

**REGULAR TOWNSHIP MEETING  
MUNICIPAL BUILDING**

**April 4, 2017  
DELRAN, 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 11, 2017 and posted on the bulletin board on the same date.**

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

**PROCLAMATION PRESENTATION FOR WILLIAM BRADY**

**MINUTES FOR APPROVAL**

Approval of the minutes for the Work Session meeting on February 14, 2017.

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

Approval of the minutes for the Special Budget Work Session Meeting on February 21, 2017, Work Session meeting on February 28, 2017 and Public Meeting on March 7, 2017.

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**ORDINANCE ON SECOND READING**

**TOWNSHIP OF DELRAN  
ORDINANCE 2017-03**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE CODE OF THE TOWNSHIP  
OF DELRAN, ENTITLED "FEES" TO ADD THE NEW §150-17 WHICH SHALL**

**REGULATE ADDITIONAL TRASH CONTAINERS AND CHAPTER 299, SECTION  
8 ENTITLED "APPROPRIATE CONTAINERS"  
PUBLIC HEARING**

**MOVED BY\_\_\_\_\_ SECONDED BY\_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**ORDINANCE ON FIRST READING**

**TOWNSHIP OF DELRAN  
ORDINANCE 2017-04**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER  
2014-15 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
DELRAN, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY ON  
NOVEMBER 11, 2014 (WHICH PROVIDES FOR VARIOUS IMPROVEMENTS AND  
UPGRADES TO THE TOWNSHIP SEWER UTILITY SYSTEM), TO INCREASE THE  
APPROPRIATION THEREIN BY \$450,000 AND TO INCREASE THE AUTHORIZATION  
OF BONDS OR NOTES THEREIN BY \$450,000**

**MOVED BY\_\_\_\_\_ SECONDED BY\_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN  
ORDINANCE 2017-05**

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

**MOVED BY\_\_\_\_\_ SECONDED BY\_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:  
Approved:

**2017 MUNICIPAL BUDGET**

**RESOLUTION 2017-74 ALLOWING THE BUDGET TO BE READ BY TITLE**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:  
Nays:  
Approved:

**PUBLIC HEARING ON THE 2017 MUNICIPAL BUDGET – Motion to open meeting**

**RESOLUTION 2017-75 ADOPTING THE 2017 MUNICIPAL BUDGET**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:  
Nays:  
Approved:

**RESOLUTIONS**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-76**

**Supporting the 2017 UDrive, UText, UPay  
Distracted Driving Crackdown April 1 - 21, 2017**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:  
Nays:  
Approved:

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-77**

**AUTHORIZING THE EXECUTION OF THE "MUTUAL RELEASE AGREEMENT"  
BETWEEN BERK AND BERK AT HUNTERS GLEN, LLC, LOUIS VEGA, AND THE  
TOWNSHIP OF DELRAN**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-78**

**AUTHORIZING 2016 SEWER ADJUSTMENTS  
FOR BLOCK 118, LOT  
MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-79**

**AUTHORIZING 2016 SEWER ADJUSTMENTS FOR  
NEW PROPERTY OWNERS**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-80**

**APPROVING CHANGE ORDER # 1  
FOR THE 2015 ROAD PROGRAM AND APPROVING  
PROGRESS PAYMENT NO. 3**

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

### **MOTIONS**

A motion authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

A motion accepting the report of the Tax Collector, CFO and Township Clerk

**MOVED BY \_\_\_\_\_ SECONDED BY \_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O'Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

### **REPORTS**

Clerk

Administrator

Solicitor

Fire Commissioners

Members of Council

Mayor

Public Portion of the meeting – Motion to open the meeting to the public

Motion to adjourn the meeting

**MOVED BY\_\_\_\_\_ SECONDED BY\_\_\_\_\_**

Roll Call: Mr. Burrell, Mrs. Kolodi, Mr. Schwartz, Mr. O’Connell,  
Mr. Catrambone

Ayes:

Nays:

Approved:

**TOWNSHIP OF DELRAN  
ORDINANCE 2017-03**

**AN ORDINANCE AMENDING CHAPTER 150 OF THE CODE OF THE  
TOWNSHIP OF DELRAN, ENTITLED “FEES” TO ADD THE NEW §150-  
17 WHICH SHALL REGULATE ADDITIONAL TRASH CONTAINERS  
AND CHAPTER 299, SECTION 8 ENTITLED “APPROPRIATE  
CONTAINERS”**

**WHEREAS**, the Township Council of the Township of Delran (“Council”) entered into an agreement with Republic Services of NJ to provide trash collection services to the Township; and

**WHEREAS**, the agreement with Republic Services of NJ provides that households receive a 96 gallon wheeled cart trash container for no fee;

**WHEREAS**, the agreement with Republic Services of NJ provides that households may obtain additional 64 or 96 gallon wheeled cart trash containers for a fee;

**WHEREAS**, the Council, in an effort to facilitate the ability of its residents to obtain additional carts through the Township, is desirous of amending Chapter 150 and Chapter 299 of the Township Code to specifically provide for residents to obtain an additional trash containers through the Township, as stated herein; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Delran, in the County of Burlington, State of New Jersey that Chapter 150 of the Code of Delran Township shall be amended as follows:

**Section 1:** Chapter 150 is hereby amended to include the following §150-17 which shall be entitled “Additional Trash Container” and which shall read as follows:

**A. General.** This ordinance will allow the Township to charge a fee described herein for obtaining additional trash containers after receiving a 96 gallon trash container.

**B. Fees.** All additional 64 gallon trash containers shall each be subject to a fifty dollar (\$50.00) fee. All additional 96 gallon trash containers shall each be subject to a sixty dollar (\$60.00) fee. Fees shall be paid to the Administrative Department, whose charge it is to regulate the provision of additional trash containers.

**Section 2:** Chapter 299 is hereby amended to replace the existing language:

**A.** Appropriate containers shall be obtained by the owner, tenant, lessee or occupant of the premises from the Township. Containers shall be maintained in a clean, safe and good condition. Any container that does not conform to the provisions of this section or that may have ragged or sharp edges or any other defect liable to hamper or

injure the person collecting the contents thereof shall not be utilized. The collector shall have authority to refuse collection services for failure to comply herewith.

**B.** An appropriate container shall be either a 96 gallon trash container or a 64 gallon trash container and shall be obtained from the Township.

**C.** In no event shall any residential unit be entitled to set out for collection on each collection day a volume to exceed 3 total trash containers.

**D.** All trash must fit and be in the appropriate containers. No separate plastic bags or containers will be accepted.

**Section 3. Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**Section 4. Severability.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Delran declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section 5. Effective Date.** The ordinance shall take effect immediately upon passage and publication according to law.

<b>MEMBERS OF COUNCIL</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
<b>Mr. Burrell</b>			
<b>Mr. O'Connell</b>			
<b>Mr. Schwartz</b>			
<b>Mrs. Kolodi</b>			
<b>Mr. Catrambone</b>			

**Date of Introduction:**

**Date of Final Adoption:**

\_\_\_\_\_  
**JAMEY EGGERS, MUNICIPAL CLERK**

\_\_\_\_\_  
**KEN PARIS, MAYOR**

**TOWNSHIP OF DELRAN  
ORDINANCE NUMBER 2017-04**

**BOND ORDINANCE AMENDING AND SUPPLEMENTING  
BOND ORDINANCE NUMBER 2014-15 FINALLY ADOPTED  
BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
DELRAN, IN THE COUNTY OF BURLINGTON, STATE OF  
NEW JERSEY ON NOVEMBER 11, 2014 (WHICH  
PROVIDES FOR VARIOUS IMPROVEMENTS AND  
UPGRADES TO THE TOWNSHIP SEWER UTILITY  
SYSTEM), TO INCREASE THE APPROPRIATION THEREIN  
BY \$450,000 AND TO INCREASE THE AUTHORIZATION  
OF BONDS OR NOTES THEREIN BY \$450,000**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF DELRAN, IN THE COUNTY OF BURLINGTON, STATE OF NEW  
JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS  
FOLLOWS:**

**SECTION 1.** Bond ordinance number 2014-15 finally adopted on November 11, 2014 by the Township of Delran, in the County of Burlington, State of New Jersey (the "Township") entitled, "BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS AND UPGRADES TO THE TOWNSHIP SEWER UTILITY SYSTEM; APPROPRIATING THE SUM OF \$2,480,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,480,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as provided in the following sections of this amendatory and supplemental bond ordinance.

