

Florence, New Jersey
February 6, 2008

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order by Council President Baldorossi at 8:00 PM. President Baldorossi led the Salute to the Flag.

The following statement was read by the Township Clerk: "Notice of this meeting has been given in accordance with the Open Public Meetings Act. Notice was published in the Burlington County Times on January 6, 2008; given to the Register News for information. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

Frank Baldorossi, President
Bruce Garganio
Dennis O'Hara
Sean Ryan
Jerry Sandusky

Also present:

Mayor William Berry; Richard Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

MINUTES

Sandusky made a MOTION; seconded by Garganio to approve the following minutes.

Executive Session December 12, 2007

Upon roll call Council voted as follows:

YEAS: Garganio, Sandusky, Baldorossi
NOES: None
ABSENT: None
ABSTAIN: O'Hara, Ryan

Motion carries.

FINANCIAL CORRESPONDENCE

It was on the MOTION of Sandusky; seconded by Ryan to receive and file the Township Clerk's report and Chief of Police's report for January. Roll call vote – all ayes. Motion carried.

Sandusky made a MOTION; seconded by Ryan to approve the Treasurer's Bill List. Roll call vote – all ayes. Motion carried.

REGULAR CORRESPONDENCE

Nothing at this time.

Florence Township Council Regular Session: 02/06/08

APPLICATIONS

- A. RAFFLE: Night at the Races, Florence Township Civic Association, Inc., March 29, 2008, 6:00PM-2:00AM, St. Stephens Church
- B. SOCIAL AFFAIR PERMIT: Florence Township Republican Club, Inc., March 28, 2008, 4:00PM-11:00PM, St. Stephens Church

It was on the MOTION of Sandusky, seconded by O'Hara to approve the above application.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: O'Hara, Ryan, Sandusky, Baldorossi
NOES: None
ABSENT: None
ABSTAIN: Garganio

Motion carries.

PUBLIC COMMENTS

Don Kaminski, 10 McCay Drive, stated that during a meeting he attended in 2007 there was discussion regarding replacing the gazebo at Clark T. Carey Memorial EMS Volunteers Park. He stated that the gazebo is in disrepair and asked if there are still plans to replace it? Assistant Administrator Sahol stated that the gazebo has been purchased and will be installed in the spring. It is a steel gazebo, just like the one in Roebling Park.

All residents having an opportunity to be heard, MOTION by Sandusky; seconded by Garganio to close the public portion of the meeting. All ayes - motion carried.

PUBLIC HEARING: GYPSY MOTHS DECLARED AS A PUBLIC NUISANCE

The Public Hearing for Declaring Gypsy Moths as a Public Nuisance was advertised in the Burlington County Times on January 26, 2008.

Assistant Administrator Sahol explained that a Public Hearing must be held to allow members of the public to ask questions or express concern. The public is given the opportunity to make comment, any comments will be reflected in the minutes, which will be certified and sent to the State of New Jersey as part of Florence Township's application. Assistant Administrator Sahol provided a spray area map and description of the process in Council's packet.

Council Vice President O'Hara complimented Assistant Administrator Sahol on the thorough report he put together; the information enclosed spells out exactly what Council's responsibility is regarding this issue.

Council Vice President O'Hara explained to the public that they are discussing an area along Delaware Avenue, mostly in the Hoffner Tract section, along Route 130 to Seventh Street, pass the railroad out to Route 130. It is 72 acres total. Council Vice President O'Hara knows that particular

Florence Township Council Regular Session: 02/06/08

section of the township did experience a tremendous amount of defoliation due to the gypsy moths. He believes it is a good thing to spray.

Administrator Brook received a copy of an article from Solicitor Kearns stating that there is a strong possibility that the State may only do one (1) spray. That is not 100% definite.

Council President Baldorossi opened the Public Hearing to the public.

Fred Wainwright, 1091 Florence Columbus Road, stated that if the State only sprays once, the timing has to be perfect or it is not going to work. Administrator Brook asked solicitor Kearns where he received the article? Solicitor Kearns stated that the article was in the Atlantic City Press today. The article essentially states that they may not be able to do a second spray because they are having trouble getting enough aircraft to do all of the areas. Administrator Brook agreed with Mr. Wainwright regarding the timing of spraying. He explained that Assistant Administrator Sahol went to a seminar so the township could qualify for spraying and one of the most critical criteria they talked about is the conditions that have to be met when they spray. Mr. Wainwright stated that it is a small window with that particular spray (Bt the common name for *Bacillus Thuringiensis*). He doesn't believe that they will be able to spray all areas when the time is right. He suggested hiring a private contractor for the second spray. He stated that if the trees are not taken care of, they will be gone. Administrator Brook agreed.

