

**PUBLIC MEETING  
MUNICIPAL BUILDING**

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

**ROLL CALL:** Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell were present.

**ALSO PRESENT:** Mr. Catrambone, Mayor, Ms. McPeak, Solicitor, Mr. Winckowski, Engineer, Mr. Hatcher, Administrator and Ms. Eggers, Township Clerk.

**MINUTES FOR APPROVAL**

Mr. Smith made a motion, seconded by Mr. Lyon to approve the minutes for the September 7, 2021 Public Meeting.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

**ORDINANCE(S) ON SECOND READING**

**ORDINANCE TOWNSHIP OF DELRAN  
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 Lueress
  - 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.

Mr. Lyon made a motion to open the meeting to the public, seconded by Mr. Jeney. All were in favor, motion approved.

Deb Hammond, 230 Paddock Way, stated that she is here tonight as a representative of the Delran Green Team. The Green Team wanted to commend Council for taking bold action to protect our trees. Trees are the best defense we have in the fight against climate change, provide numerous ecological services, absorb rain water, minimize erosion and lower temperatures in the summer. The Green Team supports the requirement that property owners obtain a permit before removing a significant tree. If more than three trees are removed a tree replacement plan is required. Trees that are dead, diseased or causing damage to a structure to not count towards the replacement plan but we hope residents will elect to trim rather than remove healthy trees. If they do remove a healthy tree, we hope they will plant another tree. Why the ordinance does not preclude clear cutting, it does require the property owner to replace trees remove. We hope the requirement will encourage developers to protect existing trees rather than clear cutting sites. Our existing ordinance requires a one for one replacement to the extent practical. The new ordinance recognizes the value of large mature trees by establishing a tiered replacement framework. The ordinance also establishes a dedicated tree bank and we hope this fund will be used exclusively to purchase, plant and maintain trees on Township property. Where the required number of replacement trees determined by the tree removal and replacement plan cannot be done on site and payment of \$350.00 per tree will be dedicated to the tree bank. This will allow the Township to plant trees on Township property. The ordinance also includes additional provisions. Property owners with approved landscape plans will be required to remove and replace damaged or diseased trees. The ordinance also promotes diversity which will minimize the impact on future trees from insects or diseases affecting specific species of trees. Many have seen the effect on ash tree from the emerald ash borer. The ordinance will also prohibit the planting of bamboo, which is highly invasive and difficult to remove and the flowering pear trees which tend to split. We encourage Council to adopt the ordinance. While we may not see the impact of this ordinance tomorrow, it will ensure we leave our children and grandchildren a better Delran.

Mr. Burrell thanked Ms. Hammond for her comments.

Al Carp, 33 Oneda Avenue, outlined the economic benefit of trees including reduce energy costs, benefits to property value and health. It takes moments to remove a tree that took decades or

sometimes centuries to grow so please think long and hard before you remove a tree and if it must be removed, maybe plant something to take its place. Trees are the answer to climate change and what will you do to help. Mr. Carp stated that as part of this ordinance, the Green Team would like to have a tree of honor program. More information will be provided in the future as they continue to work on this program.

Mr. Burrell thanked Ms. Hammond and Mr. Carp for all their work on this ordinance.

Mr. Lyon made a motion to close the public portion, seconded by Ms. Parejo. All were in favor, motion approved.

Mr. Lyon made a motion, seconded by Mr. Jeney to adopt Ordinance 2021-22 on second reading.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

#### **RESOLUTION(S)**

- a. **Resolution 2021-186** Authorizing Release of a Portion of the Aggregate Excess Loss Contingency Fund

Mr. Jeney made a motion, seconded by Mr. Smith to adopt the Resolution 2021-186

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

#### **CONSENT AGENDA**

- a. **Resolution 2021-187** Authorizing the Cancellation of Taxes of a Totally Disabled Veteran Located at Block 118.01 Lot 39 Partial Tax Year 2021 and Thereafter
- b. **Resolution 2021-188** Authorizing the Cancellation of Taxes of a Totally Disabled Veteran Located at Block 118.03 Lot 10 Partial Tax Year 2021 and Thereafter
- c. **Resolution 2021-189** Refund Tax Overpayments

