kolodi stated that there are several areas in the ordinance where the word Township is used. She questioned whether it would be better to change section K. to read that the Chicken

Advisory Board if authorized to inspect the coop and investigate complaints on behalf of the Township.

Mr. Shotts stated that if it is clear that in the ordinance that the Chicken Advisory Board is representing the interest of the Township then we do not need to make that clarification.

Mr. Catrambone asked if we change the language does it in any way remove the Authority from the Township.

Mr. Shotts stated that with reviewing the ordinance he can't say.

After discussion, Council agreed to leave section K as is.

Mrs. Kolodi asked if it has been determined whether a building permit will be required.

Mr. Hatcher stated that the ordinance should be amended to read that the coop must be five feet from any property line. Council agreed. Mr. Shotts will make the correction in section E.

Mr. Hatcher stated that if other towns have their Chicken Advisory Boards handling the inspections.

Gwenne Baile stated yes.

Mr. Hatcher stated that he wants Council to understand that we are going to have a responsibility when volunteers are performing the inspections.

Council agreed that the Code Enforcement Officer will perform the first inspection to determine that the coop meets the requirements of the ordinance.

Gwenne Baile stated that she would feel more comfortable if a Chicken Advisory Board member accompanied the Code Enforcement Officer on the initial inspection.

Mr. Catrambone stated that they will need to coordinate.

Mr. Schwartz asked if Mr. O'Donnell provided any answers to his question regarding deed restrictions and whether there was a method for residents with a deed restriction to participate in the program. He also wants to make sure we are not zoning residents out of participating in the program because their property does not meet the requirements. Mr. Schwartz stated that he also does not feel comfortable with the residents being subjected to inspections.

Mr. Catrambone stated he doesn't feel it is unreasonable to require an inspection.

Mrs. Kolodi stated that the residents in the group have no issues with the ordinance. There will only be an initial inspection once the coop is completed and if there is a complaint filed. There will not be random inspection.

After discussion, it was noted the deed restriction was outlined in section F.

Council agreed to place the ordinance on for first reading at the public meeting for approval with the amendments noted.

### **TV DROP OFF**

Mr. Hatcher stated that the same vendor that picked up the TV's in the past is willing to begin picking them up again at a cost of approximately \$200.00 per month. We would pay the cost from the Recycling Grant. This would be for Delran residents only.

After discussion Council agreed.

### **BID REPORT – SERVICE TRUCK**

Mr. Hatcher stated that low bid is from Dejana Truck and Utility Equipment Company in the amount of \$24,612. If Council agrees, we will place a Resolution on the Public Meeting agenda for approval. Council agreed.

### **BID REPORT – 4 TON DIESEL FIRED ROAD MAINTENANCE TRAILER**

Mr. Catrambone reported that the low bidder was found not to be responsive bidder. Based on that, we are recommending award to the second bidder HA DeHart & Sons in the amount of \$41,187.00. If Council agrees, this will be placed on the Public Meeting agenda for approval. Council agreed.

### **DROP OFF ZONE FOR INTERNET SALE EXCHANGE**

Mr. Catrambone reported that we discussed this at a previous meeting and decided not to move forward with a drop off zone. Mr. Schwartz brought this issue to Council but was unable to attend the meeting where it was discussed and he asked to be able to make comments.

Mr. Schwartz stated that he listened to the recording where the issue was discussed. This was brought to his attention by several residents. Riverside Township just added an area in their Police Department parking lot. There are a lot of stories where internet sale exchanges have gone bad so he began to question whether we should have an area at the municipal building that is recorded for safe exchange. We already have cameras that are pointed at the parking lot. Enough other towns are moving forward and having an area that is recorded would be useful for the Police Department to prohibit this from happening.

### **SEWER BILL TIMEFRAME FOR APPEALS**

Mr. Catrambone stated that we discussed in the past the need to review the appeal timeframe. We have one on the agenda for tonight that is over a year old. Currently the policy is thirty days after bills are received and Mr. Catrambone recommended that we extend that to sixty days unless there are extenuating circumstances.

After discussion, Council agreed that extend the timeframe from thirty days to sixty days unless there are extenuating circumstances. Once the calendar year is completed, no appeals will be heard for the prior year.

