

TABERNACLE TOWNSHIP COMMITTEE MINUTES WORKSHOP MEETING OF DECEMBER 12, 2016

Mayor Stephen V. Lee, IV called the meeting to order at 7:30 p.m. followed by the Flag Salute.

Sunshine Notice: This meeting is called pursuant to the Open Public Meetings Act. This meeting of **December 12, 2016**, was sent to the Central Record, Burlington County Times and Courier Post. Posted on the bulletin board in Town Hall and has remained continuously posted as the required notices under the statute. In addition, a copy of this notice is and has been available to the public, and is on file in the Office of the Municipal Clerk.

ROLL CALL Those in attendance were:

GOVERNING BODY

Joseph W. Barton, Township Committee
Kimberly A. Brown, Township Committee
Richard J. Franzen, Township Committee
Joseph Yates, IV, Deputy Mayor
Stephen V. Lee, IV, Mayor

ADMINISTRATIVE TEAM

Douglas Cramer, CPWM, Administrator
Terry Henry, Chief Finance Officer
Peter C. Lange, Jr., Esq., Solicitor
Dante Guzzi, Township Engineer
La Shawn R. Barber, RMC, Municipal Clerk

PUBLIC COMMENT

Mayor Lee opened the meeting to the public regarding agenda items only. Mayor Lee explained that anyone requesting to make public comment must come to the center of the room and will be heard upon sequence. The Township will move the old agenda item regarding the TAA Use/License Agreement adding it for Resolution 2016-127 to the agenda essentially.

Fran Brooks, Moores Meadow Road – spoke of her confusion regarding the introduced chicken ordinance and the proposed draft working copy of the ordinance; questions items on the bill list with respect to bills related to FRA Technology which is the updated Vital Statistics program; billing related to shared services agreement with Shamong Township for the Tax Assessor; billing for the Public Works Truck repair(s) and reimbursement for TFC Election Day polling reimbursement.

Jason Litowitz, Horseshoe Court, questioned the public comment section with respect to the ordinance for standards for keeping chickens and spoke of the advertisement requirements.

Stuart Brooks, Moores Meadow Road, spoke of his confusion regarding the Chicken Ordinance adoption process; addressed concerns regarding TAA documents in which he feels they are seriously flawed because of financials and is a nuisance under the lease.

Mayor Lee closed public comment.

RECESS: BOARD OF HEALTH

Motion to recess to Board of Health Meeting was made by Kimberly Brown, seconded by Joseph Barton.

Roll Call: Barton, Brown, Franzen, Yates, Lee Ayes: 5 Nays:

Health Officer, Holly Cucuzzella provided a report on various inspections that were conducted on various facilities throughout the Township and have not receiving any complaints regarding any establishments. Burlington County Health Department has completed the Community Health Needs

Assessments and have partnered with two other County Health Departments to conduct assessments and the report should be coming out after the New Year. Last, if you are looking for a wonderful holiday gift, the animal shelters are making great strides for adoptions.

Public comment.

Tom Hedden, wanted Holly to elaborate more on the inspections for the Tabernacle Snack Stand. Holly explains that anytime a facility that is going to operate and sell commercial foods commercially, they will have need to submit plans to the health department in which it must be reviewed to meet all state sanitary code in order to keep residents safe and healthy. Once plans are approved the facility can have construction and do whatever they need to get the facility to match the plans. Once the facility is open and operating, a final inspection is followed up and approved to monitor food prep, storage and temperatures for satisfactory conditions.

Seeing no further comments from the public, the Township Committee reconvened to the Township Committee meeting. **All in favor: Ayes: 5 Nays: 0**

APPROVAL OF BILLS

On a motion made by Ms. Brown, seconded by Mr. Barton, the bills were ordered paid

Roll Call: Barton, Brown, Franzen, Yates, Lee Ayes: 5 Nays: 0

MINUTES FILED BY CLERK

On a motion made by Mr. Franzen, seconded by Mr. Yates the minutes of November 28, 2016 (Regular) was offered for adoption.

Roll Call: Ayes: Barton, Franzen, Yates, Lee Nays: 0 Abstained: Brown

RESOLUTIONS

RESOLUTION 2016-126

RESCINDING RESOLUTION 2016-121 AUTHORIZING THE APPOINTMENT OF PUBLIC WORKS LABORER: PHIL HOWELL

WHEREAS, by Resolution 2016-121, the Township of Tabernacle approved the appointment of Phil Howell to the position of Public Works Laborer; and

WHEREAS, after further consideration Phil Howell decided to decline the position he previously accepted for personal reasons.