**SECTION 2.** For the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$450,000 from the Sewer Capital Fund of the Township. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), no down payment is required as the Sewer Utility is self-liquidating. Therefore, the total appropriation of the Original Ordinance, as amended and supplemented hereby, is increased by \$450,000 from \$2,480,000 and shall equal the aggregate amount of \$2,930,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby.

**SECTION 3.** (a) In order to finance the additional cost of the improvements or purposes set forth in Section 7(B) of the Original Ordinance, as amended and supplemented hereby, additional negotiable bonds or notes of the Sewer Utility of the Township in the amount of \$450,000 are hereby authorized to be issued by the Sewer Utility of the Township for such improvements or purposes in Section 7(B) of the Original Ordinance, as amended and supplemented hereby, such that the total authorization of negotiable bonds or notes to be issued by the Sewer Utility of the Township for the improvements or purposes stated in Section 7(B) of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$450,000 from \$1,800,000 and shall equal the amount of \$2,250,000. Therefore, the total authorization of negotiable bonds or notes to be issued by the Sewer Utility of the Township for the improvements or purposes stated in Section 7 of the Original Ordinance, as amended and supplemented hereby,

shall be increased by \$450,000 from \$2,480,000 and shall equal the amount of \$2,930,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes set forth in Section 7 of the Original Ordinance, as amended and supplemented hereby, is \$2,930,000.

(c) The estimated cost of the improvements or purposes set forth in Section 7 of the Original Ordinance, as amended and supplemented hereby, is equal to \$2,930,000.

**SECTION 4.** Section 7 of the Original Ordinance shall be amended to read in its entirety as follows:

“SECTION 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount of obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Various Improvements and Upgrades to the 5 <sup>th</sup> Street Pump Station including, but not limited to, Installation of Sump Pumps and Rehabilitation of Deteriorated Concrete, together with the completion of all work necessary therefor or related thereto; and	\$680,000	\$0	\$680,000	40 years
B. Various Upgrades to the Sewer Plant Systems including, but not limited to,	\$2,250,000	\$0	\$2,250,000	40 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
the Acquisition and Installation of Sand Filters, together with the completion of all work necessary therefor or related thereto.				
TOTALS	<u>\$2,930,000</u>	<u>\$0</u>	<u>\$2,930,000</u>	40.00 years

All such improvements or purposes set forth in Section 7 shall include, but are not limited to, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.”

**SECTION 5.** In the event the United States of America, the State of New Jersey, and/or the County of Burlington make a contribution or grant in aid to the Township for the improvements and purposes authorized in the Original Ordinance, as amended and supplemented hereby, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Burlington. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Burlington shall be received by the Township after the issuance of the bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby,

then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 6.** The capital budget of the Sewer Utility of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance to the extent of any inconsistency herewith, and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this amendatory and supplemental bond ordinance by \$450,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by

the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, used to reimburse the Township for costs of the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or

notes authorized in the Original Ordinance, as amended and supplemented hereby, or another issue of debt obligations of the Township other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, will be issued in an additional amount not to exceed \$450,000 and a total amount not to exceed \$2,930,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized in the Original Ordinance, as amended and supplemented hereby, is paid, or (ii) the date the improvements or purposes described in Section 7 of the Original Ordinance, as amended and supplemented hereby, is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

**SECTION 11.** Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

**SECTION 12.** This amendatory and supplemental bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING  
DATED: March 14, 2017**