### **2017 BUDGET POWER POINT**

Mr. Hatcher stated that this item was on the agenda for the prior work session that was cancelled. The power point has been posted to the website along with the budget document and user friendly budget. Most sheets are a requirement under the checklist. Council had no questions.

### **SAND FILTER PROJECT**

Mr. Hatcher reported that the low bid came in approximately \$450,000 higher than the amount in the bond ordinance. The bidder has agreed to hold their bid until we can revise the bond ordinance to add the additional funds. There is a draft copy of the bond ordinance in the packet and if Council agrees, we will put it on for introduction at the public meeting.

Mr. Catrambone asked if we could pay the difference with the sewer surplus.

Mr. Hatcher stated that because the 2017 Budget has already been introduced, the timing would be the same. We can discuss this again once we are going to permanent financing on the project.

After discussion, Council agreed to place the ordinance on the public meeting agenda for introduction.

### **SEWER BILL DISPUTE BLOCK 118, LOT 4**

Mr. Hatcher stated that Council asked for additional information on why this appeal was so late. The resident provided additional backup information for Council's consideration. Mr. Hatcher stated that everyone has received the information and due to the personal information he did not go into further detail. If Council was to make an adjustment, he would recommend a minimum bill.

After discussion, Council agreed to place a Resolution on the Public Meeting agenda for approval.

### **DEP INSPECTION**

Mr. Hatcher stated that this is just to advise Council that we had the annual inspection of the Sewer Plant and found to be in compliance.

### **SEWER NEW OWNER BLOCK 159, LOT 6**

Mr. Catrambone stated that based on the regulations, this property should be adjusted to the minimum billing due to a new owner. If Council agrees, a Resolution will be placed on the public meeting agenda for approval. Council agreed.

### **TIME CAPSULE**

Mr. Catrambone reported that the Historical Society would like to schedule the reburial of the time capsule for April 29<sup>th</sup>. We asked Mr. DeSanto to determine an area and it was decided that the area will be in front of the building near the mailbox. Council had no objections.

### **CHANGE ORDER 2015 ROAD PROGRAM**

Mr. Winckowski reported that a change is needed for the completion of Fox Chase Drive under the 2015 Road Program. If Council agrees, a Resolution will be placed on the public meeting agenda for approval. Council agreed.

### **BLEACHERS – NOTRE DAME PARK**

Mr. Catrambone reported that Tom Tartaglia received a donation for bleachers and has suggested that they be installed at Notre Dame Park. Mr. DeSanto has no issues with them being installed at Notre Dame Park. Council agreed to install them at Notre Dame Field.

### **MULBERRY STREET CEMETERY**

Mr. Catrambone stated that there was a cemetery on the property several years ago and is now just a wooden area. They are trying to identify the owner and see if they can get onto the property to clean it up.

Mr. Hatcher stated that it appears the Township Attorney may have searched an incorrect Block and Lot based on information provided by the Tax Assessor's Office and they are now going to search the correct location. If we can't get the information needed, Council can entertain an official tax search.

### **REPORTS**

**Chief Parente** – No report.

**Ms. Eggers** – Ms. Eggers reported that the next Blood Drive is scheduled for May 9<sup>th</sup> from 1:30-6:30 PM.

We also received the information on the Riverside Memorial Day Parade. In the past Council has participated by walking in the parade and providing a wreath for the memorial. Ms. Eggers stated that if Council will be doing the same this year, she will send back the participation form. Council agreed.

**Mr. Hatcher** – Mr. Hatcher reminded Council that the Elected Official's Seminar is tomorrow night.

Mr. Catrambone stated that the seminar is scheduled for 6:00 PM.

**Mr. Shotts** – No report.

**Mr. Winckowski** – Mr. Winckowski reported that they are hoping to have the certificate of occupancy on the concession/bathroom at Delran Community Park by the end of the week. There will be some punch list items that will need to be completed.

Mr. Winckowski stated that we are on track with the 2016/2017 Road Program. We hope to have the contract out to bid in May for a July construction.

Mr. Winckowski reported that we received bids for Phase I of the Route 130 Sidewalk Program and we are preparing a bid report which will be submitted to Mr. Hatcher shortly.

**Mr. O'Connell** – Mr. O'Connell stated that the Governor signed a supplemental appropriation of \$400,000 from the Transportation Trust Fund and some of those funds will be used on Route 130 in Delran.