NOW, THEREFORE, BE IT RESOLVED, that Tabernacle Township Committee of Burlington County, State of New Jersey, hereby rescinds Resolution 2016-121 and directs the Municipal Clerk to attach this Resolution to the adopted Resolution 2016-121 as a matter of record.

- Mr. Cramer spoke that Mr. Howell had a personal situation that arose between the time of accepting appointment and time of date start.
- On a motion made by Mr. Franzen, seconded by Mr. Yates Resolution 2016-126 was offered for adoption. Motion carried.

Roll Call: Barton, Brown, Franzen, Yates, Lee Ayes: 5 Nays: 0

RESOLUTION 2016-127

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TABERNACLE, NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE THE FACILITY USE/LICENSE AGREEMENT BY AND BETWEEN TABERNACLE TOWNSHIP AND (TAA) TABERNACLE ATHLETIC ASSOCIATION

WHEREAS, the Township of Tabernacle has determined that it is desirable to continue a long term agreement with (TAA) Tabernacle Athletic Association; and

WHEREAS, Tabernacle Athletic Association held an agreement with the Township of Tabernacle for use of the facilities for many years; and

WHEREAS, this license agreement outlines the facility use with the Township of Tabernacle for future years.

NOW, THEREFORE, BE IT RESOLVED, that the Township committee of Tabernacle Township do hereby authorize the Mayor to execute the facility use/license agreement by and between Tabernacle Township and (TAA) Tabernacle Athletic Association.

- On a motion made by Mr. Franzen, seconded by Mr. Yates Resolution 2016-126 was offered for adoption. Motion carried.

Roll Call: Barton, Brown, Franzen, Yates, Lee Ayes: 5 Nays: 0

NEW BUSINESS

Mr. Cramer held discussion with members of the Township Committee regarding the trade in and purchase of a roadside mowing tractor (John Deere Model 5420 4WD tractor). Mr. Cramer spoke of his recommendations regarding a John Deere mower; safety operations; quality for the approximate amount of \$37,000.00.

Mr. Franzen questioned the amount received from the sale of surplus equipment was in the amount of \$21,000.00.

Mr. Barton questioned tractor equipment and strobe lights.

There were no objections from the Township Committee to move forward and have, as required under statute, use a national cooperative in which there will be a public hearing on December 29, 2016. The Municipal Clerk is prepared to make the Resolution authorizing the purchase to be on the agenda, as well as required advertisements.

REPORT

Township Engineer – No report

Township Administrator – spoke of working on hiring for a full time employee for the public works department.

Township Solicitor – Mr. Lange spoke briefly about the Atlantic City Electric merger and municipal consent. Mr. Lange will contact them to for proposal in January.

Township Committee – Mr. Barton spoke about the Verizon Wireless request to enhance its network coverage for cell towers and suggest having it for discussion at a future meeting.

Mayor Lee asked Col. Lowe about the infrastructure of copper wire and its overall safety. Col. Lowe spoke about his experience and appreciation for copper wire.

Township Committee - Mr. Franzen reported on attending the annual senior Christmas dinner which was a success. Mr. Franzen attended a meeting with Tabernacle Historical Society to discuss the necessary repairs to the Pepper House and spoke of the repairs to Town Hall. The tree lighting ceremony was a success.

Township Committee – Ms. Brown had no report.

Township Committee – Mr. Yates apologized for not attending the tree lighting ceremony.

Township Committee – Glad to hear that the Tree Lighting Ceremony was a success. Reorganization Meeting will be held on January 3, 2017 at 7:30 p.m. RFP's will be read at that time. Recognition Dinner is scheduled for Saturday, January 14, 2017 at the Tabernacle Fire House.

Moment of silence was given for Trooper Frank Williams and Senator O'Connor.

PUBLIC COMMENT

Cheryl Smith, Hill Road, announced the breakfast with Santa will held at the fire house at 8:30 a.m. to 11:00 a.m. on Saturday, December 18, 2016.

Stuart Brooks, Moores Meadow Road, asked about the pen charge and the "survey" for the safety luncheon in which it was understood that "survey" was not an actual survey, it was a card for people to visit the vendors. Spoke about the shared service position for Tax Assessor and questions the mandate of Qfarm requirement inspections.

Fran Brooks, Moores Meadow Road, spoke of her comments and complaints regarding payment for the pen charge and spoke that she feels the TAA contract should have consistency to be adopted by resolution or ordinance.

Public comment closed.

OLD BUSINESS

Public Hearing: Public Comment:

ORDINANCE 2016-5: PROHIBITION OF WILD ANIMALS AND REGULATION OF THE MAINTENANCE OF AGRICULTURAL ANIMALS ON NON-AGRICULTURAL PROPERTIES / STANDARDS FOR KEEPING CHICKENS.

Mayor Lee spoke about the entire process of how the ordinance for back yard chickens would affect the environment was drafted, having public discussion and the scheduled meeting with Rutgers University on November 21st in which Dr. Michael Westendorf, an Animal Sciences Specialist came to provide an information session on domestic chickens. Mayor Lee spoke of his disappointment of having only a few residents in attendance of the presentation; however, Ms. Brooks actually recorded it for the benefit if anyone wanted to watch it. The presentation result was beneficial in that conducting more research seemed necessary and wanting to make changes to the ordinance as introduced.

Stuart Brooks, Moores Meadow Road, commented on the number birds to size of chicken coop ratio that would produce eggs, manure production.

Jim Jones, Wimbledon Way, spoke of his opposition to the Chicken Ordinance.

Jason Litowitz, Horseshoe Court, spoke of his opposition to having residential Chicken Ordinance and spoke of the proposed amendments are ludicrous and further addressed his concerns regarding health issues the chickens would propose.

Fran Brooks, Moores Meadow Road, spoke that the chicken ordinance as introduced is stronger than the amended version.

Sally Leitner, Mulberry Court, spoke of her opposition and concern of chicken coops and the sale of chicken byproducts not to include eggs proposed chicken ordinance.

Mr. Franzen spoke of the original documents should remain the same; prohibit roosters; side yard setbacks approximately 60 feet from manure pile; manure management.

Mr. Barton spoke of the recommendations made from the Land Development Board (LDB) and determine that their Resolution 2016-13 memorializes the findings of our introduced ordinance substantially is consistent with the master plan should be implemented; along with having a zoning permit to construct a coop.

ORDINANCE NO. 2016-5

**AN ORDINANCE ESTABLISHING SECTION 5-5.3.1 - UNDER ARTICLE 5, CHAPTER 5
PROHIBITION OF WILD ANIMALS AND REGULATION OF THE MAINTENANCE OF AGRICULTURAL
ANIMALS ON NON-AGRICULTURAL PROPERTIES.**

Entitled "STANDARDS FOR KEEPING CHICKENS"

WHEREAS, Tabernacle Township has a long-standing agricultural history and rural character; and

WHEREAS, the Tabernacle Township Committee has determined that the keeping of chickens promotes healthy food choices, including fresh eggs and the creation of local sustainable food systems; and

WHEREAS, the Tabernacle Township Committee has determined that the keeping of chickens, when properly managed and cared for provides an excellent source of fertilizer for gardening; and

WHEREAS, the Tabernacle Township Committee has determined that the keeping of chickens provides for a family-friendly experience; and

WHEREAS, the Tabernacle Township Committee has determined, after consultation and review of the Recommended Guidelines for Home Animal Agriculture in Residential Areas published by Rutgers University Department of Animal Sciences, that the keeping of chickens requires the imposition of certain safeguards and standards to ensure that the activity is properly regulated to prevent against nuisance related activities and to ensure proper health and safety; and

WHEREAS, it is the intent of the Tabernacle Township Committee, notwithstanding the provisions of this ordinance and in order to benefit from this ordinance, that Tabernacle Township residents will review their respective property deeds for any deed restrictions against such use, and the rules and regulations of their respective homeowner's association, to determine whether or not the "Keeping of Chickens" would be contractually prohibited on their real property.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tabernacle, County of Burlington, State of New Jersey, "Standards for Keeping Chickens" is hereby established and supplements the Tabernacle Township Code as follows:

SECTION 1. The above restrictions included at 5-5.3 notwithstanding, chickens, as defined herein, may be kept, harbored and maintained on non-agricultural property subject to all of the following conditions:

SECTION 2. Definitions.

The following words and terms when used in this section shall be deemed to have meanings herein stated.

- A. Chicken – A domesticated fowl of the subspecies *Gallus gallus domesticus*. Such definition shall include such chickens defined as layers, broilers, and fryers.
- B. Mature Chicken – A chicken, which has attained sexual maturity or an age of at least three (3) months.
- C. Coop – An enclosure, cage, or pen usually with bars or wire, in which chickens are confined.

D. Droppings – the excrement of chickens.

E. Poultry – Shall include the chickens, ducks, turkeys, geese and game birds including but not limited to pheasants and quail, peafowl, and guinea fowl.

SECTION 3. Purpose.

A. No person shall raise, keep or harbor any live chickens without first obtaining a permit for that purpose from the Tabernacle Township Zoning Officer covering the premises intended to be so used.

B. The provisions of this ordinance shall not be deemed to authorize the keeping of live chickens or their by-products for sale or preparation of sale.

C. The provisions of this ordinance are intended to regulate the keeping of live chickens only. The keeping of any other type of poultry when inconsistent with other sections of the Tabernacle Township Code is prohibited.