Council Vice President O'Hara questioned the controversy over the type of spray the State uses. He has read articles in the newspaper asking why the State does not go back to what they used before (Dimilin), it was more effective than what they are using now (Bt). Assistant Administrator Sahol explained that Dimilin is not approved by the State or Federal Agencies. Bt is a biological agent that attacks the insects themselves.

Mr. Wainwright stated that years ago they used a chemical named Sevin, but it was hard on the other insects. Assistant Administrator Sahol stated that at the conference they said that Sevin kills all insects.

Council Member Garganio asked how long the spray lasts for; will the gypsy moths continue to come back or is it a long-term solution? Mr. Wainwright stated that the new spray can be washed away if there is rain shortly after application. Sevin had a residue that stayed for a while. Council Member Garganio asked what chemical private contractors use? Administrator Brook and Assistant Administrator Sahol explained that the State would not permit aerial application of anything but Bt. Other chemicals could be used for ground application. Council Member Garganio suggested that the township look into the cost to use a private contractor with a more effective chemical ground application in case the State's application does not work. Administrator Brook spoke with a private contractor and he believes they use a stronger chemical because they are spraying from the ground and they are spraying a more concentrated area.

Council Member Ryan asked what decrease in effectiveness there would be if they did not have the second application? Assistant Administrator Sahol explained that from the information the State put out there would be a 65% reduction in the population per application. Council Member Ryan agrees with Council Member Garganio that the township should explore further to see if there are any other methods to use in conjunction with the State's aerial application. Administrator Brook was told that with the ground application the kill range is 90% or higher.

Florence Township Council Regular Session: 02/06/08

Assistant Administrator Sahol stated that the first anticipated start date for southern counties is May 1st.

Administrator Brook will report back on ground spraying and what the costs generally run.

All residents having an opportunity to be heard, MOTION by Sandusky; seconded by Garganio to close the public hearing. All ayes - motion carried.

RESOLUTIONS

RESOLUTION NO. 2008-37

**AUTHORIZING APPOINTMENT OF A COAH PLANNER
FOR COUNCIL ON AFFORDABLE HOUSING**

RESOLUTION NO. 2008-38

**FLORENCE TOWNSHIP FORMALLY DECLARING THAT
GYPSY MOTHS (LYMANTRIA DISPAR)
ARE A PUBLIC NUISANCE**

It was on the MOTION of Garganio, seconded by O'Hara that Resolutions 2008-37 through 2008-38 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

ORDINANCES

**ORDINANCE NO. 2008-01
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
AMENDING THE FLORENCE TOWNSHIP CODE BY
AMENDING SECTION 134-35 – SCHEDULE III: NO STOPPING
OR STANDING BY ADDING CERTAIN PROVISIONS FOR
DELAWARE AVENUE**

It was on the MOTION of Sandusky, seconded by Garganio to approve Ordinance No. 2008-01 on second reading for adoption.

Florence Township Council Regular Session: 02/06/08

Public Comment

Council President Baldorossi opened the meeting to the public for comments at this time.

No public comment.

It was on the MOTION of Sandusky, seconded by O'Hara to close the public hearing. All ayes – motion carried.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

**ORDINANCE 2008-02
(2nd Reading)**

**AMENDING THE CODE OF THE TOWNSHIP OF FLORENCE, AND
CHAPTER 65A THEREOF, TO MODIFY THE REQUIREMENTS AND
PROCEDURES FOR BACKGROUND CHECKS ON CERTAIN
MUNICIPAL EMPLOYEES AND VOLUNTEERS**

It was on the MOTION of O'Hara, seconded by Ryan to approve Ordinance No. 2008-02 on second reading for adoption.

Public Comment

Council President Baldorossi opened the meeting to the public for comments at this time.

No public comment.

It was on the MOTION of O'Hara, seconded by Sandusky to close the public hearing. All ayes – motion carried.

