

## **FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION**

**February 11, 2004**

**8:00 PM**

### **CALL TO ORDER**

Council President Fratinardo called the meeting to order.

### **SUNSHINE STATEMENT**

The Township Clerk read the Opening Statement: 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 4, 2004; given to the Register News for information; posted on the municipal bulletin board.

### **ROLL CALL**

Present: Frank Baldorossi, Bruce Garganio, Elizabeth Ryan, John Fratinardo

Also Present: Mayor Michael Muchowski, Richard A. Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy Weiler, Township Clerk

### **ACTION**

#### **Applications**

ABC Catering Permit: Roebling Fire Company #3, February 20, 2004

It was on the MOTION of Garganio, seconded by Ryan to approve the above application.

#### **On the Question**

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Fratinardo

NOES: None

ABSENT: Sandusky

Unanimous approval.

### **PUBLIC COMMENT**

Nothing at this time.

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

### **WASTE MANAGEMENT PRESENTATION**

Note: Several Members of the Environmental Commission and Citizens Advisory Committee on Landfill Matters present: William Bott; David Mudge; Pierre Lacombe; George Lengel; Mark Hollern; Clinton Boyd; David Mulcahy; John Rein.

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Judy Archibald, Community Relations with Waste Management, attended the meeting to discuss the odor control action plan in regard to a project taken on to recontour part of the landfill. The project is a result of a surveying error that was made by Waste Management's surveying company. Due to the error, Waste Management is now required to move waste from one area to another.

Ms. Archibald introduced Dave Watts, Quality Assurance Supervisor in charge of odor management, assigned to Florence Township, and Bob Iuliucci, District Manager of the Tullytown and Groze landfill facilities in Pennsylvania.

Ms. Archibald explained different procedures followed on a daily basis for odor control. She also advised that there is a telephone number to call with odor complaints. A "live person" answers the line and pages Mr. Watts who will dispatch an employee of Waste Management to the site of the odor.

Ms. Archibald suggested another tour of the facility for the residents so they can better understand the operations and communication system of the landfill. She also recommends a landfill forum, which has worked well at other landfills. Representatives from each aspect of the landfill would come to the Township to answer questions from the residents. A mass mailing will be sent out to the residents of the Township to explain the project and what steps they should take for communication. Ms. Archibald would like the Township Administrator to be a point of contact through the Nextel system to monitor the odor so Waste Management can respond and make necessary adjustments.

Mr. Iuliucci reviewed steps taken by Waste Management for odor control, such as monitoring the wind direction with flags, employee training, an odor control tractor, limiting the size of an area being worked on and redirecting the trucks on the landfill.

Mr. Watts demonstrated a device that measures and rates the intensity of odors. He also explained three new pieces of equipment to help in odor control. He stated that if they receive complaints from Florence Township, they will shut the project down and cover it up with dirt.

Mr. Iuliucci explained the difficulties faced during the winter months and steps they are taking to overcome those difficulties.

Council President Fratinardo opened up the discussion to the public.

John Rein, Florence Township Landfill Committee, asked how far along Waste Management is on the recontouring project? Mr. Iuliucci stated the project should be completed between March and April, weather and other circumstances permitting. Mr. Rein stated that in November they were told it would be a two-week project. Ms. Archibald explained that other areas were identified that needed to be recontoured. That added more time onto the project. Mayor Muchowski stated that Waste Management should have informed the Township of the additional time needed on the project. Ms. Archibald apologized.

Pierre LaCombe, Florence Township Environmental Commission, questioned whether the problem would occur again. Ms. Archibald stated that Waste Management is making improvements to avoid that situation again.

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Mr. LaCombe asked if Waste Management was experiencing similar problems from the Groze Landfill as they are with the Tulleytown Landfill? Ms. Archibald stated that the same odor control plan is in place at the Groze Landfill and they receive minimal complaints. Mr. LaCombe stated that he notices an odor while crossing the Thomas Payne Bridge over Crosswicks Creek and believes it is coming from the Groze Landfill. Ms. Archibald will have it looked into.

Discussion followed regarding avoiding these same problems in the future and what the Township can do to insure compliance. Mayor Muchowski stated that his duty is to protect the residents of the community. Mr. Iuliucci discussed advancements in technology to keep this error from happening again.

Mr. LaCombe stated that when he calls the hotline number the employee answering the call is not familiar with Florence Township. Ms. Archibald stated that they use a medical answering service and the employees use a standard form for accuracy in which they ask their questions; they then page Mr. Watts.

Council Member Ryan asked if Waste Management has taken action against the engineering firm that made the mistake, and if the PA DEP has taken action against Waste Management? As far as the engineering firm is concerned, Ms. Archibald stated the legal department is handling it and she does not know the details. She stated that the PA DEP issued Waste Management a fine of \$440,000.

Mayor Muchowski asked if PA DEP gave a corrective action plan when they issued the fine? He asked if the PA DEP cares that the recontouring affects Florence Township? Ms. Archibald stated that PA DEP does care and that Florence Township has a seat at the Local Municipality Involvement Process meeting when Waste Management has an expansion. Mayor Muchowski asked if the Township has a contact at the PA DEP? Ms. Archibald will inquire about a contact for the Township. Council Member Garganio asked if there was a seat at the table when Waste Management does a corrective plan? Ms. Archibald suggested that the Township send a letter to the PA DEP stating that their quality of life is being effected by the recontouring and ask that the township be included in discussions.

Mr. LaCombe stated that he has contacted the PA DEP and they advised him to contact NJ DEP, when he contacted the NJ DEP they can only make a record of the complaint.

Ms. Archibald stated that a representative from PA DEP was in Florence Township yesterday to check on the odor. She believes that they are committed to making the landfill a “no nuisance” site. She will request a contact at PA DEP for Florence Township.

Council Member Garganio feels that having the project shut down when a complaint is received is a step in the right direction.

Council President Fratinardo questioned the need for the recontouring. Ms. Archibald stated that it is a permit requirement. He asked if there was a reason for the permit requirement or is it just a standard? Mr. Iuliucci stated that there are no stability concerns, the basis for the recontouring is to comply with the final design contour plans that were submitted and approved by PA DEP, which takes into consideration drainage, gas systems and long term roads. Waste Management

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cannot exceed the elevations presented in the approved plans. Mr. Iuliucci explained that a lot of the overfill occurred on the side slopes where grades were missed, the slope is now a 2-1 instead of a 3-1. According to design plans the slope needs to be put back in order for the drainage to work according to the final design.

Mayor Muchowski assumed that Waste Management was working under a PA DEP directive, corrective action plan. Mr. Iuliucci stated that PA DEP has given Waste Management until April 30<sup>th</sup> to get back to the grade approved on the plans.

Mr. LaCombe believes that Waste Management is trying to get away with filling the cells with more trash than they should in order to increase profit and hoping they do not get caught. Mr. Iuliucci explained that an annual report is completed every year and sent to the State. The State knows the exact elevation every year.

Council Vice President Ryan asked that Waste Management provide a copy of the consent order from PA DEP to Administrator Brook for distribution to Mayor and Council.

Administrator Brook asked if the municipality has the legal right to ask that they be recontoured in another area that would not impact the community? Representatives did not know.

Mr. Iuliucci and Mr. Watts explained that when the complaints were received last week, the project was stopped and they are now working with the State on the plan of action.

Administrator Brook discussed making a formal request to the PA DEP on behalf of Mayor and Council.

Council President Fratinardo asked if Waste Management were able to discontinue the recontouring project, would they give Florence Township half of the money they would save?

Council Member Garganio expressed his dissatisfaction at not being notified of the project until the odors occurred and not giving the Township a chance to voice their concerns, especially when there were other options besides recontouring. Ms. Archibald stated that there was no evidence that moving the trash would impact Florence Township. Mr. Watts stated that there were no other options until they received complaints.

Mayor Muchowski asked how many acres are impacted? Mr. Iuliucci stated 20 acres, 1 to 3 feet in depth.

Mr. Rein asked if the area facing the boat docks in Florence Township that were recently capped would be disturbed? Mr. Watts stated that it would not be disturbed.

Bill Bott, Environmental Commission, asked if the mistake was not found, would the piping still have worked? Mr. Iuliucci stated that it would have been discovered when the area was capped.

Mr. Bal, 576 Walnut Street, stated that he toured Waste Management's facility and was impressed with their operation. He does not believe that there is an offensive odor. Council President Fratinardo has smelled the odor numerous times this year and found it to be very offensive. He feels that he has an obligation to the residents of the community to try to do

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something about it. Council President Fratinardo feels that the residents of Florence Township should have been notified of the problem and the recontouring project.

Ms. Archibald reviewed the action steps that will be taken:

- Copy of Consent Order to Administrator Brook
- Call PA DEP to designate a point of contact for Florence Township
- Letter outlining the steps Waste Management is taking mailed to the residents of Florence Township (Mayor and Council will review letter before mailing)
- Council to consider making a recommendation of two people from the community to work on the odor management project (they would be trained and work through a temporary agency)

Council Member Garganio asked if the temporary workers could be kept on after the project is completed. Ms. Archibald will look into.

Mr. Bal questioned the feasibility of doing a survey, asking the residents if they smell the odor. Administrator Brook believes that a majority of the residents would say that they smell an odor due to complaints that the Township has received and he has noticed it himself.

Mr. Bott discussed the seagulls and the trash and droppings that they leave behind. Mr. Watts offered Mr. Bott a portable device that is used to deter the seagulls.

Other action steps:

- Informational forum for residents to talk with professionals from Waste Management
- Tours of the facility

Administrator Brook verified that Waste Management would make the initial inquiry to PA DEP regarding discontinuing the recontouring project. He asked that Waste Management advise him after they speak with PA DEP of what steps should be taken.

Mayor Muchowski asked if recontouring would continue tomorrow? Mr. Iuliucci stated that it would not, as of now the project will sit and stay. They will continue to work on the permit modification with PA DEP to come to a final resolution of, hopefully, leaving it in place. He stated that they will be meeting with PA DEP within 30 days.

Administrator Brook asked if Waste Management's engineers would let them know if it is feasible to stop the recontouring before the meeting with PA DEP? Mr. Iuliucci stated that they would and he will notify the municipality of their decision.

A conference call will be arranged with Steve David, District Manager of Waste Management.

Mark Hollern, 324 E. Front Street, discussed his concerns of recontouring during the spring and summer. That is when the odors would be the worst and it is when people want to enjoy the river. Ms. Archibald noted his concerns.

Mayor Muchowski thanked the representatives of Waste Management for their time this evening.

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9:25 PM Motion for a brief recess made and seconded. All ayes.

9:27 PM Motion to resume meeting made and seconded. All ayes.

**ABC LICENSE TRANSFER: WEDNET (FOUNDRY ST. BAR) TO ROUTE 130**

Clerk Weiler introduced Ed Petkevis, Esq., attorney for George Boghean. Mr. Petkevis explained that Mr. Boghean is in negotiations to purchase Wednet's ABC license and would like to open a catering hall at 2120 Route 130 North. The property is zoned Highway Commercial which permits nightclubs, restaurants and bars. Mr. Petkevis feels that the area could use a catering facility and it would be a great asset to the community and the redevelopment of Route 130.

Mr. Petkevis reviewed the past problems with the ABC license. The license was close to being suspended due to violations. He explained the requirements set by the State to convert the suspension to a monetary fine, which Mr. Boghean will comply with. He is waiting for final approval from the Division of ABC. He will then need to come before Council for approval.

In response to questions from Council President Fratinardo, Mr. Petkevis stated that Mr. Boghean has professionals working with him to guide him so he does everything by the law. He also stated at this time the premise will only be a catering facility. Possibly in the future that could change.

**TOWNSHIP WATER AND SEWER ENGINEER**

**Well No. 6: Current Estimate No. 2, William Stothoff Co.**

Russell Trice, Township Water and Sewer Engineer, reviewed and recommended Current Estimate No. 2. A resolution will be approved at next week's meeting.

**Well No. 2: Current Estimate No. 2, A.C. Schultees**

Mr. Trice reviewed and recommended Current Estimate No. 2. The well is online, there are a few punchlist items left to do to complete the project. A resolution will be approved at next week's meeting.

**Second Ave. Water Main Replacement: Current Estimate No. 2, Spencer V. Maussner, Inc.**

Mr. Trice reviewed and recommended Current Estimate No. 2. A resolution will be approved at next week's meeting.

**Whitesell: Conrail Agreement**

Mr. Trice reported on Whitesell's request for the Township to sign an agreement with Conrail. He explained that there is a Conrail spur that runs through Whitesell's property and they must dig a water main and two force mains under that spur. The Township will need to apply and Whitesell will pay the fees. A resolution will be approved at next week's meeting.

**TOWNSHIP ENGINEER**

**Road Improvement Program**

Dan Guzzi, Township Engineer, provided Mayor and Council with a copy of the list of roads that were discussed last year. He asked if there are any roads that the governing body would like to consider that are not on the list to let him know.

Various roads reviewed and discussed by Township Engineer: List included: Bair Drive; 8<sup>th</sup> St (Chestnut Street to Walnut Street); Schisler Drive; Pine Street (E. 3<sup>rd</sup> Street to E. 5<sup>th</sup> St.); E. 6<sup>th</sup> Street (Broad Street to Chestnut Street); Winter Street (W. 5<sup>th</sup> St. to W. 3<sup>rd</sup> Street); Main Street (10<sup>th</sup> Avenue to end); Railroad Avenue; Maple Avenue (Delaware Avenue to Parish Lane); East 5<sup>th</sup> Street Extension (east of Walnut Street); Wilkie Park Tennis Courts (Reconstruction); Maple & Bennet intersection; typical Roebbling alley (regrade and stone only)(assumes no encroachments).

Council Member Ryan questioned the tennis courts at Wilkie Park being included on the list and not the tennis courts at the Roebbling Park? Mayor Muchowski and Council Member Garganio explained that the tennis courts at the Roebbling Park are not used but the high school tennis team uses the tennis courts at Wilkie Park. Tennis Courts may not be imperative at the Wilkie Park since they will be included in the construction of the new high school.

Mr. Guzzi advised Mayor and Council that he would need a decision in a month or so if a road program is going to be incorporated this year. Council Member Garganio feels that Maple Avenue and Bennett Street must be done. He also would like to do an alley or two.

Council Member Fratinardo asked what is being done to maintain the roads that have seams that are opening? Sealing roads to maintain them was discussed. Mayor Muchowski will have the public works department look at the roads and make a list of roads to be sealed.

Discussion followed regarding alleys; six to eight alleys will be worked on.

**Keenan Performance Bond**

Mr. Guzzi asked that discussion be held for Closed Session.

**Current Estimate No. 3, RMS: Public Works Building**

Mr. Guzzi reviewed and recommended Current Estimate No. 3. A resolution will be approved at next week's meeting.

Mr. Guzzi provided an updated schedule for the project. The contractor will be onsite Monday, February 16<sup>th</sup>. The finish date for the new building is the end of July, when the new building is completed, work will begin on the old building.

**Storm Water Regulations**

Mr. Guzzi gave an overview of the new State Storm Water Regulations, which went into effect last week. The changes impact new applications that include storm water management. The new requirements are as follows and must be included in the township's Storm Water Management Plan:

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1. Amount of Recharge: Sites will be required to recharge the amount of storm water that matches predevelopment into the ground at that particular location. Basins will be required to maintain a certain amount of storm water and recharge it into the ground without that outlet.
2. Pollutants: Basins must be designed so it captures a certain amount of suspended solids (oils from vehicles).
3. Design: Allow for higher volume of water in the Storm Water Management Plan.

Mr. Guzzi explained that all new basins that have been approved must register with DEP. The municipalities Ordinance must provide for a maintenance program to be enforced and designate one person within the municipality to enforce it. There is an application for the permit that is due March 3<sup>rd</sup>. Grant money is available for to help establish a maintenance program. Council in agreement to approve a Resolution next week appointing John Purakovics, Public Works Superintendent, as the Storm Water Program Coordinator.

**NJ Transit**

Mayor Muchowski discussed his short term and long term concerns regarding NJ Transit and the left hand turn lanes and channeled openings on Route 130. He spoke with the effected property owner and she is comfortable with the left hand turn. He stated that there will be a meeting with the Township, NJ Transit, DOT, Whitesell, Toll Brothers and the effected property owners and he would like to have a consensus at that time.

Mayor Muchowski stated that Rick Cureton, Whitesell Construction, has been pushing for a full reverse jug handle at Neck Road and is concerned with the difficulty making the turn off of Route 130 onto Florence Columbus Road. Mayor Muchowski agrees, and after a brief discussion Council in agreement for the Mayor to pursue those avenues.

**AUCTION**

Assistant Administrator Sahol provided a list of items to be auctioned. After a brief discussion, Council in favor of holding the auction on a Saturday.

**ADJOURNMENT**

10:22 PM Motion made by Garganio; seconded by Baldorossi to adjourn to Closed Session. Roll call vote – all ayes.

Respectfully submitted,

JOY M. WEILER  
Township Clerk

/mab