\_\_\_\_\_  
**JAMEY EGGERS, Municipal Clerk  
Township of Delran**

\_\_\_\_\_  
**GARY CATRAMBONE, Council President  
Township of Delran**

**ADOPTED ON SECOND READING  
DATED: \_\_\_\_\_, 2017**

\_\_\_\_\_  
**JAMEY EGGERS, Municipal Clerk  
Township of Delran**

\_\_\_\_\_  
**GARY CATRAMBONE, Council President  
Township of Delran**

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
**KEN PARIS, Mayor  
Township of Delran**

**TOWNSHIP OF DELRAN  
ORDINANCE 2017-05**

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

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

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

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

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

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

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

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

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

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

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

**Section 389-12 Backyard Chicken Pilot Program**

A. A pilot program for the keeping of backyard chickens is hereby authorized. Keeping of backyard chickens shall be permitted in the Township of Delran subject to the rules and regulations as specified in this Article. The pilot program shall terminate two years from the

effective date of the pilot program unless the Township Council of the Township of Delran act to continue same prior to that date. In the event the Township Council does not act to continue the program prior to said termination date, all persons with backyard chickens shall be grandfathered and be able to keep their chickens so long as no new ones are added and the guidelines of the pilot are maintained.

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

C. For purposes of this pilot program, no more than twenty (20) licenses may be issued at any one time. Any additional households wanting to participate may be considered on an individual basis by the Chicken Advisory Board established pursuant to Subsection J of this Chapter in conjunction with the liaison to the Governing Body.

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

E. The coop and enclosed run shall be kept at least twenty (20) feet from the habitable portion of the neighboring residential dwelling and five (5) feet from the property line. Garages, attached or otherwise, and accessory buildings shall not be considered a "residential dwelling" for purposes of calculating the required distance. Chickens may roam outside of the coop area in a back yard suitably fenced to keep them contained provided that a resident age eighteen (18) or older is present the entire time.

F. No person shall keep chickens on their property without first obtaining a license from the municipal clerk's office and paying the required fee therefor. No license shall be issued unless the applicant therefore has demonstrated compliance with all criteria set forth in this Article II. Every license issued pursuant to this Article shall expire on December 31 of each year, excluding the December which occurs four (4) months after the pilot begins. A license shall not be granted unless the applicant certifies that there are no deed restrictions which prevent chickens from being kept on the property.

G. A license fee of \$10.00 shall be paid for each license issued pursuant to this Article.

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

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

- i.. The coop shall be the appropriate size for the number of chickens, which shall be at least 3 feet by 3 feet of space for chicken with a maximum size of 10 feet by 10 feet. The coop shall be inspected by the Township prior to the granting of a license.
- ii. The coop shall be dry and well ventilated with windows to admit sunlight.
- iii. The coop must be kept clean.
- iv. The coop and enclosed run must be made predator-proof.
- v. Clean water must be provided, and food must be kept tightly closed in a metal container away from the coop and run at night.
- vi. The yard in the area where the coop is located shall be clean and free from odors.
- vii. There shall be no slaughter of chickens in the Township.
- viii. Waste will be handled in such a way as proper composting to prevent offensive odors or disposed in an environmentally-friendly manner.
- ix. There shall be no selling of eggs.

J. A Chicken Advisory Board consisting of five (5) members of the community shall be formed. The Chair will be appointed to a two (2) year term by the Mayor. The Governing Body will select the other four (4) members who will also serve for two (2) years. Besides the Chair, of the remaining members, one will be appointed Vice-Chair and the other, Secretary of the Board. The Board shall meet on a regular basis and keep minutes which shall be submitted along with quarterly reports to the Governing Body via the Township Council member selected by the Township Council as liaison to the Chicken Advisory Board. These reports will include any activities of the Board, as well as any complaints from residents concerning backyard chickens and the resolution, if any, of those complaints.

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

L. Failure to comply with the conditions and regulations set forth in the Article shall result in revocation of the license after notice and a hearing before the Governing Body. A Violation of the conditions and regulations of this Article which occurs during the effective period for the pilot program shall not result in additional penalties under Chapter 389 of the Township Code.

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

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

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

<b>MEMBERS OF COUNCIL</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>
<b>Mr. Burrell</b>			
<b>Mr. O'Connell</b>			
<b>Mr. Schwartz</b>			
<b>Mrs. Kolodi</b>			
<b>Mr. Catrambone</b>			

**Date of Introduction: April 4, 2017**

**Date of Final Adoption:**

\_\_\_\_\_  
**JAMEY EGGERS, MUNICIPAL CLERK**

\_\_\_\_\_  
**KENNETH H. PARIS, MAYOR**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-74**

**WHEREAS**, N.J.S.A. 40A:4-8, as amended by L.2015, c. 95, §14, 2015 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection and has been made available to each person upon request; and

**WHEREAS**, these two conditions have been met.

**NOW, THEREFORE, BE IT RESOLVED**, that the 2017 budget shall be read by title only.

**Dated: April 4, 2017**

\_\_\_\_\_  
**Township Clerk**

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**Council President**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-75**

**RESOLUTION TO ADOPT THE 2017 CY BUDGET**

**BE IT RESOLVED**, by the Township Council of the Township of Delran, County of Burlington that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of:

- a) \$10,713,000.00 (Item 2 below) for municipal purposes, and
- d) \$325,000.00 Open Space, Recreation, Farmland and Historic Trust Fund Levy

**SUMMARY OF REVENUES**

1.	General Revenues	
	Surplus Anticipated	3,500,000.00
	Miscellaneous Revenues Anticipated	2,305,595.97
	Receipts from Delinquent Taxes	300,000.00
2.	Amount to be raised by taxation for municipal Purposes (Item 6(a), Sheet 11)	10,713,000.00
	Total Revenues	16,818,595.97

**SUMMARY OF APPROPRIATIONS**

5.	General Appropriations	
	Within "Caps"	
	(a&b) Operations including Contingent	\$10,631,027.00
	(e) Deferred Charges & Statutory Expenditures – Municipal	1,528,039.39
	Excluded from "Caps"	
	(a) Operations – Total excluded from "Caps"	6287,275.97
	(c) Capital Improvements	150,000.00
	(d) Municipal Debt Service	11,049,950.00
	(e) Deferred Charges	57,686.97
	(m) Reserve for Uncollected Taxes (Include other Reserves if Any)	2,114,616.64
	Total Appropriations	16,818,595.97

**DATED: April 5, 2017**

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**TOWNSHIP CLERK**

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**Gary Catrambone  
President of Council**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-76**

**Supporting the 2017 UDrive, UText, UPay  
Distracted Driving Crackdown  
April 1 - 21, 2017**

**Whereas**, distracted driving is a serious, life-threatening practice that is preventable; and

**Whereas**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**Whereas**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**Whereas**, in 2014 alone distracted driving-related crashes resulted in 3,179 deaths and 431,000 injuries on our nation's roads; and

**Whereas**, in New Jersey distracted driving was listed as a contributing circumstance in more than 800,000 crashes between 2010-2014; and

**Whereas**, the State of New Jersey will participate in the nationwide *Distracted Driving 2017 Crackdown* from April 1 - 21, 2017 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**Whereas**, the national slogan for the campaign is UDrive. UText. UPay; and

**Whereas**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**Therefore**, be it resolved that the Township Council of the Township of Delran declares its support for the *Distracted Driving 2017 Crackdown* both locally and nationally from April 1 - 21, 2017 and pledges to increase awareness of the dangers of distracted driving.

**Dated: April 4, 2017**

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**Township Clerk**

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**Council President**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-77**

**AUTHORIZING THE EXECUTION OF THE “MUTUAL RELEASE  
AGREEMENT” BETWEEN BERK AND BERK AT HUNTERS GLEN, LLC,  
LOUIS VEGA, AND THE TOWNSHIP OF DELRAN**

**WHEREAS**, Delran Township, Delran Township Council, Louis Vega, and Berk and Berk at Hunters Glen, LLC are parties to the litigation Berk and Berk at Hunters Glen, LLC v. Township of Delran, Docket No. BUR-L-2216-16; and

**WHEREAS**, the parties have mutually agreed to resolve the litigation with one another through the execution of a Mutual Release Agreement attached hereto as Exhibit “A” and a Stipulation of Dismissal following the full execution of the Mutual Release Agreement;

**NOW THEREFORE BE IT RESOLVED** that:

1. The Township Council has approved the terms and language of the Mutual Release Agreement attached hereto as Exhibit “A”;
2. The Township Administrator and/or his designee are authorized to execute the Mutual Release Agreement attached hereto as Exhibit “A” on behalf of Delran Township.
3. The Township Administrator and/or his designee, and any other necessary Township employee, are authorized to take any actions as necessary to satisfy the terms of the Mutual Release Agreement attached hereto as Exhibit “A”

**DATED: April 4, 2017**

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**Jamey Eggers**  
Township Clerk

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**Gary Catrambone**  
Council President

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-78**

**AUTHORIZING 2016 SEWER ADJUSTMENTS  
FOR BLOCK 118, LOT 4**

**WHEREAS**, Township Council has reviewed the sewer billing and other documentations submitted by the owner of Block 118, Lot; and

**WHEREAS**, after discussion, Township Council agreed that the following adjustment be made for the 2016 sewer billing be made as listed below:

<u>BLOCK &amp; LOT</u>	<u>ADDRESS</u>	<u>ADJUSTED QUARTERLY AMOUNT</u>
Block 118, Lot 4 C132	132 Castleton Road	\$102.75 (Minimum)

**NOW, THEREFORE, BE IT RESOLVED** that Township Council authorizes the Tax Collector to make to above adjustment.

**Dated: April 4, 2017**

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**Jamey Eggers  
Municipal Clerk**

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**Gary Catrambone  
President of Council**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-79**

**AUTHORIZING 2016 SEWER ADJUSTMENTS FOR  
NEW PROPERTY OWNERS**

**WHEREAS**, the Tax Collector has provided documentation for residential properties that are under new ownership; and

**WHEREAS**, as per the Township sewer regulations for new owners the sewer billing shall be adjusted to the minimum rate; and

**WHEREAS**, below is a list of the properties that are under new ownership and require adjustments for the 4<sup>th</sup> quarter 2016 sewer billing to the minimum residential rate of \$102.75:

177 Forge Road / Block: 159 Lot: 6

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Delran that the residential properties, as listed above, be adjusted to the minimum residential rate for the 4<sup>th</sup> Quarter 2016 as per the Township sewer regulations for new owners and authorizes the Tax Collector to make to above adjustments.

**Dated: April 4, 2017**

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**Jamey Eggers  
Municipal Clerk**

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**Gary Catrambone  
Council President**

**TOWNSHIP OF DELRAN  
RESOLUTION 2017-80**

**APPROVING CHANGE ORDER # 1  
FOR THE 2015 ROAD PROGRAM AND APPROVING  
PROGRESS PAYMENT NO. 3**

**WHEREAS**, it was necessary to make changes in the contract for the 2015 Road Program; and

**WHEREAS**, the Change Order was developed to itemize and authorize those changes; and

**WHEREAS**, the Change Order results in an increase in the original contract amount by 17%; and

**WHEREAS**, the CFO has provided a certification of funds for the increased amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Delran that the Change Order is hereby authorized and approval is hereby granted to revise the original contract amount from \$783,000.00 to \$920,225.29 (Increase of \$137,225.29).

**BE IT FURTHER RESOLVED** that the Township Council authorizes payment of progress payment #3 in the amount of \$129,535.36 to A.E. Stone, Inc., 1435 Doughty Road, Egg Harbor Township, NJ 08234

**DATED: April 4, 2017**

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**TOWNSHIP CLERK**

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**Gary Catrambone, President of Council**