SECTION 4. General Regulations.

A. Minimum Residential Lot Size. A minimum lot size of one-half acre is required to keep chickens pursuant to this Section. Keeping of chickens shall only be permitted in zoning districts for residential or agricultural use.

B. Number of Allowable Chickens. No more than twelve (12) female chickens may be kept on any residential lot.

C. Roosters, Cockerel. Roosters and Cockerels are prohibited.

D. Slaughtering. Slaughtering chickens in public view is prohibited.

E. No Running At Large. No person owning, keeping, maintaining harboring a chicken shall permit, suffer, or allow a chicken to run at large upon any public streets or upon any private property. Such action is deemed to be a nuisance and dangerous to public health and safety.

F. No Disturbing Of Peace. No person owning, keeping, maintaining or harboring a chicken shall permit, suffer or allow a chicken to disturb the peace or quiet of the neighborhood by creating a noise across a residential property line continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked.

G. Each animal subject to this ordinance shall be free from sickness or disease. Should the Board of Health have reasonable cause to question the health of any animal, it shall have the authority to require, after notice to the owner, an examination by a doctor of veterinary medicine; which examination shall be at the expense of the owner. Chickens found to be infested with insects, parasites or pathological viruses or bacteria that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

SECTION 5. Structures and Enclosures.

A. All chickens shall be provided a fully enclosed shelter with a fenced enclosure outside of and completely apart from any building used wholly or in part for dwelling purposes. Shelters and enclosures shall be located in the rear yard.

- B. Structures shall have covered tops and provide for protection from predators. Shelters shall have solid imperviable floors unless elevated and in such event, shall have a liner below the elevated floor.
- C. Shelters and enclosures shall comply with any and all side and rear yard setback requirements applicable to principal buildings and shall be located at least sixty (60) feet from any residential structure on an adjoining property.
- D. Shelters shall not exceed sixty (60) square feet in size or eight (8) feet in height.
- E. Fences shall not exceed six (6) feet in height.
- F. The floors of all coops, runs and the surrounding areas of all such places shall be kept clean and dry at all times and shall be subject to periodic inspection by the Health Officer or their representative.
- G. Coops and runs shall be disinfected or otherwise treated at the owner's expense when so directed by the Health Officer.
- H. Shelters and enclosures shall not be used after construction for storage or any other purpose or use other than for the keeping of chickens.

SECTION 6. Manure Storage, Use, and Removal.

- A. Manure Storage. Manure storage areas shall utilize a liner and shall be located at least 100 linear feet from waters of the state. Manure storage areas shall be located in the rear yard and shall comply with any and all side and rear yard setback requirements applicable to principal buildings and shall be located at least sixty (60) feet from any residential structure on an adjoining property. Land application of animal waste shall be performed in accordance with the principles of the NJDA Best Management Practices (BMP) Manual.
- B. Manure applied to soil. Poultry manure can be applied to the soil at a rate not to exceed two-hundred (200) pounds per one thousand (1000) square feet every three months. Manure should be incorporated into the soil and not used on the surface of the soil.
- C. Waste Removal. All droppings, feculent matter, and waste shall be removed weekly from each coop. Manure shall be removed from the premises or otherwise disposed of in a manner as shall prevent the inhalation of aerosolized fecal matter, odor and the attraction of insects and rodents not less than every two (2) weeks unless disposed of in accordance with Section 6B and then in such event stored in a manure composting pile until application every three (3) months.

If any provision of this ordinance is prohibited by law or judged by a court to be unlawful, void or unenforceable, that provision shall be severed from this ordinance and rendered ineffective without modifying the remaining provisions and shall not affect any other circumstances of or the validity or enforcement of this ordinance.

Introduction: September 12, 2016
Adoption: December 12, 2016

NOTICE OF FINAL ADOPTION:

PLEASE TAKE NOTICE that an Ordinance entitled as above was finally adopted following a public hearing by the Township Committee of the Township of Tabernacle, County of Burlington and State of New Jersey at a meeting thereof held on December 12, 2016 at the Municipal Building, 163 Carranza, Road, Tabernacle New Jersey 08088 at 7:30P.M.

- On a motion to finally adopt the Ordinance 2016-5 was made by Mr. Franzen seconded by Mr. Yates.

Roll Call: Ayes: Barton, Franzen, Yates, Lee Nays: Brown

ADJOURNMENT

Seeing no further business before the Township Committee the meeting was adjourned at 10:00 p.m. The motion was made by Ms. Brown, seconded by Mr. Barton.

Ayes: 5 Nays: 0

Respectfully submitted:

La Shawn R. Barber, RMC
Municipal Clerk

Approved: 01/23/2017