**d. Resolution 2021-190 Refund Sewer Overpayments**

**e. Resolution 2021-191 Authorizing the Issuance of a New ABC Club License for Dredge Harbor Boat Center, LLC.**

Ms. Parejo made a motion, seconded by Mr. Jeney to adopt the above Consent Agenda.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

**MOTIONS**

Mr. Lyon made a motion, seconded by Mr. Smith authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

Ms. Parejo made a motion, seconded by Mr. Smith accepting the report of the CFO including the November YTD Revenue Report, YTD Budget Report and November Check Register.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

Mr. Lyon made a motion, seconded by Mr. Jeney accepting the report of the Tax Collector and Township Clerk

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5  
Nays: None

Motion Approved

Mr. Smith made a motion, seconded by Mr. Jeney granting a mercantile license to the following:

- 7-Eleven Store #38473A, 3111 Bridgeboro Road
- Dandee Auto Sales, LLC 207A-1 Carriage Lane
- Prestige Auto Sales, LLC, 207 A-1C Carriage Lane
- Savy Cars, LLC, 150F Carriage Lane

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5  
Nays: None

Motion Approved

## **REPORTS**

**Chief Peak, Delran Fire Department** – Chief Peak reported that the department is at 605 total calls for service. They assisted the EMS on multiple calls for service.

On 11/11, the Chester Avenue Station went to Burlington on a standard mutual aid cover assignment and while in route they were pulled into the scene to assist with post fire activities.

On 12/1, the Department and several mutual aid companies responded to 73 Alden Avenue for a dwelling fire. Luckily the occupant was able to escape the home.

On 12/6, the Chester Avenue went to Florence in response to another mutual aid response and were pulled into the scene to assist with post fire activities.

The Bridgeboro Station responded to Willingboro and Moorestown on several mutual aid assignments.

On the evening of 12/11, they are hosting a Christmas drive-in at the Chester Avenue Station depending on the weather. On 12/18, they will be hosting the Christmas Santa Run.

Chief Peak reported that they lost a special member of their department, Charles S. Kendra earlier this month. He was a 52-year life member and past Chief of Station 2, current President of the Board of Fire Commissioners, 8-year member of the Emergency Squad. He appreciates the members of the Board that came out to pay their respect to the family and the department.

Chief Peak wished everyone a safe and healthy holiday season.

Commission James Bauer stated that the Chief hasn't received the full report on the Alden Avenue fire. They did obtain security footage from the house across the street and approximately 5-7 minutes after an officer patrolled past the home, you can start to see the smoke in the street light. Approximately 5-7 after that the resident broke a window to escape the home before it burst into flames.

Mr. Bauer reported that the Department has promoted Joe Cunningham, Jr. to a full-time inspector beginning on the 14<sup>th</sup>.

**Ms. Eggers** – No report.

**Mr. Hatcher** – Mr. Hatcher read the following:

This evening will be my last Township Council meeting as my retirement takes effect on December 31, 2021 and I will be utilizing some of my remaining vacation days to close out the year. Anyone who knows me probably knows that the last thing I really want to do is get behind this microphone and give a long speech about myself and so I don't intend to do that this evening. However, after serving here for 32 years and another six and a half years in two other towns, I would be remiss if I didn't take the time out to thank some people that I have met along the way.

First and foremost, my family, my wife Connie and our kids Kyle and Taryn who have had to deal with the 38 1/2 years of my attending council meetings, Joint Insurance Fund meeting and other meetings, and the frequent after-hours phone calls that take you away from your family. Evening walks and attendance at sporting events that were often interrupted with inquiries from residents asking questions about Township affairs. I appreciate your patience and understanding that became a part of your everyday life with me.