On the Question

Council Member Garganio stated that the report from the State dated January 15, 2008 says that there is an option where they will bring a mobile fingerprinting unit to Florence Township for \$400 per day. He asked if that could be done here opposed to extending the approval by a year. Assistant Administrator Sahol did discuss with the Captain of that unit and he said that part of the contract is not fixed in stone at this point. There may be certain minimums that have to be guaranteed as far as number of days and that they would fingerprint up to a certain number of people. There is the possibility that they may only do 40 per event. Assistant Administrator Sahol did ask for clarification on how many people they would fingerprint. Council Member Garganio was hoping to find a way to prevent volunteers from having to travel to Cherry Hill or Ewing. He asked if volunteers could be scheduled and the first 40 people to sign up would get fingerprinted here. This may be a way to keep the policy of background checks intact. Council Member Garganio would rather keep the approval at

Florence Township Council Regular Session: 02/06/08

two (2) years if possible. After further discussion, Assistant Administrator Sahol will call to get more information and tentative dates for the mobile fingerprinting unit and report back.

It was on the MOTION of O'Hara to amend the MOTION to approve and **TABLE** Ordinance No. 2008-02 until more information is received regarding the mobile fingerprinting unit, seconded by Ryan. Will be on the February 20, 2008 Agenda.

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

REPORTS

Committees, Boards and Officers

- Nothing at this time.

Mayor Berry

- Mayor Berry spoke to the ten (10) individuals that were on his list for the **Economic Development Advisory Committee** and they are all still interested in serving on that committee. Since the Advisory Committee on Economic Development and Redevelopment does not meet, they will be combined with the Economic Development Advisory Committee.

In regards to how the appointments are made, Council Member Garganio suggested that the Mayor make seven (7) appointments and Council make five (5) appointments, with each Council Member making an appointment. This would help make it bipartisan and each Council Member would have a representative on the committee. There will also be a Council Representative.

Council Member Ryan prefers that the Mayor should appoint six (6) members and Council should appoint six (6) members. He feels that it would make for an even split and provide for a variety of voices on the Economic Development Advisory Committee. Since there was no formal procedure in place for making appointments to Economic Development some commitments that were previously made may need to be changed.

All Council Members are in agreement that they would like to see the Economic Development Advisory Committee move forward, with the best people for the job being appointed and more ratables being brought into the township.

Council Vice President O'Hara suggested leaving the Mayor's ten (10) appointments as is for this year, with two (2) Council appointments to be added to the committee bringing the total appointed members to twelve (12). There will also be a Council Representative along with the Mayor, which will both be voting members. Next year the staggered terms and splitting the appointments between Mayor (seven (7) appointments) and Council (five (5) appointments) can be implemented.

Florence Township Council Regular Session: 02/06/08

After further discussion it was on the MOTION of Garganio, seconded by O'Hara to authorize Solicitor Kearns to move forward with the Economic Development Advisory Committee Ordinance with the following terms:

- The ten (10) individuals the Mayor has contacted and were on the list he presented at the Reorganization Meeting will serve a one-year term for 2008
- Two (2) additional members will be appointed by Council, serving a one-year term for 2008, which will be made by Council President Baldorossi, Council Vice President O'Hara and Council Member Ryan
- Twelve (12) members will be appointed in 2009; seven (7) appointed by the Mayor, five (5) appointed by Council with each Council Member making one of those five (5) appointments
- A Council Representative will be a member and will be elected by Council
- The Mayor will be a member
- The Council Representative and Mayor will be voting members
- Appointments will **not** be voted on by Council
- Terms will be for one (1) year

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi
NOES: None
ABSENT: None

Unanimous approval.

Solicitor Kearns will provide a Draft Ordinance for the governing body to review next week.

Administrator

- Administrator Brook asked for a brief Closed Session to discuss litigation and negotiations.
- Administrator Brook stated that Governor Corzine will be holding a meeting in every County in the State of New Jersey regarding **Asset Monetization** and asked, since no location has been set for Burlington County, if the governing body had an interest in inviting Governor Corzine to hold the meeting in Florence Township? Council is in agreement to invite Governor Corzine to hold the meeting in Florence Township.

Administrator Brook will notify the legislators asking for their support in resisting the governor's proposal because of the impact on Florence Township and the residents that live here. Council Member Garganio asked that the reports from the State showing that the intersections of Route 130 were failing be pulled and have available at the meeting.

Assistant Administrator

- Assistant Administrator Sahol reported that the **Patriotic Celebration Committee** is meeting Wednesday, February 13, 2008, at 6:00PM in the front conference room.

Township Solicitor

- Nothing at this time.

Township Engineer

- Nothing at this time.

