

Approved

HOPEWELL TOWNSHIP COMMITTEE
MINUTES OF THE REGULAR MONTHLY MEETING
September 27, 2012

Flag Salute

Sunshine Statement:

In compliance with the 'Open Public Meetings Law' the Regular Meeting was duly advertised by an annual notice sent to the News of Cumberland County and the Press of Atlantic City, on January 7, 2012. Notices were placed on the Municipal Office bulletin board on the same date.

Officials Present: Hankins, Facemyer, Freitag, Shoemaker, Ritter. Others Present: Sol. Matthew Ritter, Treasurer Lois Buttner, Clerk Eugene Daddario. Others: Thomas Tedesco, Gary Van Meter, and Planning Board Member Alfred Caggiano, Jr.

Facemyer, seconded by Freitag, moved for **Approval of Minutes** of 9/13/12 Regular Meeting. Approved 4-0 (Ritter Abstain)

Shoemaker, seconded by Freitag, moved to approve the **Treasurers Report** of 9/27/12 as submitted. Approved (5-0).

DEPARTMENT & COMMITTEE REPORTS:

Clerk: A one year renewal letter to has been sent to Shiloh Borough for spreading of brine on roadways. FEMA subgrant applications have been completed for damages incurred by the June 30, 2012 storms (\$12,306.84 and \$7,298.08). **Convenience Center:** Tub Grinding services for debris from June storms have been completed. Wood chips were hauled away as part of contract. **Economic Development:** The Hope Chest Ribbon Cutting Ceremony is scheduled for Saturday, Oct. 6, at 9:30am. **Engineer:** July 2012 Revised Zoning Map will be referred to the Planning Board for recommendation. **Public Works/Road:** NJ DOT has again denied the township's request for Local Aid Infrastructure Funds for Percy Blew Road and River Road, Section 1. **Planning and Zoning Boards:** Minutes of the 8/15/12 Planning Board Meeting and the October 4, 2012 Zoning Board Meeting Agenda were included in the meeting packet. **Senior Center:** The South Jersey Healthcare "Life Program" speaker was very well received, Photos of the "Joy of Music" program appeared in an article in The News of Cumberland County, Artwork by The Bay Gals is on display at Hopewell Sub and Pizza.

A bill list dated 9/27/12 prepared by Treasurer Buttner was provided. Ritter, seconded by Facemyer, motion for **Approval of bills** totaling **\$467,796.37** on the prepared list (Including Payroll) was approved 5-0.

The Mayor asked if there were any questions or comments and opened the meeting to **PUBLIC COMMENTS**. There being no public comment, at 7:12pm, Freitag, seconded by Facemyer, moved the meeting to **Old Business**.

OLD BUSINESS:

Cumberland County Utilities Authority Service Agreement: The Ritter Law Office sent a letter to Robert J. O'Donnell, General Counsel, regarding the draft of the proposed service agreement. Several corrections and requests for clarification of language were included.

NEW BUSINESS

Gary Van Meter, Emergency Management Coordinator, advised the Township Committee that the Cumberland County Office of Emergency Management will soon be formulating a plan in which municipalities provide shelter for their residents in the case of catastrophic events. Within the next several months, meetings will be scheduled to begin the planning process.

The following ordinances were approved for final adoption:

HOPEWELL TOWNSHIP ORDINANCE No. 12-08
AN ORDINANCE REGULATING THE TREATMENT OF ANIMALS

BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Cumberland, and State of New Jersey, as follows:

SECTION 1. Treatment of Animals.

A. Definitions.

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person or proprietor of a property who owns or has custody or control of a dog.
 - (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
 - (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

B. Unlawful Restraint of Dog.

- (1) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement. A restraint unreasonably limits a dog's movement if the restraint:
 - (a) Uses a collar that is punch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - (b) Is a length shorter than five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail, or ten feet, whichever is greater;
- (b) Is in an unsafe condition;
- (c) Causes injury to the dog.
 - (2) An owner may not leave a dog out of doors in the case of extreme weather conditions.
- (3) If a pen or other outdoor enclosure is provided for a dog, it must be appropriate for the size and breed of the dog.

C. General Treatment and Providing of Sustenance.

No person shall:

- (1) Overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;
- (2) Deprive an animal of necessary sustenance, food, or drink, or neglect or refuse to furnish it such sustenance or drink
- (3) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or
- (4) Abandon an animal.

D. Penalties.

- (1) Any person who violates this Ordinance shall be subject to a fine of not less than \$200.00, but not more than \$1,000.00 for each affected animal, and, in the discretion of the sentencing Judge, a term of imprisonment not to exceed ninety (90) days.
- (2) In addition to the penalties set forth above, a Court shall order a person convicted of violating this Ordinance to serve not less than 48 hours, nor more than 120 hours of community service.
- (3) In addition to the penalties set forth above, a Court shall order a person convicted of violating this Ordinance to pay restitution for all costs associated with the care and impoundment of any mistreated animal including, without limitation, any money expended for veterinary treatment, feed, and housing.
- (4) The Court may further Order any person convicted of violating this Ordinance to surrender ownership of the affected animal or animals.