**Mr. Burrell** – No report.

**Mr. Schwartz** – No report.

**Mrs. Kolodi** – Mrs. Kolodi stated that for the Kostic Grant it was determined that we are going to purchase a round bench for the pole in the center. They were initially going to install the pavers in that location but they believe that the pavers will look better along a path. Also Mr. Kennedy found ceramic plaques for the wall of honor and he was going to bring a sample to see if Council would agree to place them on the Concession Building. Also, Jake's Place will be starting up their fundraising in Delran again and they are asking is anyone knows of any business that may be interested in donating.

**Mr. Catrambone** – Mr. Catrambone stated that he missed his trash day due to the snow storm and he was finally able to fill the new trash container.

**Mr. Paris** – Mr. Paris stated that he met with the County along with the Township Engineer to discuss the traffic along Hartford Road and also the median within Hartford Corners. The County indicated that Fairview Blvd. is a Township road and he has asked the Engineer to look into whether the median could be removed.

Mr. Paris reported that he was at a meeting with the High School and they will be hosting a STEM Fair and he suggested that the Township have the new leaf truck on display. We are also going to be reaching out to the businesses that are involved with technology.

## **PUBLIC PORTION**

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

Linda Gilbert, 75 Stewart Avenue, asked where we stand with the Riverside Park flooding project.

Mr. Catrambone stated that there is no designated project at this time.

Mrs. Gilbert stated that the Township set up a committee for chickens yet we have nothing to save 100 homes down in Riverside Park. She stated that they have been coming here for years and the Township has nothing planned.

Mr. Gilbert stated that since 2011, the Township only applied for four grants and none have been applied for in 2015 or 2016. A month ago two Mayors from Wildwood and North Wildwood found out there was money left over from Hurricane Sandy and were able to receive \$11,000,000 for their towns while no one here did anything.

Mr. Paris stated that we reached out to Elected Officials in the County and State and unfortunately they haven't been able to help us.

Mr. Winckowski stated that we have an ongoing grant from Hurricane Sandy funds for the buyout of a property. As far as grants go, there haven't been any grants available in the last two years. The only two repetitive grants that come out each year, we are not eligible for. Our best effort, is to stick with the Army Corps.

Mr. Burrell asked Mr. Gilbert what he would like to see Township Council complete.

Mr. Gilbert stated that somehow two Mayors were able to each receive \$11,000,000. That amount of money would fix issues in many towns along the river.

Mr. Burrell stated that he met with the Engineer to discuss how we can fix the flooding issues and it is not a small project. The estimated cost is \$5,000,000 to \$6,000,000 and would require the buyout of many homes.

Mr. Gilbert stated that he met with an Engineer and laid out the issue. He indicated that if we took clay and dirt from the curb and went up to a five foot level then compacted it down and sprayed on a concrete face, we could go from Riverside to the Sewer Plant for approximately \$1,500,000. He felt pump stations were not necessary.

Mr. Burrell stated that the reason a pump station is proposed is because the water will not be able to get out until the tide goes down.

Mr. Gilbert stated that if the river was dredged out there would be somewhere for the water to go. When it rains there is two feet of water in his back yard. If the Township doesn't do something the Sewer Plant is going to end up in the river.

Greg O'Lear, 7 Teaberry, stated that including tonight there are five sets of minutes that haven't been published and most of those meetings have to do with the budget. The public will have no record of the discussion.

Mr. Catrambone stated that those minutes have not been approved by Council. The minutes cannot be posted until they are approved. The recording will be available the next day.

Mr. O'Lear asked if the minutes can be approved at the work sessions.

Mr. Catrambone stated that they can, if they are prepared.

Mal Anderson, Historical Society stated that he appreciates Council's consideration on the discussion tonight regarding the Historical Society.

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

Mrs. Kolodi made a motion, seconded by Mr. O'Connell to enter into closed session for discussion on the following issues: CWA Contract Negotiations and Litigation Berk & Berk Management at Hunters Glen v. Delran Township. All were in favor, motion approved.

Mr. Schwartz was absent for the closed session portion of the meeting.

Mr. Burrell made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mr. Connell. All were in favor, motion approved.

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

Respectfully submitted,

Jamey Eggers, Township Clerk