Secondly, I would like to thank those elected officials that I served under in Delran, I am not sure if it was 9 or 10 Mayors but I appreciated that confidence they had in me to appoint me on each term of office. In addition, to the Council people for whom I have served with some truly exceptional people have helped serve this community and I thank them all for the opportunity to work with and for all of you.

The workers of Delran Township have been exceptional and I don't think you will find a better level of service given in any town than right here. Each and every department has been truly exceptional and the residents are lucky to have these employees working in the Township serving the residents to the best of their ability. You are amazing people, those employees that came before you set the bar high and you have continued to meet or exceed those expectations.

I want to thank the other entities and our volunteers that we work closely with that have served the Township in a number of capacities. Those individuals that have worked for the Fire Company, Delran Emergency Squad, RAC, Planning and Zoning boards as well as the Green team and all the athletic organizations in town that serve Delran Township. It is people like these that make living in a town something more than a location.



Finally, I want to thank the residents of Delran it has been my honor to have had the opportunity to serve my friends and neighbors in the town I grew up in that made my time special.

40 years ago, I pitched the idea of working an internship (a six-month unpaid internship as it turned out) as I was completing my graduate studies to Mayor Schmierer and the then Township Administrator Joe Kane. After my pitch, Mr. Kane asked me where I wanted to be in five years? I answered sitting in that chair and pointed to the chair he was sitting in. It took me six years to sit in the chair, I didn't expect to stay in that chair for the next 32 years. I thank everyone for that opportunity and I wish everyone in Delran well.

**Mr. Catrambone** – Mr. Catrambone congratulated the Golden Regiment Band. Due to a scheduling conflict, we will be moving the proclamation presentation to a future meeting along with the Delran High School Boys Soccer Team.

Mr. Catrambone congratulated 7-Eleven on a successful grand opening. We especially grateful to their Project A Game for their donation to Delran's music program.

Mr. Catrambone reported that this Friday he had the honor of officiating his first wedding as the Mayor. For folks in need of an officiant, they can reach out to his office.

Mr. Catrambone expressed his condolences on the passing of Charles S. Kendra.

Mr. Catrambone stated that after decades of dedicated service to Township, this will be Mr. Hatcher's last public meeting before he retires. Mr. Catrambone stated that he would like to personally thank Mr. Hatcher for his guidance and support over the last thirteen years.

**Solicitor** – No report.

**Ms. Parejo** – Ms. Parejo stated that Delran has been fortunate to have Mr. Hatcher as their Business Administrator and in her opinion the best around. You will be missed and hope you enjoy retirement. Ms. Parejo recommended a trip to Spain and thanks for everything.

**Mr. Smith** – Mr. Smith stated that Fire Department, EMS and Police Department who all do a fantastic job.

Mr. Smith thanked Mr. Hatcher. As the newest member of Council, he appreciates his expertise and guidance and stated that he will be missed.

Mr. Smith hope everyone enjoys the holidays and reminded residents that it gets dark earlier so please be mindful of the children playing outside.

**Mr. Jeney** – Mr. Jeney recognized Chuck Kendra for his service to the community and his dedication to the Fire Department.

Mr. Jeney stated that speaking of dedication, he cannot say enough about Mr. Hatcher's tenure in Delran. He has provided a great service to the community. He knew him as a resident and got to know him even more of the last year. His impression of him as the Township Administrator has not changed. Mr. Jeney congratulated Mr. Hatcher and wished him good luck on his retirement.

**Mr. Lyon** – Mr. Lyon wished Mr. Hatcher a long and happy retirement. He stated that he has had the opportunity to work with a lot of Business Administrators and Mr. Hatcher is one of the most competent and professional individuals. He will be sorely missed.

Mr. Lyon stated that the High School choir sang a rendition of the National Anthem at the grand opening of the 7-Eleven that was outstanding. The High School Band was also in attendance and both groups did an amazing job. The donation that 7-Eleven made to the music program was awesome.

Mr. Lyon reported that the speed signs were installed on Grande Blvd. The traffic calming improvements are almost complete and hopefully that helps slow traffic in the area and protect the children as they cross the road heading to the ballfields.

Mr. Lyon expressed his condolences to the Kendra family.

**Mr. Burrell** – Mr. Burrell stated that our thoughts and prayers are with the Kendra family. He was a true public servant that gave his life to Delran and we are truly grateful. Thank you to the Fire Department for giving him the send off he deserved.

Mr. Burrell stated that we want to extend our congratulations to Mr. Hatcher on his retirement. It is a happy moment for him but a bittersweet moment for members of Council and the Administration. Mr. Hatcher is truly the glue that holds the Township together. He kept his job for 32 years through several Mayor and Councils which is a testament to his steadfast leadership and institutional knowledge that is worth its weight in gold but most importantly he is a great person. Mr. Burrell stated that when he was first elected to office at twenty years old Mr. Hatcher called him and invited him into his office for an orientation. He didn't really know what to expect but they had a great conversation and Mr. Hatcher offered guidance and words of wisdom that he carries with him today. Mr. Burrell stated that he will be missed.

## **PUBLIC PORTION**

Mr. Burrell made a motion, seconded by Ms. Parejo to open the meeting to the public for any questions. All were in favor; the motion was approved.

Mr. Burrell restated the rules of decorum. He reminded residents that if you would like to speak, please raise your hand, be recognized and approach the microphone in the front. Please state your name and address for the record. Please use your outdoor voice. All remarks should be addressed to the Council President and each speaker will be allotted five minutes. All statements are part of the public record both written and video recorded and cannot be redacted or retracted.

Bob Gilbert, 75 Stewart Avenue, stated that Mr. Hatcher does a great job and we won't find anyone that can replace him. Mr. Gilbert stated that he has held this town together and he will be missed.

Mr. Gilbert asked the Mayor how the widow of Mr. Wilson's is doing and if she needs any help please let him know.

Mayor Catrambone stated that he will talk to Mr. Gilbert offline.

Mr. Gilbert stated that today is the 80<sup>th</sup> Anniversary of Pearl Harbor. There are only 248,000 veterans left from WWII and we are losing them at 295 per day. In less than three years, there will not be any left. As far as he is concerned, they pulled this nation together and he wouldn't want to have to go through that again to pull this nation back together. The constant bickering has to stop and we need to do what is best for this Country.

Mr. Gilbert stated that on December there was a meeting with the Army Corps of Engineers and he asked how the meeting went.

Mr. Hatcher stated that they will be forwarding a plan to the Township before the end of the year regarding the erosion of the berm.

Kara Bottino, 111 Pelham Road, stated that she was here two meetings ago asking if someone could take a look at some street matter and Mayor and Council did give attention so she wanted to thank them for that and for all that they do.

Barbara Littleton, 317 Chestnut Street, asked if there is anything that can be done about the drive-thru's that exit and enter onto Route 130. We are seeing it hold up traffic on Route 130 and it is dangerous especially at McDonald's and Dunkin Donuts.

Mr. Burrell stated that we can take a look at the issue.

Ms. Littleton stated that her next questions go back to the conflict of interest issues brought up before. The newspaper article that came out today stated that there was going to be an investigation to see if there is a better way to deal with conflicts of interest. Ms. Littleton asked if Council could speak to that issue.

Mr. Burrell stated that he doesn't recall any part of the article stating there would be an investigation but what Council is going to do is take a look at our anti-nepotism ordinance that currently only applies to employees. We will also utilize our Special Counsel to advised on similar situations.

Ms. Littleton suggested Council take a look at the Federal ordinance on conflicts of interest.

Ms. Littleton stated that at the last meeting, Council indicated they could not speak on the emails from Colin Rafferty. She asked if Council spoke with Mr. Rafferty to clarify what was meant in the emails.