Motion by: Facemyer

Second by: Ritter

Roll Call Vote:

Hankins: Aye

Facemyer: Aye

Freitag: Aye

Ritter: Aye

Shoemaker: Aye

**AN ORDINANCE AMENDING THE HOPEWELL TOWNSHIP DEVELOPMENT ORDINANCE,
#04-06**

BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Cumberland, and State of New Jersey, that the Development Ordinance of the Township of Hopewell is hereby amended and supplemented as follows:

ARTICLE IX – keeping of animals and livestock

The keeping of animals and/or livestock shall be in accordance with the following:

SECTION 1. General Regulations.

A. For purposes of this Article, animals and livestock shall be separated into the following classifications:

- (1) Class I animals: horses, ponies, donkeys or any other animals belonging to the biological order of perissodactyla.
- (2) Class II animals: cattle, pigs, goats, sheep or other animals commonly referred to as “livestock.”
- (3) Class III animals: any feathered vertebrate animal, including but not limited to chickens, geese, ducks, turkeys, hens, pheasants, or other animals commonly referred to as “barnyard fowl.”
- (4) Class IV animals: dogs, cats, parakeets, parrots, small pet birds, hamsters, guinea pigs and similar or usual domestic pets.
- (5) Class V animals: fox, mink, fur-bearing animals including rabbits except when two (2) or less are kept as domestic pets, monkeys or other wild animals which by state or federal law require a license to be kept in captivity.

B. The keeping of animals and/or livestock shall be permitted as per the Development Ordinance, provided that the following requirements are met:

(1) Not more than one (1) class I animal shall be kept on a lot of at least two (2) acres, provided that said animal is kept in a pen or corral containing not less than five thousand (5,000) square feet in area. Each additional class I animal shall require an additional acre in lot area and an additional two thousand (2,000) square feet of pen or corral space. At a minimum, box stalls of five by eight (5x8) feet per animal shall be provided. No animal shall be housed nor manure stored closer than one hundred (100) feet to any adjacent property line.

(2) **In any zoning district**, on a lot of at least one (1) acre, not more than two (2) class II animals (except pigs) or twelve (12) class III animals may be kept, except in the case of cattle, wherein the lot size shall be no less than three (3) acres. All such animals shall be kept enclosed in a pen, corral, or other suitable enclosure with appropriate animal housing provided. No animal shall be housed nor manure stored closer than one hundred (100) feet to any adjacent property line. **The keeping of pigs and the keeping of barnyard fowl** shall be prohibited in all residential zoning districts.

(3) The keeping of class IV animals shall be permitted in all zoning districts, provided that the breeding and sale of such animals may be determined a commercial use by the Zoning Officer based upon the number of animals involved within a reasonable time period and the use of property or structures thereon for such activity. When so determined to be a commercial activity, the property owner shall be subject to the requirements of this Ordinance for such commercial activity, including site plan review.

(4) All fencing in connection with the enclosure of animals shall be installed not closer than ten (10) feet from adjacent property lines and at least fifty (50) feet from the nearest dwelling, excluding the owner’s.

(5) In computing the acreage required for the keeping of animals or livestock, each class of animal as set forth herein shall be computed separately, resulting in a cumulative total.

(6) The breeding or sale of all class V animals shall be prohibited in all zone districts within the Township of Hopewell.

(7) An apiary shall be permitted on any lot of at least two (2) acres, provided that bees kept for the production of honey shall be housed no less than one hundred (100) feet from the nearest dwelling, except the hive’s owner’s, and bees kept for other purposes shall be housed no less than two hundred (200) feet from the nearest dwelling, excluding the owner’s. All hives shall be located at least twenty-five (25) feet from any property line.

(8) Kennels and animal hospitals shall be permitted as set forth in Article 6, section 6.17.

(9) Poultry, fowl, or turkey farms may be established wherever agricultural use/purpose activities are permitted in accordance with the Development Ordinance, provided that they meet the following conditions:

(a) All applications for poultry, fowl, or turkey farms or the raising and breeding of any class III animals shall be accompanied by a written opinion of the County Agricultural Agent concerning the possible nuisance characteristics of such use and recommended measures for adequately dealing with them. Such opinion shall be reviewed by the Planning Board and, where deemed appropriate, made a condition of approval. Site plan review shall not be required in connection with any such proposed use; however, the applicant shall provide a drawing to scale of the proposed use and a written statement detailing the purpose of the operation, the manner in which the animals will be housed, methods for storing, recycling and/or disposing of manure, the number of animals to be kept in relation to the size of the parcel, all building or range areas, property line setbacks and proposals for regular rotation and cropping of range areas, including schedules.

(d) Any such use must meet the following conditions:

- i. Turkeys are to be raised only inside entirely enclosed buildings.
- ii. Minimum parcel size shall be ten (10) acres when animals are to be outside.
- iii. Surface runoff from range areas shall be retained on-site.
- iv. Fencing or other barriers are to be erected to catch debris or feathers from being blown off the site to the extent reasonably possible.

Motion by: Freitag

Second by: Shoemaker

Roll Call Vote:

Hankins: Aye Facemyer: Aye Freitag: Aye Ritter: Aye Shoemaker: Aye

Facemyer, seconded by Ritter, moved to approve a **Clean Communities Application** submitted by the CRHS Swim and Dive Team for one Clean-up Date. (Approved 5-0).

Facemyer, seconded by Ritter, moved to approve a **Clean Communities Application** submitted by the Hopewell/Stow Creek/Greenwich recreational indoor field hockey team for one Clean-up Date. (Approved 5-0).

CDC: (Hankins) "Trick or Treat" hours; Wednesday, October 31st, 4:00 – 7:00 pm.

CORRESPONDENCE & NOTES & FILINGS include: **Cumberland County Department of Health** August 2012 summation of services, **Robert G. Brewer** Notice of Public Hearing on the Wastewater Plan Sewer Service Area Map (December 11), **South Jersey Gas** notification of no additional facilities, **City of Millville** Resolution No. R192-2012 Supporting Full Reinstatement and Permanent Open Space PILOT Funding, **Cumberland County Utilities Authority** September 20 Meeting Agenda, **NJLM** Conference Registration Reminder.

At 7:42 pm Facemyer, seconded by Freitag, moved the meeting into **EXECUTIVE SESSION** for the purpose of discussing possible real estate acquisition.

At 7:56 pm the meeting was returned to **Open Session**.

There being no further business, Facemyer, seconded by Shoemaker, motion to **ADJOURN** was approved by all. Mayor Hankins adjourned the meeting at 7:57 pm.

Eugene Daddario, Municipal Clerk

cc:

Committee,

AGENDA
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Roll Call: Township Committee: Hankins, Freitag, Facemyer, Ritter, Shoemaker; Others:

***Approval of Minutes** of 9/13/2012 Regular Meeting

Treasurers Report:

DEPARTMENT & COMMITTEE REPORTS:

Administrator:

Assessor:

Clerk: One year renewal letter to Shiloh for spreading of brine on borough roadways, FEMA subgrant applications have been completed for damages incurred on June 30, 2012 storms (\$12,306.84 and \$7,298.08).

Construction Dept.:

Dog Registrar:

Convenience Center: (Hankins): Tub Grinding services for debris from June storms have been completed. Wood chips were hauled away as part of contract.

Economic Development: Hope Chest Ribbon Cutting Ceremony (Oct. 6, 9:30am)

Engineer: *July 2012 Revised Zoning Map referred to Planning Board for approval

Environmental Commission:

Fire Department: (Hankins):

Insurance:

Public Works/Road: (Shoemaker): NJ DOT denial of Local Aid Infrastructure Funds for Percy Blew Road and River Road, Section 1

Planning and Zoning Boards: *Minutes of the 8/15/12 PB Meeting, *October 4, 2012 Zoning Board Meeting Agenda

Tax & Sewer Collector:

Senior Center: (Freitag):

***Approval of bills:** Total Bills \$467,796.37 on Treasurers 09/27/12 prepared list (Including Payroll)

PUBLIC COMMENTS AND QUESTIONS:

OLD BUSINESS:

COAH: (Shoemaker)

TDR Project: (Shoemaker/Ritter)

Cumberland County Utilities Authority Service Agreement: Letter from Ritter Law Office to Robert J. O'Donnell, General Counsel, regarding draft of service agreement

NEW BUSINESS

Welcome Gary Van Meter, Emergency Management Coordinator: Township Emergency Shelter Plan

***Ordinance No. 12-08:** Treatment of Animals Ordinance

***Ordinance No. 12-09:** Keeping of Animals and Livestock Development Ordinance Amendment

Clean Communities Clean-up application: CRHS Swim and Dive Team

Clean Communities Clean-up application: Hopewell/Stow Creek/Greenwich recreational indoor field hockey team

CDC: (Hankins) "Trick or Treat" hours; Wednesday, October 31st, 4:00 – 7:00 pm.

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Solicitor's Report:

EXECUTIVE SESSION: (If Needed)

ADJOURN

Eugene Daddario, Municipal Clerk

cc:

Committee,

Township Bulletin Bd.,

Sol. T. H. Ritter, Sol. Matthew Ritter