Florence Township Council Regular Session: 02/06/08

Council Vice President O'Hara questioned the **punch list for Greenbriar** that was in the packet. Dan Guzzi explained that it has not been updated in the past couple of months because there has been so little going on. He was updating the punch list monthly.

Mr. Guzzi stated that the developer did resubmit the as built. There were a couple areas that looked suspicious that he inspected and found were incorrect, such as pipe sizes that were wrong. He sent out another letter advising of the problems.

Council Vice President O'Hara asked if that was a normal amount of punch list items in a project? Mr. Guzzi stated that it is a very large project. It is not unusual to have an extremely large punch list for a project of that size. The developer is waiting for the weather to break. Mr. Guzzi will report back to the governing body as soon as work continues.

Council Vice President O'Hara questioned the issue with the property owner with the patio and standing water. Mr. Guzzi stated that there are several homeowners with concerns. All of the swales that have been brought to his attention have been included on the punch list.

Council Vice President O'Hara questioned the correspondence regarding rusty water in a resident's house. Administrator Brook explained that the township tested the water and the water entering the property and the development meets all NJ State standards as well as the water entering the home. There is an issue with the water between the kitchen sink and a bathtub that the homeowner does not use. NJDEP has cleared the township and the problem has nothing to do with the public water supply. The problem is related to the copper piping and the way it is pieced together. The homeowner asked Administrator Brook to forward a response to Lennar, because Lennar is taking the stand that it is the township's problem, which it is not. The homeowner contacted Lennar asking for the results of their testing, which they would not provide. The township on the other hand, being a public entity, provided a full copy of the results from the laboratory to the homeowner. The problem is with a section of piping within the home, not in the main areas that are tested by the State and sanctioned by the State. Administrator Brook will send a formal response to Lennar, outline to them that they are incorrect and that the township believes that the issue lies with that one section of piping in the home.

In response to Council Member Ryan, Mr. Guzzi stated that Lennar will correct all of the grading issues.

Fred Wainwright, 1091 Florence Columbus Road, stated that he and his wife purchased the property at 1011 Cedar Lane, next to the Wawa, and the County installed a guardrail. He requested that Mr. Guzzi come out and verify that the guardrail is not on his property. The County states that they did survey and the guardrail is in the easement. Mr. Wainwright believes it is beyond the easement on his property. Mr. Guzzi will look into.

UNFINISHED BUSINESS

Council Member Sandusky sees that the **Yacht Club** responded to Joy Weiler, Township Clerk's, letter by listing their activities. He asked Clerk Weiler if they provided their proof of insurance yet? Clerk Weiler stated that they have not but advised her that they will. Council Member Sandusky stated that he will be ready to vote on it when the proof of insurance is received. Clerk Weiler stated that it is on the Agenda for next week to review.

Florence Township Council Regular Session: 02/06/08

Council Member Garganio discussed the report from Alaimo regarding **Well No. 6** and more **delays**. He asked if the township should go after liquidated damages? Administrator Brook explained that the company under B&H Contracting, Inc., **Stothoff**, who is responsible for dealing with some of the information that has to go to the State to certify the well for public use. He believes that the township should move to try to disqualify Stothoff as a future bidder in the municipality when it comes to public wells. There is a similar problem on another well with them. The well should be ready for use now but now we are looking at early to mid spring. Administrator Brook will be meeting with Solicitor Kearns and Russell Trice, Township Water & Sewer Engineer, this Friday to discuss the legal options. Council Member Garganio asked Solicitor Kearns for a report for next week's meeting outlining the township's options. Solicitor Kearns will provide a report.

NEW BUSINESS

Council Member Garganio discussed the letter from Beverly City stating that they, along with Delanco and Edgewater Park, are holding a press conference regarding **dredge spoils**. Years ago there was discussion about dredge spoils going on the Roebling site. He questioned the testing procedures for dredge spoils. He believes eventually, as they dredge up the river, they will want to put dredge spoils on the Roebling site and he would like to be prepared. Mr. Guzzi stated that in general dredge spoils are fine but there can be hot spots that have contamination. Administrator Brook does not believe that EPA would allow dredge spoils on the site that could further contaminate the site. He will get a formal response from EPA.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Council Member Sandusky noticed some dumpsters and a tractor behind the **Sunoco Gas Station** on Hornberger Avenue and asked what was being done there? Administrator Brook stated that the last time he was there they had removed the kiosk and were removing soil. He will look into.

9:25 PM MOTION by O'Hara, seconded by Ryan to adjourn to Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:25 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab