

**PUBLIC MEETING
MUNICIPAL BUILDING**

**February 13, 2024
DELTRAN, NJ**

CALL TO ORDER

SALUTE TO THE FLAG

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 4, 2024 and posted on the bulletin board on the same date.

ROLL CALL: Mrs. Apeadu, Mr. Smith, Mr. Jeney, Mr. Lyon and Mr. Burrell were present.

ALSO PRESENT: Mr. Wright, Solicitor, Mr. Bellina, Administrator, and Ms. Eggers, Township Clerk

PRESENTATION OF PROCLAMATION

Aviation Structural Mechanic Third Class (AMS3) Stephen J. Miller, United States Navy

ORDINANCE(S) ON SECOND READING

**TOWNSHIP OF DELTRAN
ORDINANCE 2024-01**

**CALENDAR YEAR 2024
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Council of the Township of Delran, in the County of Burlington finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$508,680.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the Township of Delran, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Delran shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$508,680.46, and that the CY 2024 municipal budget for the Township of Delran be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Smith made a motion to open the meeting to the public, seconded by Mrs. Apeadu. All were in favor, motion approved.

There were no comments.

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

Mr. Lyon made a motion, seconded by Mrs. Apeadu to adopt Ordinance 2024-01 on second reading.

There being no questions, the roll was called.

Roll Call: Mrs. Apeadu, Mr. Smith, Mr. Jeney, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5
Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
ORDINANCE 2024-02**

ORDINANCE OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE TO CREATE CHAPTER 340, VEHICLES, SMALL UNMANNED AIRCRAFTS

WHEREAS, the Mayor and Council of the Township of Delran deems it appropriate, necessary, and proper for the protection and privacy of persons and property, and for the protection of the public health, welfare, and safety to adopt certain regulations pertaining to the use of small unmanned aircrafts, commonly referred to as “drones,” within the Township; and

WHEREAS, due to the declining costs of drones, the Township of Delran has seen a rise in the popularity in and availability of drones to private citizens for personal, recreational, and other potential uses; and

WHEREAS, drones and other types of unmanned aircraft can be used in a manner that is inherently dangerous to the public health, welfare, and safety and intrudes in a person’s reasonable expectation of privacy.

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

SECTION 1. The Township Code is hereby amended and supplemented as to create Municipal Code: Chapter 340, Vehicles, Small Unmanned Aircrafts, to read as follows:

§ 340-1 Purpose.

The purpose of this chapter is to regulate small unmanned aircrafts, commonly known as drones, to protect the public health, welfare, safety, and privacy of persons and property.

§ 340-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DATA COLLECTION

The acquisition of information by use of one or more sensing devices.

DRONE

A small unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system ("GPS") guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

FAA

The Federal Aviation Administration.

SENSING DEVICE

A device capable of acquiring data from its surroundings, including but not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges and wireless receivers in any frequency (including cellular, Wi-Fi, or other data frequencies).

UNMANNED AIRCRAFT

An unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

§ 340-3 Regulations.

- A. Except as otherwise provided in this chapter, persons and entities of small unmanned aircrafts or drones shall not:
 - a. Operate above any public schools in the Township providing instruction in pre-kindergarten through and including twelfth grade, inclusive, when students are present and without the permission of the school principal or higher authority or his or her designee or equivalent school authority.
 - b. Operate above any private property where it substantially interferes with the property owner’s actual use and enjoyment of the property, unless expressly permitted by the property owner.
 - c. Take off or land on any government or public buildings, property, or parks within the Township unless prior written permission has been granted by the Township for a special event or Township sponsored event.
 - d. Operate out of sight from the operator of the unmanned aircraft.
 - e. Operate in a careless or reckless manner so as to endanger the life or property of another.
 - f. Operate in a manner that interferes with law enforcement, firefighting, ambulance, or any government emergency operations.
- B. All other uses of public property shall have priority over use of public property for the operation of small unmanned aircraft.

§ 340-4 Exceptions.

- A. This chapter shall not prohibit any federal, state, county or municipal agency including, but not limited to, any law enforcement agency or emergency services organization from the use of unmanned aircraft for any lawful and authorized purpose pursuant to and in accordance with applicable regulations.

- B. This chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- C. This chapter shall not prohibit the authorized and lawful operation and use of unmanned aircraft for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with applicable regulations.

§ 340-5 Preemption.

The Township recognizes that the FAA has authority to restrict airspace. If any section, subsection, sentence, clause or phrase of this Ordinance is found to be preempted by the FAA, such a decision shall not affect the remaining valid portions of this Ordinance.

§ 340-6 Violations and Penalty.

Any person(s) who is found to be in violation of the provision of this section shall be subject to the penalties provided in § 1-5, Violations and penalties, of the Township Code. Each violation shall constitute a separate offense.

SECTION 2: Ordinances, resolutions, regulations or parts of ordinances, resolutions, and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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

There were no comments

Mr. Jeney made a motion to close the public portion, seconded by Mrs. Apeadu. All were in favor, motion approved

Mr. Lyon made a motion, seconded by Mrs. Apeadu to adopt Ordinance 2024-02 on second reading.

There being no questions, the roll was called.

Roll Call: Mrs. Apeadu, Mr. Smith, Mr. Jeney, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

ORDINANCE(S) ON FIRST READING

Ordinance 2024-03 An Ordinance of the Township of Delran, Burlington County, New Jersey, Amending the Township of Delran Code Chapter 355 “Zoning” to Provide Regulations For Solar Energy Systems

Mr. Jeney made a motion, seconded by Mr. Smith

Roll Call: Mrs. Apeadu, Mr. Smith, Mr. Jeney, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

CONSENT AGENDA

- a. **Resolution 2024-38** Approving Bingo License 2024-02 and Raffle License 643, 644, 645, 646 for PTO pf Holy Cross Preparatory Academy
- b. **Resolution 2024-39** Establishing the 2023 Quarterly Sewer Billing Block 9 Lot 33 Berk & Berk @ Hunters Glen, LLC
- c. **Resolution 2024-40** Approving Raffle License 641 And 642 for the Delran Middle/High School PTA
- d. **Resolution 2024-41** Refund Sewer Payment
- e. **Resolution 2024-42** Authorizing the Cancellation of Taxes of a Totally Disabled Veteran Located at Block 37.01 Lot 10 Tax Year 2024 And Thereafter
- f. **Resolution 2024-43** Authorizing CME Associates to Perform Engineering Services for MS4 Permit Stormwater Infrastructure Map Upgrades

- g. Resolution 2024-44** Ratifying the Extension of Contract Between the Delran Patrolman's Association and the Township of Delran
- h. Resolution 2024-45** Refunding Fee for Amusement Game License to Automated Services
- i. Resolution 2024-46** Refunding Seized Funds
- j. Resolution 2024-47** Authorizing Submission of Application for Local Recreation Improvement Grant 2024-04960-1709 for Improvements to Vermes Field
- k.** Authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement
- l.** Accepting the report of the CFO including the January 2024 YTD Revenue Report, YTD Budget Report and Check Register.
- m.** Accepting the report of the Tax Collector and Township Clerk
- n.** A motion granting a mercantile license to:
 - Delran Auto Body, 105 S. Bridgeboro Road
 - Cosmopolitan Hospitality, 1060 Chester Avenue
 - Craftmill Cabinetry, 1060 Chester Avenue
 - Paragon Exotic Stones, 1060 Chester Avenue
 - Zacate, LLC, 4037 Route 130 South, Unit C-6
- o.** Approval of the following minutes:
 - Public Meeting January 9, 2024
 - Work Session Meeting January 23, 2024

Mr. Jeney made a motion, seconded by Mrs. Apeadu to adopt the above Consent Agenda.

There being no questions, the roll was called.

Roll Call: Mrs. Apeadu, Mr. Smith, Mr. Jeney, Mr. Lyon and Mr. Burrell voted aye.

Ayes: 5

Nays: None

Motion Approved

REPORTS

Emergency Services – No report

Boards/Committees – Debra Hammond, Chairperson, Delran Green Team – Ms. Hammond reviewed the accomplishments of the Green Team during the ten years they have been in existence. These achievements include being certified at the bronze level with Sustainable Jersey, becoming a Tree City, collaborating with schools in the township, and collecting 900 pounds of plastic to recycle since July, just to name a few.

Rob Wachter, Delran Green Team – Mr. Wachter read the Green Team’s 2023 forestry report which must be submitted to the state to maintain accreditation. He also explained the Trees of Honor program, the proceeds of which go to plant and maintain trees in the township.

Mr. Wachter mentioned upcoming events including an Arbor Day celebration on Saturday, April 27th, the Kindergarten Grove Program in the spring, and opportunities for residents to assist with planting trees in the township.

Mr. Bellina – Mr. Bellina reported that the township is hoping to engage a contractor by the next meeting for the Route 130 sanitary sewer project.

Ms. Eggers – No report

Mr. Wright – No report

Mrs. Apeadu – Mrs. Apeadu congratulated Stephen J. Miller. She also thanked everyone who helped during recent weather-related issues in the township.

Mr. Smith – Mr. Smith stated it was wonderful to see all the people that came out to celebrate the accomplishments of Seaman Miller. He warned residents to be careful while driving in harsh weather.

Mr. Jeney – Mr. Jeney congratulated Stephen Miller pointing out the many ways that he has served his community. He thanked the Green Team for the hard work that they do in the township.

Mr. Lyon – Mr. Lyon congratulated Mr. Miller for his service to his country and the Delran community. He thanked the Green Team for their impressive work. Mr. Lyon will be meeting with the township engineer to discuss traffic safety near school bus stops in the Summer Hill development.

Mr. Burrell – Mr. Burrell congratulated Mr. Miller stating he is a great leader in the Eagle Scouts. Mr. Burrell reported that a meeting took place with the Army Corps of Engineering regarding the flooding issues in the township. More money is required from the township to fund the feasibility study. Mr. Burrell stated that the process is moving forward, and he stressed to the Army Corps that help is needed not only with erosion control but also flood mitigation. There is a new program that will assist with funding that the township will apply to.

PUBLIC PORTION

Mrs. Apeadu made a motion, seconded by Mr. Smith to open the meeting to the public All were in favor; the motion was approved.

John Harper, Riverside Park – Mr. Harper asked when the sewer plant was built. He asked why nothing was done to fix flood/erosion issues before the bike path was put in. Mr. Burrell explained that the bike path was not a township project. Mr. Harper asked what the township plans to do in the short term to help with flooding problems, stating that the sewer plant is also in jeopardy. Mr. Burrell responded that, unfortunately, there is no short-term solution to the problem, but he is confident that the Army Corps of Engineers are the most qualified people to handle the situation.

Mr. Harper also explained that in 1973, Amico Sand and Gravel put in pipes at Amico Island which caused flooding. Mr. Burrell stated that the county would have to be contacted because Amico Island is their property. Mr. Harper also expressed concern for potential residential construction in the harbor district.

Connie Nielsen, 128 Natalie Road – Ms. Nielsen explained that her condominium community, The Garden Club, is having trouble with their management and board. Mr. Wright and Mr. Burrell advised her to get an attorney to represent them since the township cannot help with a private community.

Mary Janus, Westover Drive – Ms. Janus reported that there is a park across from her house that has a creek running through it. The foliage surrounding the creek has become extremely overgrown. Recently, she noticed township employees working to clear the area but there is still a lot left to do. She asked if they would be back to finish the job. Mr. Bellina responded that he would investigate and give her an update.

Leslie Sweet, 74 Stewart Avenue – Ms. Sweet asked how long the dumpster on Stewart Avenue will remain. Mr. Bellina responded that it would be there for at least another week. Ms. Sweet also questioned the storm drain project that will be commencing on her street. Mr. Bellina explained that the project will include storm drainage repairs, installing some additional inlets, fixing the pipe that is not functioning properly and resurfacing the roadway. Phase one of the project will begin in the spring of this year and phase two will begin in spring of 2025.

Joan Kerstetter, 10 River Drive – Ms. Kerstetter asked if the outfall pipe at Stewart Avenue was inspected recently because she noticed a 40-foot tree stuck on the end of the pipe. Mr. Bellina will have someone look at it.

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

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

Submitted,

Jamey Eggers
Municipal Clerk