



TOWNSHIP OF DELRAN
PUBLIC MEETING
NOVEMBER 9, 2021 | 7:00 PM

I. Call to Order

II. Salute to the flag

III. 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 7, 2021 and posted on the bulletin board on the same date.

IV. Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

V. Oath of Office - Police Chief James Mitchell

VI. Ordinance(s) On Second Reading

a. Ordinance 2021-18 An Ordinance to amend Chapter 43, Section of the Code of the Township of Delran Entitled “Award of Contract or Purchase”

i. PUBLIC HEARING

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

b. Ordinance 2021-19 An Ordinance to Establish Salaries for Various Employees of the Township of Delran, County of Burlington, State of New Jersey and Regulating the Manner of Payment of Same

i. PUBLIC HEARING

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

- c. **Ordinance 2021-20** An Ordinance Repealing Chapter 217, “Noise” of the Code of the Township of Delran and Replacing with New Chapter 217, “Noise”

i. **PUBLIC HEARING**

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

VII. Ordinance(s) on First Reading

- a. **Ordinance 2021-21** An Ordinance to Establish Salary Range for Employees of the Township of Delran, County of Burlington, State of New Jersey and Regulating the Manner of Payment of Same

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

- b. **Ordinance 2021-22** An Ordinance of the Township of Delran, Burlington County, New Jersey Amendment to the Township of Delran Code and Creating Chapter 90, Entitled Trees

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

VIII. Resolution(s)

- a. **Resolution 2021-179** Authorizing 2021 Budget Transfers

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- b. Resolution 2021-180** Authorizing the Cancellation of Certain Balances on the General Capital Fund Balance Sheet

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- c. Resolution 2021-181** Requesting Approval of Items of Revenue and Appropriation in Accordance with N.J.S.A. 40A:4-87 2021 Safe and Secure Communities Grant Program

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- d. Resolution 2021-182** Authorizing the Acceptance of a SFY21 Body-Worn Camera Grant from the New Jersey Department of Law and Public Safety, Office of Attorney General, Award Number 21-BWC-116

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- e. Resolution 2021-183** Authorizing the Purchase of a 2022 Ford F350 Extended Cab 4WD Pickup Truck & Equipment Under State Contract T2101

Moved By _____ Seconded By _____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

IX. Motion(s)

- a.** A motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement

Moved By_____ Seconded By_____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- b.** A motion accepting the report of the Tax Collector and Township Clerk

Moved By_____ Seconded By_____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- c.** A motion granting a mercantile license to:

- Metzger’s Autobody, LLC, 150A-31 Carriage Lane
- JRBR Services, LLC, 8004 Route 130

Moved By_____ Seconded By_____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:
Nays:
Approved:

- d.** A motion appointing the following member to the Recreation Advisory Board:

- Candy Cure - Term to expire 12/31/2023
- Chris Pullin – Term to expire 12/31/2022

Moved By_____ Seconded By_____

Roll Call: Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon, Mr. Burrell

Ayes:

Nays:

Approved:

X. Reports

- a. Emergency Services
- b. Clerk – Jamey Eggers
- c. Administrator – Jeff Hatcher
- d. Mayor Catrambone
- e. Solicitor – Salvatore J. Siciliano, Esq.
- f. Council Members

XI. Public Comments

XII. Adjournment

TOWNSHIP OF DELRAN
ORDINANCE NO. 2021-18

**AN ORDINANCE TO AMEND CHAPTER 43, SECTION OF THE CODE OF THE TOWNSHIP
OF DELRAN ENTITLED "AWARD OF THE CONTRACT OR PURCHASE"**

WHEREAS, the Township Council of the Township of Delran has recommended certain amendments to Chapter 43 entitled "Purchasing" - Article XII Budget and Purchasing § 4-97 entitled "Award of Contract or Purchase" of the Code of the Township of Delran has determined that it is the best interest of the Township to adopt such requirements.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Delran that the Code is amended as follows:

SECTION I. Chapter 43 entitled "Purchasing" § 43-2 entitled "Process for award of professional services contracts" is hereby amended to add the following:

§ 43-2 Process for award of professional services contracts.

F. The Township Council, upon consideration and review of the procedures and recommendations, shall award the contract or purchase to the lowest bidder, pursuant to law, N.J.S.A. 40A:11-1 et seq.

Pre-Qualification Regulations for Bidder Requirements for Public Works Projects

1. Findings.

The Governing Body makes the following findings:

- A. The Township has proprietary and governmental interests in high standards, high qualifications and a high level of safety for workers and the general public. Those interests are fostered and benefitted by requiring bidders who desire to bid on public works projects with an estimated cost of construction equal to or exceeding \$250,000.00 to employ highly skilled workers.
- B. Using formally trained trade and craft workers ensures a level of competence, productivity, and worker safety that contributes to the timely and cost-effective completion of public works projects.
- C. A registered apprenticeship provides for a formal training arrangement that

includes a paid-work component and an educational or instructional component, wherein an individual obtains workplace-relevant knowledge and skills.

- D. Registered apprenticeship programs are a written plan designed to move an apprentice from a low or no skill entry-level position to full occupational proficiency. These programs must meet parameters established under the National Apprenticeship Act that are designed to protect the welfare of the apprentice. The Act and its promulgating regulations are administered by the Department of Labor's Office of Apprenticeship and the New Jersey Department of Labor and Workforce Development.
- A. The publication "Apprenticeship Training In New Jersey - Directory of Information and Resources" prepared by the State of New Jersey Department of Labor and Workforce Development Division of Business Services - Office of Workforce Initiatives describes the benefits that apprenticeship programs provide to the public including but not limited to:
 - 1. Developing and maintaining a highly skilled workforce which has "learned how to learn" and which is well prepared to adapt to an ever-changing employment and economic environment that is the hallmark of today's global economy, and
 - 2. Increased productivity from apprentices who are more versatile and better able to solve work-related problems than untrained workers.
- B. The governing body may, in accordance with N.J.S.A. 40A:11-25, establish reasonable regulations appropriate for controlling the qualifications of prospective bidders upon contracts to be awarded on behalf of the contracting unit, and may adopt a standard form of statement or questionnaire for bidders showing the bidder's financial ability and experience in performing public sector work, to the satisfaction of the Township.
- C. A highly skilled workforce ensures lower costs for repairs and maintenance over the lifetime of a completed public works project; ensures that trade and craft workers have been properly trained to adapt to an ever-changing employment and economic environment that is the hallmark of today's global economy; and allows the apprentices to be better trained which ultimately increases productivity and safety in the workplace.
- D. N.J.S.A. 40A:11-13 provides that any specifications for the provision or performance of goods or services shall be drafted in a manner to encourage free, open and competitive bidding and that no specifications may "(a) Require any standard,

restriction, condition or limitation not directly related to the purpose, function or activity for which the contract is awarded."

- E. A requirement that a responsible bidder is one who participates in an apprenticeship program is consistent with N.J.S.A. 40A:11-13 in as much as the requirement is directly related to the cost, efficiency, skilled labor force, quality, safety and timeliness of the Township's public works projects.
- F. An apprenticeship program requirement as a condition of responsible bidder determination is consistent with N.J.S.A. 40A:11-6.1 which requires that public contracts be awarded not to the lowest bidder, but to the "lowest responsible bidder".
- G. A highly skilled workforce ensures lower costs for repairs and maintenance over the lifetime of a completed public works project; ensures that trade and craft workers have been properly trained to adapt to an ever-changing employment and economic environment that is the hallmark of today's global economy; and allows the apprentices to be better trained which ultimately increases productivity and safety in the workplace.
- H. N.J.S.A. 40A:11-13 provides that any specifications for the provision or performance of goods or services shall be drafted in a manner to encourage free, open and competitive bidding and that no specifications may "(a) Require any standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the contract is awarded."
- I. A requirement that a responsible bidder is one who participates in an apprenticeship program is consistent with N.J.S.A. 40A:11-13 in as much as the requirement is directly related to the cost, efficiency, skilled labor force, quality, safety and timeliness of the Township's public works projects.
- J. An apprenticeship program requirement as a condition of responsible bidder determination is consistent with N.J.S.A. 40A:11-6.1 which requires that public contracts be awarded not to the lowest bidder, but to the "lowest responsible bidder".
- K. Requiring apprenticeship programs as an element of responsibility places all bidders on equal footing and does not unnecessarily limit the number of type of bidders on public

contracts, as all contractors will have a fair and equal chance to bid on Township contracts.

- L. Requiring apprenticeship programs as an element of responsibility supports State of New Jersey policy as set forth in J.J.S.A. 34:1A-37 and N.J.S.A. 52:38-1:
 - a. The State of New Jersey, as set forth in N.J.S.A. 34:1A-37 as an example, has recognized the inherent good in the encouragement and promotion of apprenticeship agreements and supports apprenticeship programs through programs of the State Department of Labor and Workforce Development;
 - b. The State of New Jersey, as set forth in N.J.S.A. 52:38-1, has determined that a highly skilled workforce ensures lower costs for repairs and maintenance over the lifetime of a completed project and such a requirement is directly related to the contract activity;
- M. Apprenticeship programs that train highly skilled workers and improve efficiency in government projects further the purposes of the Local Public Contracts Law.

2. Definitions.

Unless otherwise apparent from the context, the following words shall have the meanings set forth herein:

- A. The "Director" means the Director of the Division of Local Government Services within the Department of Community Affairs.
- B. "Lowest responsible bidder or vendor" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible.
- C. "Public works project" means any construction, reconstructions, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program or work performed under a contract for road resurfacing.
- D. "Responsible" means able to complete the contract in accordance with its requirements including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities

availability.

- E. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request; and
- F. "Apprenticeship program" means a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeship trade, and registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and meeting the standards established by the bureau, or registered by a State apprenticeship agency recognized by the bureau.

3. Registered Apprenticeship Program Required for Public Works Projects.

- A. It is hereby established by the governing body that participation in a registered apprenticeship program shall be a necessary qualification for all contractors and subcontractors, including lower-tier subcontractors seeking to perform work on any public works project for which the Township estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed two hundred fifty thousand dollars (\$250,000).
- B. All bidders on public works projects for which the Township estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed two hundred fifty thousand dollars (\$250,000) shall provide evidence that, at the time of the bid, the bidder and all of the bidder's subcontractors participate in registered apprenticeship programs for each of the trades of work contemplated under the awarded contract for which a registered apprenticeship program exists. Any bidder who fails to submit such evidence shall not be deemed a responsible bidder.
- C. It shall be a term and condition of any and all contracts for a public works project for which the Township estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed two hundred fifty thousand dollars (\$250,000) that all lower-tier subcontractors (e.g. sub-subcontractors and below) must provide evidence of participation in registered apprenticeship programs for each of the trades of work contemplated under the awarded contract prior to execution of any subcontract governing work on the public works project and prior to performing any work on said public works project.

4. Incorporation into Bid Documents and Contracts.

The requirements of this Ordinance shall be incorporated into the Township's bid

specifications and contracts for public works projects for which the Township estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed two hundred fifty thousand dollars (\$250,000). Any violation of this Ordinance may constitute a breach of such contract.

5. Repealer.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

6. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

7. Director Approval Required.

Upon adoption, a certified copy of this Ordinance shall be submitted to the Director of the Division of Local Government Services for approval together with such other documents as shall be required by Director, in accordance with the requirements of Local Finance Notice or such successor directive issued by the Division of Local Government Services prior to adoption of this Ordinance.

Effective Date and Sunset Provision.

- A. Pursuant to N.J.S.A. 40:41A-101, all ordinances take effect twenty days after final passage by the Township Council of Delran.
- B. Notwithstanding the foregoing, in accordance with N.J.S.A. 40:11-25, this Ordinance shall not take effect unless and until this Ordinance and required accompanying documentation have been submitted to the Director for approval in accordance with Section 7 of this Ordinance, and either (1) the Director grants such approval in writing, or (2) the Director fails to approve or disapprove the Ordinance within 30 days of its receipt by the Director.
- C. In the event the Director approves this Ordinance only for a limited duration, this Ordinance shall cease to be effective, and shall no longer constitute a requirement for bidding for or performing work under a contract advertised subsequent to the expiration of such approval.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the 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

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

MEMBERS OF COUNCIL	AYE	NAY	ABSENT	ABSTAIN
Mr. Smith				
Mr. Jeney				
Ms. Parejo				
Mr. Lyon				
Mr. Burrell				

Introduced: October 5, 2021

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

GARY CATRAMBONE, MAYOR

**TOWNSHIP OF DELRAN
ORDINANCE 2021-19**

**AN ORDINANCE TO ESTABLISH SALARIES FOR VARIOUS EMPLOYEES OF THE TOWNSHIP OF DELRAN,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY AND REGULATING THE MANNER OF PAYMENT OF
SAME**

BE IT ORDAINED by the Township Council of the Township of Delran in the County of Burlington and State of New Jersey that the Township does hereby establish the following salary ranges for the employees serving in the following positions:

POSITIONS	ANNUAL 2021 SALARY	PAY PERIOD	EFFECTIVE DATE
DEPUTY TOWNSHIP CLERK	\$50,000	BI-WEEKLY	OCTOBER 1, 2021

Section II Repeal- All ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of their inconsistency.

Section III Adoption – This Ordinance shall take effect twenty days after adoption and publication according to law. This Ordinance is retroactive respectively to October 1, 2021.

MEMBERS OF COUNCIL	AYE	NAY	ABSENT	ABSTAIN
Mr. Smith				
Mr. Jeney				
Ms. Parejo				
Mr. Lyon				
Mr. Burrell				

Introduced: October 5, 2021

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

GARY CATRAMBONE, MAYOR

TOWNSHIP OF DELRAN

ORDINANCE 2021-20

AN ORDINANCE REPEALING CHAPTER 217, "NOISE" OF THE CODE OF THE TOWNSHIP OF DELRAN AND REPLACING WITH NEW CHAPTER 217, "NOISE".

SECTION ONE. Chapter 217, "Noise" of the Code of the Township of Delran, be and the same is hereby repealed and replaced thereto with the following:

I. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, it is the policy of Delran to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within **Delran**.

II. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity,

telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated

jurisdiction and must be authorized to issue a summons.

“Noise Control Investigator” (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

“Sound production device” means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

III. Applicability

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Community service facilities;
4. Residential properties;
5. Multi-use properties;
6. Public and private right-of-ways;
7. Public spaces; and
8. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Community service facilities (i.e. non-profits and/or religious facilities)
3. Residential properties;
4. Multi-use properties;
5. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

IV. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not

apply to the exceptions listed at N.J.A.C. 7:29-1.5.

- (B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- (C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

V. Enforcement Officers

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

VI. Measurement Protocols

- (A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.
- (B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

VII. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi- use property		Commercial facility or non- residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A- Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property	Residential property, or residential portion of a multi-use property	Commercial facility, public service facility, non- residential portion of a multi-use property, or community service	Commercial facility or non- residential portion of a multi-use property
	OUTDOORS			

	INDOORS				facility	INDOORS
					OUTDOORS	
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

VIII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according

to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

IX. Restricted Uses and Activities

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such

activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
 - (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

X. Motor Vehicles

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

- (A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- (B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- (C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- (D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

XI. Enforcement

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the

violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Township of Delran Code Enforcement or the Township of Delran Police Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
 - 1. Mitigating or any other extenuating circumstances;
 - 2. The timely implementation by the violator of measures which lead to compliance;
 - 3. The conduct of the violator; and
 - 4. The compliance history of the violator.

XII. Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

SECTION TWO. Chapter 217, "Noise" be and the same is hereby amended.

SECTION THREE. Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the 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.

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

MEMBERS OF COUNCIL	AYE	NAY	ABSENT	ABSTAIN
Mr. Smith				
Mr. Jeney				
Ms. Parejo				
Mr. Lyon				
Mr. Burrell				

Introduced: October 5, 2021

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

GARY CATRAMBONE, MAYOR

**TOWNSHIP OF DELRAN
ORDINANCE 2021-21**

**AN ORDINANCE TO ESTABLISH SALARY RANGES FOR EMPLOYEES OF THE
TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AND REGULATING THE MANNER OF PAYMENT OF SAME**

BE IT ORDAINED by the Township Council of the Township of Delran in the County of Burlington and State of New Jersey that the Township does hereby establish the following salary ranges for the employees serving in the following position:

POSITIONS	Annual 2021 Salary Range	Pay Period	Effective Date
Chief of Police	\$125,000 - \$155,000	Bi Weekly	9/30/2021

Section II Repeal - All ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of their inconsistency.

Section III Adoption - This Ordinance shall take effect twenty days after final adoption and publication according to law. This Ordinance is retroactive respectively to September 30, 2021

MEMBERS OF COUNCIL	AYE	NAY	ABSENT	ABSTAIN
Mr. Smith				
Mr. Jeney				
Ms. Parejo				
Mr. Lyon				
Mr. Burrell				

Introduced: November 9, 2021

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

GARY CATRAMBONE, MAYOR

ORDINANCE 2021-22

AN ORDINANCE OF THE TOWNSHIP OF DELRAN, BURLINGTON COUNTY, NEW JERSEY AMENDMENT TO THE TOWNSHIP OF DELRAN CODE AND CREATING CHAPTER 90, ENTITLED “TREES”.

WHEREAS, the Township of Delran Code (the “Township”) does not contain specific provisions regarding the removal of trees on individual lots or tracts of land in the Township; and

WHEREAS, it has come to the Township’s attention that there have been instances of the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees on privately owned individual lots and tracts of land; and

WHEREAS, the Township desires to amend the Township Code so as to add provisions regarding the removal of trees on privately owned individual lots and tracts of land; and

WHEREAS, the Township Council finds and determines that amending the Township Code so as to establish regulations regulating the removal of trees on privately owned individual lots and tracts of land is required to ensure and protect the safety, health and welfare of residents of the Township and the public at large.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delran, County of Burlington, State of New Jersey, that:

SECTION 1. Amendment(s). The Township Code is hereby amended to create new Chapter 90, entitled “Trees,” which shall read as follows:

Chapter 90: Trees

- A. PURPOSES:** Delran Township Council has determined that the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon privately owned individual lots and tracts of land within the Township of Delran will increase the municipal costs to control surface drainage and will increase the probability of soil erosion, sedimentation and a decrease of soil fertility; all of which conditions negatively impact the environment and the public safety, health and welfare of the citizens of the Township of Delran. The appropriate

management and use of existing vegetation resources are an important health, safety and welfare concern as per N.J.S.A. 40:48-2. Therefore, it is the intent of these regulations to:

(1) Reduce soil erosion and protect surface water quality by minimizing soil and tree root disturbance in existing woodlands, around tree masses or under individual trees.

(2) Reduce stormwater runoff, velocity and volume by retaining woodland and forest areas where stormwater can infiltrate easily.

(3) Increase groundwater recharge by retaining woodland areas where stormwater can infiltrate easily.

(4) Improve air quality by conserving existing trees and other mature vegetation which produce oxygen and remove carbon dioxide from the atmosphere.

(5) Protect wildlife habitat.

(6) Retain existing trees to provide wind breaks, shade and other microclimate benefits.

(7) Retain trees and woodlands that are important to the history or natural and aesthetic beauty of the Township of Delran.

(8) Preserve and enhance property values by retaining and properly protecting existing trees

(9) replace trees removed for land development

B. DEFINITIONS: For the purposes of this Tree Ordinance, the following terms as used within the Ordinance are defined as follows:

American Standard for Nursey Stock (AAN): Provide buyers and sellers with a common terminology in order to facilitate transactions involving nursery stock. The standard defines terms and numerical relationships among tree parts.

Dripline: A line connecting the tips of the outermost branches of a tree projected vertically onto the ground.

Emergency: Any tree that creates an immediate hazard or danger to persons and property, as a result of a weather event, such as a hurricane, windstorm, flood, freeze or other disaster, or other cause.

International Society of Arboriculture: Provides accreditation to those in the tree industry with demonstrated knowledge and skills to properly care for trees.

Licensed Tree Care Operator (LTCO) and Licensed Tree Expert (LTE): Professional Certifications issued by the NJ Board of Trees Experts as delineated in the Tree Expert and Tree Care Operator Licensing Act of 2010. All tree care companies doing business in that State of New Jersey are required to have at least one licensed LTCO or LTE on staff.

Plan: The "Tree Removal/Replacement Plan", in accordance with the requirements of this tree ordinance, which indicates the trees to be removed or replaced.

Protective Barrier: A barrier constructed to protect the root system and/or the trunk of a tree from damage during construction and/or from equipment, soil or material deposited on the site. The protective barrier may consist of a snow fence, sawhorses or other similar structure which is sufficient to protect the root system or trunk of a tree from potential damage.

Regulated waters: all waters in the state excluding man-made canals and waters draining less than 50 acres as described in N.J.A.C 7:13-2.2.

Replacement Tree: 2 ½ -3-inch diameter tree balled and burlapped measured six inches from the ground.

Right of Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, a crosswalk, a railroad, electric transmission lines, an oil or gas pipeline, a water line, a sanitary storm sewer, or other similar uses.

Riparian Zone: Land and vegetation within and adjacent to a regulated water.

Significant Tree: Any living woody plant with a diameter measured at a breast height (four and a half feet from the ground) or more than twelve (12) inches (or about 36 inch circumference).

Township Property: Lands which are owned by the Township of Delran, open space or under the control of the Township of Delran by way of ownership, deed restriction or other covenant.

Tree Bank Account: Separate and dedicated account established by Delran Township to collect permit fees, payment in lieu of planting replacement trees and donation received pursuant to the Memorial Tree

program, with monies to only be utilized to engage the services of a Licensed Tree Expert (LTE), purchase, plant and maintain trees for the Memorial Tree program.

C. Enforcement:

a. Applicability; preservation of existing.

- i. No significant tree existing in the Township of Delran shall be removed unless done in accordance with the provisions of this chapter.
- ii. All subdivisions, site plans and any other land development shall be laid out in such a manner as to minimize the removal of or damage to healthy trees, shrubs and significant vegetation either on or off-site including but not limited to significant free-standing trees, tree masses, woodlands and forests.
- iii. Removal of 3 or more significant trees from a single lot that are not otherwise exempt from replacement under section C(c)(i) of this Chapter shall require a Tree Removal and Replacement Plan to be approved before issuing a permit.
- iv. The Department of Public Works is designated to manage trees, including removal on property Owned by the Township of Delran, including the parks, playgrounds and open space

b. Permit approval

- i. A tree removal permit is required from the Department of Public Works for removal of any significant tree as regulated in this chapter.
- ii. The application must include the following information
 1. Address
 2. Name and license of the contractor
 3. Species of tree to be removed
 4. Diameter measured at 54 inches from the ground
 5. Reason for removal
 6. Photograph
- iii. Review and issuance of said permit shall be based on the operating standards as construction permits.
- iv. Where the permit application is submitted as part of an application for development, the time for decision on the application shall be governed by the requirements applicable under N.J.S.A. 40:55D-1 et seq.
- v. No action shall be taken on any significant existing tree until written authorization is received from the Department of Public Works or its designee and a permit issued.

c. Tree replacement.

- i. If 3 or more significant trees are to be removed from a single lot, a Tree Removal and Replacement Plan is required before a tree removal permit can be issued.

1. Such Tree Removal and Replacement Plan is to include:
 - a. Mapping of the property showing the locations of the trees proposed for removal; and
 - b. Identify the species of the proposed trees for removal; and
 - c. Identify the diameter of the proposed trees for removal; and
 - d. Identify the condition of each tree for removal; and
 - e. Identify the location and species proposed for replanting.
 - ii. All submitted Tree Removal and Replacement Plans are to be reviewed by the Township's Licensed Tree Expert
 - iii. The number of replacement trees shall be based on the size and number of trees proposed to be removed as listed below:
 1. Removal of a significant tree up to 20 inches in diameter is to include replacement with one replacement tree.
 2. Removal of a significant tree 20 to 30 inches in diameter requires replacement with 3 replacement trees.
 3. Removal of a significant tree over 30 inches in diameter requires replacement with 6 replacement trees.
 - iv. A Tree Removal and Replacement Plan is not required if the property owner/developer agrees to plant one replacement tree for every 500 square feet of disturbance.
 - v. Relief from any portion or all of the on-site tree replacement requirement may be granted by the Planning Board or its designee. Any relief shall be based upon practical physical difficulties, environmental constraints, and undue hardship related to conditions of the site from which the trees are to be removed. The Planning Board or its designee shall solicit the comments and recommendations of the Township Engineer and landscape consultant in determining whether the relief requested by the applicant should be granted.
 1. Any relief granted shall include payment, determined by the Planning Board, into the Tree Bank account.
- d. Fees**
- i. An administrative fee of \$25 will be required with an application for Tree Removal and deposited to the Tree Bank.
 - ii. Any payment required in lieu of planting trees onsite will be deposited to the Tree Bank.
 - iii. Any payment required for replacement trees cannot exceed 5% of overall project costs.
- e. Duration of Permits**

- i. If granted for a lot or parcel of land for which no building permit is required, the tree removal permit shall be valid for one year from the date of issuance.
- ii. If granted for a lot or parcel of land for which a building permit is required the tree removal permit shall be valid until an expiration of the building permit.
- iii. If granted for a lot or parcel of land for which an approval is required from the municipal agency, the tree removal permit shall be valid for as long as the approval is valid pursuant to N.J.S.A. 40:55D-1 et seq.
- iv. Once a tree removal permit expires, a new application must be submitted for review and new permit issued.

D. Replacement trees.

- a. Replacement trees shall include a variety of recommended tree species. There should be no more than 10% of one species of tree use in replacing trees by any property owner. To address changing conditions, Delran Township will periodically update the list of recommended species. The list will be kept on file in the Township Clerk's office.
- b. Replacement trees shall be nursery grown and comply with the AAN standards for nursery stock.
- c. If the required replacement trees cannot be planted on the site because of practical physical difficulties or environmental constraints, a fee in lieu of tree replacement may be contributed into the Tree Bank.
 - i. The cost per tree is \$350.

E. Exceptions. The following significant trees shall be exempt from determining the need for a Tree Removal and Replacement plan

- a. Trees directed to be removed by municipal, county, state or federal authority pursuant to law.
- b. Trees which are dead, dying or diseased, trees which have suffered damage or any tree whose angle of growth makes it a hazard to structures, roads or human life.
- c. Trees which are causing structural damage to buildings, foundations of structures, or public water and/or sewer infrastructure.
- d. Trees within the right-of-way by utility companies for maintenance of utility wires or pipelines, the pruning of trees within sight easements, and trees which are obstructing the sidewalk.
- e. Developments that have received preliminary or final approval within three years prior to the effective date of this chapter, unless a substantial change in the development occurs requiring a revised preliminary approval.
- f. Tree located in nurseries, orchards and properties with a state-approved forest management plan.
- g. Trees located in cemeteries.

F. Emergencies; hazardous trees.

In case of emergencies, such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees that pose an imminent threat to the safety of persons or property, the requirements of the regulations set forth in this chapter may be waived by the Department of Public Works or its designee upon determining that such waiver is necessary to remove the threat in order to protect public health and safety.

G. Protection of preserved vegetation and root zones from construction

- a. Vegetation designated to remain shall be protected by a temporary fence at least four feet in height, such as a wooden snow fence or orange construction fence.
- b. The location of this fence shall be shown on the soil erosion control plan, demolition plan (if applicable), grading plan and the landscape plan.
- c. The fence shall be placed a minimum of one foot outside the dripline of the protected vegetation, or closer if Subsection B(4)(b) above is applicable, but no closer than six feet to the trunk. Chain link fencing may be required for vegetation protection if warranted by site conditions and/or rarity of the vegetation.
- d. If a tree or area of existing vegetation is proposed to remain and is within the limit of disturbance, then the fence shall completely encircle the tree or vegetation.
- e. If the tree or area of existing vegetation is proposed to remain and is beyond the limit of disturbance, then the fence shall be placed between the vegetation and the construction.
- f. A detail of the fence shall be shown on the plan labeling materials, sizes, and placement. The detail shall note that there shall be no construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind within the fenced area.
- g. The fence shall be erected prior to major clearing or construction and shall remain in place until construction is complete. This shall be noted in the construction sequence of the soil erosion control plan. The fence shall be placed to prevent construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind within the fenced area. The fenced area shall be posted "TREE PROTECTION ZONE--KEEP OUT."
- h. Significant trees located off site and whose dripline is within 25 feet of any proposed construction activities shall be protected by the fence when required by the Department of Community Development.
- i. Removal of the fence, or disturbance within the fenced area, except as noted below shall be subject to penalties outlined in Section L below.
 - i. The fence may be removed and construction or removal of vegetation performed if there is an imminent threat to the health, safety and welfare of the community. The Municipal Engineer's Office will be notified as soon as possible if this is required.

- ii. The Municipal Engineer's Office has been given a written explanation of the need for construction or vegetation removal within the fenced area and has issued a letter of consent. When work within the dripline is necessary the following is to be adhered to:
 - (a) The grade of the land located within the driplines shall not be raised or lowered.
 - (b) No construction, grading, trenching, storing or stockpiling of materials, dumping, vehicular traffic or parking of any kind shall be permitted within the dripline or within six feet of any remaining trees, whichever is greater.
 - (c) Any clearing within the dripline, or within six feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.
- iii. Remedies for damage done within the tree protection zone shall include aeration, mulching, and if necessary, tree or plant replacement as determined by the Municipal Engineer's Office depending on the amount of damage done.
- iv. Any significant tree which is seriously injured or removed without proper approvals from the affected areas, shall be replaced to the satisfaction of the Municipal Engineer's Office.

H. Resource conservation standards for site preparation and cleanup.

- a. Protection of vegetation from mechanical injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Planning Board shall require that the limit of disturbance be delineated, and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
- b. Protection of vegetation from grading change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- c. Protection of vegetation from excavations.
 - i. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
 - ii. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as

quickly as possible and the area shall be revegetated with native species if the plants are destroyed.

- d. Protection of topsoil.
 - i. No topsoil shall be removed from the site.
 - ii. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
 - iii. Topsoil disturbed or moved on site shall be redistributed and stabilized immediately in primary and secondary conservation areas and within seven days in all other areas following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than 10%, and by sodding, hydroseeding, or rip-rap on slopes exceeding 10%.
 - iv. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

I. Restricted Plantings

- a. Prohibited trees to be used as replacement trees in all areas is to be evaluated by Township Council biannually.
 - i. Bamboo Bambusoideae Luerse
 - ii. Callery Pear/Bradford Pear (Pyrus Calleryana)
 - iii. Mulberry Morus Alba

J. When Landscape Plans required

All preliminary and site plan review plans submitted to the Planning Board or Zoning Board for approval, except minor subdivisions, shall contain a landscape plan. The landscape plan shall be prepared by a landscape architect, whose name and address shall appear on the plan. Wherever possible, the landscape architect shall promote creativity in design locations and selection of species. For example, instead of planting trees in straight rows, the landscape architect might group trees into clusters with different combinations of species in each cluster. The property owner is responsible for maintaining the approved landscape plan and removing and replacing dead/damaged/diseased trees due to the safety concerns.

1. Site Plans and Subdivision Requirements

- a. **Tree inventory.** A tree inventory shall be shown on the existing conditions or landscape plan according to the following:
 - i. The location, elevation, relative health and species of all significant trees on site. Within woodland areas, the number of significant trees may be approximated using the forest density survey method. This shall be done by an LTE.

- ii. All significant off-site trees, whose dripline is within 25 feet of proposed construction, shall be inventoried and shown on the plan. The inventory shall show approximate location, elevation, species and relative health of each significant tree.
 - iii. The extent of the existing tree canopy area from individual trees, tree masses and woodlands on-site, and the approximate extent of the existing tree canopy from individual trees, tree masses and woodlands within 25 feet of proposed construction off-site, shall be shown.
 - iv. Existing trees, tree masses and woodland areas shall be designated either to remain or to be removed on the landscape plan and soil erosion control plan.
- b. Minimize removal of existing trees.**
- i. It shall be incumbent on the applicant to prove that removal of existing significant trees is minimized given the allowed development. If challenged by the Department of Public Works or its designee, the professional LTCO or LTE, the applicant shall produce evidence such as testimony, written documents or plans certified by a landscape architect, arborist, or other qualified professional showing that no reasonable alternative layouts are possible and that no reasonable alternative clearing or grading plan would reduce the loss of significant trees given the proposed development.
 - ii. Any tree, tree mass, woodland area, or other plants may be considered to remain only if either of the following criteria are met:
 - 1. The tree, tree mass, woodland area or other plants designated to remain appear in relatively good health, the driplines are at least one foot from any proposed grading, construction of any kind, including installation of utilities, and the plant(s) do not obstruct any sight triangles, and do not by their apparent health, natural habit or location pose an undue threat to the general health, safety or welfare of the community; or
 - 2. Within the drip line area or within one foot of the dripline, grading and installation of utilities, driveways, parking areas and sidewalks may occur, provided that the applicant's landscape architect, arborist, engineer or other qualified professional provides testimony and/or a drawing that by using innovative techniques the existing tree, tree mass, or woodland area proposed to remain will not be severely injured by the proposed development.

K. Compliance Required

No person shall cut or remove any significant tree nor shall any property owner or occupant knowingly permit the removal of any significant tree in excess of

twelve (12") inches in diameter measured on the tree at a height of fifty four (54") inches above the level of the ground upon any lands within the Township, unless the aforesaid is accomplished in accordance with the regulations and provisions of this section. Permits are required to remove both healthy and diseased or dead trees. The removal of diseased or dead trees requires certification by the Director of Public Works or his/her designee. In addition, any person desiring to clear an area greater than five hundred (500) square feet (no matter how small the trees, brush and/or vegetation may be) must obtain approval from the Planning Board.

L. Fines and Penalties

Any property owner who fails to comply with the above subsections shall be subject to the following fines and penalties as determined by the Department of Code Enforcement.

1. A penalty of no less than \$350 and no more than \$1000 is to be applied at the discretion of the enforcement Department.
2. Each tree removed shall/may be considered as a separate offense.

M. Trees in Wetlands Areas

Trees and all vegetation in freshwater wetlands areas are protected by N.J.S.A. 13:9B-1 et seq., Freshwater Wetlands Protection Act Rules, Chapter 7A; enforced by the New Jersey Department of Environmental Protection. Neither the Department of Public Works nor the Planning Board will authorize the removal of trees in any wetlands area until a permit has been issued by the Department of Environmental Protection.

N. Memorial Tree Program

Any funds donated to participate in Delran Township's Tree Memorial Program shall be deposited into the Township's Tree Bank Account. These funds will be used to purchase, plant and maintain trees on Township property.

Section 2. Effective date.

This Ordinance shall take effect after final passage and publication according to law.

MEMBERS OF COUNCIL	AYE	NAY	ABSENT	ABSTAIN
Mr. Smith				
Mr. Jeney				
Ms. Parejo				
Mr. Lyon				
Mr. Burrell				

Introduced: November 9, 2021

Adopted:

JAMEY EGGERS, MUNICIPAL CLERK

GARY CATRAMBONE, MAYOR

**TOWNSHIP OF DELRAN
RESOLUTION 2021-179**

WHEREAS, there are certain 2021 Budget Appropriations of the Township of Delran, which are insufficient to meet the requirements for operating affairs of the Township, and

WHEREAS, there are other 2021 Budget Appropriations where there are unexpended balances which will not be needed for such purposes, and

WHEREAS, the Revised Statutes N.J.S.A. 40A: 4-58 provides for the transfers from such accounts that have unexpended balances; now during the last two months of the year;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Delran in the County of Burlington that the following sums AS OF 12/31/2021:

From	Account #	Amount
Uniform Construction Code S&W	1-01-22-195-000-111	\$15,000.00
Sewer O/E	1-05-55-502-000-227	\$820.00
Total		\$15,820.00
To		Amount
Business Admin. O/E	1-01-20-100-000-200	\$13,250.00
Accumulated Leave Compensation	1-01-30-415-000-299	\$1,750.00
Sewer: PERS Contribution	1-05-55-540-000-220	\$820.00
Total		\$15,820.00

Dated: November 9, 2021

Jamey Eggers, Township Clerk

Tyler, Burrell, President of Council

**TOWNSHIP OF DELRAN
BURLINGTON COUNTY
RESOLUTION 2021-180**

**A RESOLUTION AUTHORIZING THE CANCELATION OF
CERTAIN BALANCES ON THE GENERAL CAPITAL FUND BALANCE SHEET**

WHEREAS, the Chief Financial Officer has recommended that said unexpended balances be cancelled as follows.

Unfunded amounts are to be cancelled to Deferred Charges to Future Taxation - Unfunded; and Funded Balances shall be cancelled to Reserve for payment of Debt Service which will be used to offset the debt service associated with these projects.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of Delran Township, County of Burlington, New Jersey, that the following unexpended balances on the General Capital Fund balance sheet be canceled:

Improvement Authorization – Funded

2008-15	ACQUISITION OF PROPERTY	\$87,263.86
2009-19	ACQUISITION OF VARIOUS EQUIPMENT	\$370.00
2011-18	OPEN SPACE RECREATIONAL IMPROVEMENT	\$73,118.25
2011-20	RECONSTRUCTION OF ROLAND STREET OPEN SPACE FOR THE ACQUISITION OF REAL	\$4,278.85
2012-01	PROPERTY VARIOUS CAPITAL IMPROVEMENTS AND	\$60,500.00
2012-04	EQUIPMENTS	\$80,262.67
2012-06	UNTAKING OF RECREATIONAL IMPROVEMENT TO THE LEON STREET FIELD	\$30,000.00
2012-09	SIDEWALK CONSTRUCTION AND INSTALLATION	\$26,790.55
2012-12	OPEN SPACE UPGRADES TO SWEDES LAKE OUTFALL	\$87,318.50
2012-13	IMPROVEMENTS TO RIVER DRIVE OUTFALL VARIOUS CAPITAL IMPROVEMENTS AND	\$5,195.00
2014-08	EQUIPMENTS	\$384,754.17
2014-13	CONSTRUCTION OF SIDEWALKS	\$31,336.50
2015-10	VARIOUS ROADWAY IMPROVEMENTS	\$16,188.42
2016-07	CONSTRUCTION OF SIDEWALKS	\$7,647.96
2016-11	VARIOUS CAPITAL IMPROVEMENTS	\$109,266.65
2016-12	ACQUISITION OF REAL PROPERTY	\$3,988.36

Improvement Authorization – Unfunded

2000-21	RCA AGREEMENT DELRAN/BURL RECONSTRUCTION OF ROLAND	\$279,750.00
2011-20	STREET RECONSTRUCTION OF TENBY	\$187.00
2014-10	DRIVE	\$156,676.82
2015-07	VARIOUS CAPITAL IMPROVEMENTS	\$13,239.30
2015-10	VARIOUS ROADWAY IMPROVEMENTS	\$68.00
2016-12	ACQUISITION OF REAL PROPERTY	\$190,000.00
2016-14	OPEN SPACE REFUNDING BONDS RECONSTRUCTION OF	\$195,000.00
2017-13	PHEASANT ROAD	\$8,685.83
2019-03	ACQUISITION OF DUMP TRUCK	\$761.00

Total **\$1,852,647.69**

ATTEST: **DELRAN TOWNSHIP**

Jamey Eggers, Township Clerk

Tyler Burrell, Council President

ADOPTED:

TOWNSHIP OF DELRAN

RESOLUTION 2021-181

Resolution Requesting Approval of Items of Revenue and Appropriation

In Accordance with N.J.S.A. 40A:4-87

2021 Safe and Secure Communities Grant Program

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for the equal amount; and

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$ 67,400.00 is hereby appropriated under the caption:

2021 Safe and Secure Communities Grant Program

I, Jamey Eggers, Municipal Clerk of the Township of Delran, in the County of Burlington, in the State of New Jersey, do hereby certify the forgoing is a correct and true copy of a Resolution adopted by the Council of the Township of Delran, in the County of Burlington, State of New Jersey, on November 9, 2021.

Jamey Eggers, Municipal Clerk

**TOWNSHIP OF DELRAN
RESOLUTION 2021-182**

RESOLUTION AUTHORIZING ACCEPTANCE OF A SFY21 BODY-WORN CAMERA GRANT FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, AWARD NUMBER 21-BWC-116

WHEREAS, the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG) received funds from the SFY21 Budget to administer the Body-Worn Camera Grant Program; and

WHEREAS, the Body-Worn Camera Grant Program is designed to provide eligible law enforcement agencies with State funding to aid in the purchase of body-worn cameras, ancillary equipment and storage; and

WHEREAS, the Township of Delran has been awarded a grant from the New Jersey Department of Law and Public Safety, Office of the Attorney General, U.S.; and

WHEREAS, the Grant Program is SFY21 Body-Worn Camera Grant, award number 21- BWC-116, with an award period of January 1, 2021 to December 31, 2025; and

WHEREAS, the amount of the grant awarded from the State is \$69,292.00, with no local match required; and

WHEREAS, the Township of Delran is hereby authorized and does hereby accept the grant award for the purchase of body-worn cameras; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Delran hereby accepts the grant award in the amount of \$69,292.00 for the purchase of body-worn cameras for the period of January 1, 2021 through December 31, 2025.

BE IT FURTHER RESOLVED by the Township Council of the Township of Delran that the Mayor is hereby authorized to execute the Award Contract with State and take any further action necessary for the acceptance of the grant award.

Dated: November 9, 2021

Jamey Eggers, Township Clerk

Tyler Burrell, Council President

**TOWNSHIP OF DELRAN
RESOLUTION 2021-183**

**RESOLUTION AUTHORIZING THE PURCHASE A 2022
FORD F350 EXTENDED CAB 4WD PICKUP TRUCK & EQUIPMENT
UNDER STATE CONTACT T2101**

WHEREAS, the Township of Delran desires to purchase the following items through State Contract:

VENDOR: Chas S. Winner Ford
d/b/a Winner Ford
250 Haddonfield-Berlin Road
Cherry Hill, NJ 08034

VENDOR #: A88758

ITEMS: 2022 Ford F350 Extended Cab 4WD Pickup Truck &
Equipment

TOTAL COST: \$ 71,949.00

WHEREAS, the Chief Financial Officer has certified in writing that the funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Delran does hereby authorizes the purchase of the specified items under State Contract.

DATED: November 9, 2021

TOWNSHIP CLERK

**Tyler Burrell
President of Council**