Mr. Burrell stated they have not. The process was done with the advice of our Solicitor's Office.

Ms. Littleton stated that even if Mayor and Council didn't know they were violating a law and the bids were spilt, in not knowing they were not upholding their fiduciary duties. In her opinion, they all failed the Township. Last meeting, questions were asked that the Solicitor refused to answer. Ms. Littleton suggest Council investigate the questions from public comments and be able to answer at the next meeting.

Scott Ducko, 3 Glen Forest Road, Mt. Laurel Road, congratulated Mr. Hatcher on his retirement. Mr. Ducko stated that there is an email from Mr. Hatcher to both Mr. Catrambone and Mr. Burrell stating the RAC Special Events budget had been exhausted from the contracts and invoices approved and encumbered by the Finance Office and we can not authorize any additional invoices, contracts or purchase orders unless additional funds are provided as it is unlawful to do so. The emailed continued to read that it was Mr. Hatcher's understanding that financial contributions were coming into the Dedication by Rider account for Special Events but until those funds are received, we cannot authorize these commitments. Mr. Ducko asked Mr. Hatcher to explain what that means.

Mr. Hatcher stated that a Chapter 159 is a special item of revenue approved by the State. In 2018, the Township submitted a request to the State for a Chapter 159 to receive donations for Special Events which was approved by the State. At the time the email was written, we had encumbrances that equaled what we had in place for special events in the Township Budget and in the Chapter 159. He was advised that additional donations were coming but wanted to advise them that until those donations were received, the Finance Department could not sign anymore purchase orders. Mr. Hatcher stated that he also wanted to make it clear that he was only referring to the RAC Special Events Budget sub-account, there were additional RAC funds in the overall budget but we were aware that we needed to maintain funds for the Winter Festival.

Mr. Ducko stated that through this whole process we haven't heard from anyone else on Council. He asked Mr. Hatcher if he was aware of the order from the Solicitor to spilt the quote.

Mr. Hatcher stated no. Mr. Hatcher stated that he only received the final quotes.

Mr. Ducko asked members of Council.

Mr. Burrell stated that we speak as a Council but to answer the question for all member, the answer is no. The RAC Chairman consulted directly with the Solicitor.

Mr. Ducko stated there were hundreds of emails regarding the Carli Lloyd event and according to an OPRA request, there were only nine emails regarding the Solid Waste Contract. He asked if Council could explain that.

Mr. Burrell stated that the number of emails sent on an issue doesn't determine the gravity of the issue. The Solid Waste contract was a significant issue for the Township and there was a significant amount of time spent on that issue. We sought bids for the service, three vendors reached out for bid specifications and we only received one bid from Republic Services. No one was thrilled with the outcome.

Mr. Ducko asked why Council signed a three-year contract.

Mr. Hatcher stated that was the option determined.

Mr. Ducko asked if Council was aware of relationship between Mr. Catrambone and Center Stage and Go Events.

Mr. Burrell stated no one on this dais was aware. We are going to look into ways to improve.

James Bauer, 816 Edgewood Avenue, stated that on behalf of Emergency Services, they cannot thank Mr. Hatcher enough for all he has done for them. He can not think of a more respected individual and they are going to miss him.

Patrick Duff, Haddon Heights, stated that he loves the town of Delran and that is why he is doing this. The town was in the news on WHYY today and not one person made a comment which is sad.

Mr. Duff discussed the proposals the Township received for Carli Lloyd event. Just today he received documents requested that show there were three proposals from Starlight over \$44,000, the seconded being \$73,500 and asked Mr. Burrell if he was aware of that proposal.

Mr. Burrell stated he was not.

Mr. Duff asked Mr. Hatcher if he was aware of the proposal.

Mr. Hatcher stated he was not.

Mr. Duff stated that three proposals from Starlight were for \$150,000, \$73,500 and \$61,500. The final contract from Starlight was for \$39,000. He asked Mr. Hatcher if he was aware of the final contract and if as a QPA it was his job to make sure that the items being bought are the value that they are.

Mr. Hatcher stated yes, he was aware of the final quote. Mr. Hatcher stated that he had direct involvement with these vendors. He has no knowledge of stages or video services.

Mr. Duff asked if he knows what bid splitting is and if it is illegal.

Mr. Hatcher stated yes, he believes it is illegal but these were not bids. He was not asked the questions and was not involved in the conversation between Colin Rafferty and the Solicitor. Bid splitting is when you take volumes of items and split them to get below the bid threshold. These items were not volumes and if the question was brought to him, he likely would have forwarded it to the Solicitor as theses are separate items including video, lighting and staging.

Mr. Duff asked if the Township could have extended the trash contract for 60 days and sought new bids.

Mr. Burrell stated that the answer is yes but we only had one bid the first round.

Mr. Hatcher stated that he does not believe we could have. The contractor was losing hundreds of thousands of dollars per year with Delran. He had a conversation with the vendor and asked him to explain the increase and he explained that he was losing money in Delran and covid was a major issue. Mr. Hatcher stated they would not have extended the contract to allow us to re-bid.

Mr. Duff stated that Moorestown extended their current trash contract.

Mr. Hatcher stated that is a completely different situation. We are a contract coming to an end. Moorestown had a three-year contract with a two-year extension and their vendor came to them and indicated they did not want to extend an additional two years. That left them in a hole with not enough time to advertise before the three-year contract expired and their vendor agree to extend for thirty days at a higher rate.

Mr. Duff stated that the Township stated that send bid proposal to all the trash companies in the area and allowed for a sixty-day period for their response but in the emails provided it is clear that the Township did not reach out to anyone. Mr. Duff asked if the Township did reach out to vendors, where are the emails to prove that and if there is proof that Mr. Hatcher had a conversation with Republic about extending the contract.

Mr. Hatcher stated that he provided a memo to Council regarding the bid.

Mr. Burrell stated that the vendors did reach out to the Township for the bid documents.

Mr. Duff asked if they believe they did a service to the community by only sending nine emails regarding the trash contract and hundreds on the Carli Lloyd event.

Mr. Burrell stated that he does agree with his assessment.

Mr. Duff asked what the difference was between \$61,500 and \$39,000 proposal from Starlight.

Mr. Burrell stated that off the top of his head, he does not know.

Mr. Jeney made a motion to close the meeting to the public, seconded by Mr. Smith. All were in favor, the motion was approved.

### **EXECUTIVE SESSION**

At this time, Mr. Burrell asked for a motion to adopt Resolution 2021-192 authorizing the executive session.

### **TOWNSHIP OF DELRAN RESOLUTION 2021-192**

#### **AUTHORIZING EXECUTIVE SESSION TO DISCUSS THE FOLLOWING: PERSONNEL MATTER – TOWNSHIP ADMINISTRATOR**

**WHEREAS**, N.J.S.A. 10-4.6 et seq. (Open Public Meeting Act) provides for the exclusion of the public from public meeting for certain reasons; and

**WHEREAS**, it is necessary to close the work session meeting of December 7, 2021 for the following reason:

1. Personnel Matter – Township Administrator

**NOW THEREFORE BE IT RESOLVED** that the meeting is closed for the reasons above in accordance with the Open Public Meeting Act.

Mr. Lyon made a motion, seconded by Mr. Jeney to adopt Resolution 2021-192.

There being no questions, the roll was called.

Mr. Smith, Mr. Jeney, Ms. Parejo, Mr. Lyon and Mr. Burrell voted aye

Ayes: 5

Nays: None

Motion Approved

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

There was no action taken after executive session.

Mr. Lyon made a motion to adjourn the meeting, seconded by Ms. Parejo. All were in favor; the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk

