

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

March 9, 2005

8:15 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 2, 2005 and January 16, 2005; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Frank Baldorossi (Late), Bruce Garganio, Elizabeth Ryan, Jerry Sandusky, 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

PUBLIC COMMENT

Colleen Carney, 121 Second Avenue, representing the Florence Township Historic Preservation Commission. She discussed the Historic Preservation portion of the Township Code and suggested that there are some amendments that need to be made. She would like guidelines developed with input from Council and the Planning Board covering changes to exterior materials. She provided Mayor and Council with a report on her suggestions.

NOTE: 8:17 PM Council Member Baldorossi present at this time.

Mayor Muchowski felt that as a result of the last meeting, the Historic Preservation Commission was going to report on general areas of concern that the Commission would like more input on. Ms. Carney stated that is what she is providing this evening, but would like Council to be more familiar with the current Code before new guidelines are developed.

Council Member Sandusky discussed the many changes that have already taken place; it wouldn't be fair to tell a new homeowner that they cannot change the exterior of their home when so many other homes have already been changed. He discussed the uproar that took place years ago when Council tried to enforce what could or could not be done to the exterior of a home in Roebing.

Council Member Garganio stated that Council needs recommendations from the Historic Commission before Council can act.

Discussion followed regarding the timeline for approvals. Mayor Muchowski stated that the Commission will have to keep timeline for approvals in mind when drawing up the guidelines.

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Ms. Carney stated that the Historic Commission wanted to get Council's feelings before developing guidelines.

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

E-JIF: AL TASKER, REPRESENTATIVE

Administrator Brook stated that Mr. Tasker is not present this evening.

FOUNTAIN OF LIFE

Frederick Hardt, attorney representing the Fountain of Life Center, discussed the construction code fees being charged to Fountain of Life. He explained that normal construction code matters are designed to recoup for the Township those costs that have been incurred in the review process and not more. Fountain of Life was charged \$29,000 for a permit and believes that the township should look at the way in which the cubic yard structure is built and give some consideration to relief where it would appear that the numbers do not make sense.

Mr. Hardt also discussed the Pinelands Commission, which exempts schools and any public buildings from fees that are charged. He does not believe that Florence Township collects construction fees from schools or public buildings. Mayor Muchowski stated that was correct. Mr. Hardt stated that Fountain of Life is also a school. He spoke of a new law called Religious Land Use and Institutional Persons Act (RLUIPA) that states that different parties cannot be treated differently when one is a religious institution and the other is not. Solicitor Kearns explained that RLUIPA deals with Land Use, it does not deal with construction code fees.

Council Member Garganio asked Solicitor Kearns if there was a reason why Fountain of Life could not be exempted? Solicitor Kearns stated that he would have to look at the statute. There may be a way if done on the basis of a school or not-for-profit organization. Council will need input from the Construction Official as to what is involved in the inspection. Council Member Garganio asked for a report from the Construction Code Official for Council to review.

Administrator Brook stated that this is a significantly sized building that is time consuming to inspect and the fees are very high. He believes that the total fees will exceed \$60,000. Mayor Muchowski agrees that it is a significant undertaking for the township. Administrator Brook will request a report from the Construction Code Official.

Reverend Dave Boudwin, Fountain of Life, believes the fees will exceed \$100,000. Administrator Brook stated that may be the case and will verify the numbers.

Reverend Boudwin is asking for consideration from paying the fees due to the fact that 40 of the school children are Florence Township residents, which saves the school system approximately \$300,000 a year. He also stated that their building has been a voting site for many years and the Recreation Department uses their soccer fields. He believes their organization brings the township substantial benefits, such as a food bank and drug and alcohol counseling. He asked that consideration be made for the goodwill they bring back into the township. Mayor Muchowski stated his appreciation for all that Fountain of Life does for the community but explained that the township cannot use that as a considering factor.

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In response to questions from Council Member Garganio, Solicitor Kearns stated that structures could be set up for non-profit organizations.

Council President Fratinardo stated that Council is interested in what is best for the community and will take everything under consideration when they receive the reports.

TOWNSHIP WATER AND SEWER ENGINEER

Water Allocation Update

Russell Trice, Water and Sewer Engineer, reported that he met with Administrator Brook, Dave Lebak, Water and Sewer Superintendent, DEP Water Allocation representatives, DEP Geological Survey representatives and the hydrogeologic consultant. DEP reported that the water allocation permit is moving through the sign off process and should be issued in a week or two.

Mr. Trice reported they also discussed what further study work will be required to prove to DEP that it would be safe to increase the water allocation to the limit the township had originally applied. DEP has two main issues: the Tulleytown Landfill and the effect of the township pumping more water on any other large well users in the area, which could be in the radius of influence of the township well field, at the higher rates the radius of influence of potentially two miles, there could be a noticeable effect on someone else's production well.

DEP would like to know if by increasing the Township's pumpage, if there were contamination from Tulleytown Landfill, would the township's pumpage cause that contamination to come under the river and contaminate the township's aquifer? DEP would like to know if there is a barrier to prevent contamination?

Mr. Trice stated that he and Assistant Administrator Sahol had met with representatives of Tulleytown Landfill; they have a hydrogeologist on staff. He was very helpful and provided mapping that they have already completed. They also stated that they would provide any information that they have on the wells there. He agreed to allow the township to use their wells if another pumping study is required. This will save the township a lot of money.

Mayor Muchowski feels that the study is worth doing. He also noted that Waste Management has the utmost confidence that there is no chance that that township could pull water from their site and contaminate our wells.

Discussion followed regarding the landfill in the country area and contamination coming from there. Administrator Brook stated that the hydrogeologist will look at that during the study. He noted that the company is very well respected in the State of New Jersey. Mr. Trice reviewed the process for the study, which may last up to a year. He stated that the State has agreed to review the study, and if demand is shown they will increase the allocation.

Garelick Farms: Wastewater Permit Amendment

Mr. Trice, along with Administrator Brook and Mr. Lebak, met with Garelick Farm representatives to discuss the reports they submitted and the New Jersey Pollution Distribution Elimination Systems (NJPDES) permit application. Mr. Lebak also did sampling, which was sent to an outside lab for testing and tested in-house. He feels confident that the results were consistently lower than what township code allows.

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The main discussion at the meeting had to do with the proposed limits for their treatment plant. Since Garelick is sampling weekly, DEP demanded an average limit for them to meet, which Garelick is not happy with. After comparing with the township's treatment plant numbers, Mr. Trice came to a compromise to present to DEP.

Surcharge enforcement was discussed. Mr. Trice reviewed the surcharge in current industrial waste Ordinance that was written in 1985 and feels it no longer applies. He stated that it should be looked at and rewritten.

Administrator Brook stated that the main stumbling block, which Garelick and the State are aware of, is the completion of the bio-filter. He reported that the bio-filter is 98% complete. It should be up and running in a matter of days. Mr. Lebak toured the structure and it looks good. Garelick is confident that this will control the offensive odors from their facility.

William Bott, Environmental Commission Member, stated that he did notice an odor one night last week.

Administrator Brook will report back for the April Worksession.

Tall Pines Water and Sewer

Mr. Trice is close to completing plans and specs. The permit applications are complete, which need township signatures. He will be sending to DEP in the next week or two. While he is waiting for the permits to come back, he will finalize the plans and specs and be ready for advertisement. He will meet with Mr. Lebak on Friday to go over the plans.

TOWNSHIP ENGINEER

Stormwater Management Plan

Dan Guzzi, Township Engineer, stated that the last year the State created new Stormwater Management criteria for all municipalities. A new permit is required every year. The permit covers all the stormwater discharges. The process has been started. He is putting together a stormwater management plan that Council will have to adopt and send to the County for review.

Over the next several months Council will be looking at several Ordinances designed to prevent pollution from getting into the stormwater system.

Mr. Guzzi stated that current Land Use Ordinance will be amended to reflect the new Stormwater Management Plan.

Current Estimate No. 16: Public Works Facility

Mr. Guzzi reviewed and recommended Current Estimate No. 16. Assistant Administrator Sahol reported that gas will be shut off within the next 3 days; electric will be shut off in the next 7 to 10 days. Once utilities are disconnected they will finish up the existing building. A Resolution will be approved at next week's meeting for payment of Est. #16.

Current Estimate No. 3 (Final): 2004 Sidewalk Project

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Mr. Guzzi reviewed and recommends Current Estimate No. 3 (Final). All money will be reimbursed to the township through a grant. A Resolution will be approved at next week's meeting.

Tilton Lane

Administrator Brook received Ordinance and legal description for the vacation of Tilton Lane. Council Member Garganio asked if there was an approved site plan? Administrator Brook will find out. Council Member Garganio believes that the prerequisite for vacating is the blocking off Tilton Lane. Mayor Muchowski stated that is correct. An easement will be left for the property owner that has the garage at the first house.

Council Member Sandusky asked if the **gas station on the corner of Route 130 and Cedar Lane** has been **approved**. Mr. Guzzi stated that they did receive DOT approval and now they are waiting for the weather to break to complete the project. Council Member Sandusky asked how long they have to complete project? Mr. Guzzi explained that it is a bonded project and they have their approvals. If it gets to the point where there is an unsafe situation, the Zoning Official has the ability to pull the temporary CO.

WATER AND SEWER ORDINANCE DRAFT

Assistant Administrator Sahol gave an overview of what will be part of the Draft Ordinance. Copies will be provided to Council for review at April Worksession.

ASSISTANT ADMINISTRATOR

Main Street at Tenth Avenue: Traffic Calming

Assistant Administrator Sahol discussed the memos in the packet he provided, along with Chief Dawson, regarding safety concerns of Main Street and Tenth Avenue. A striping proposal was also included in the packet. Mayor Muchowski expressed his concerns that it would become overflow parking and vehicles would be parked there and never move. Mr. Guzzi suggested limits could be placed on parking there. Council Member Fratinardo stated that parking there may be good once the community center on Main Street opens. Placing limitations on parking was discussed. Assistant Administrator Sahol feels that parking outbound would be best. Diagonal parking was discussed. Assistant Administrator Sahol stated that State approval is needed for diagonal parking.

Assistant Administrator Sahol explained why traffic calming in that area is needed. He stated that vehicles coming down Main Street turning onto Tenth Avenue cut the corner quickly and head into the vehicles stopped on Tenth Avenue waiting to turn onto Main Street.

Assistant Administrator Sahol will contact the State regarding diagonal parking.

Council Member Garganio suggested expanding the municipal parking lot in front of Nyikita Field, which may help alleviate some of the traffic on Tenth Avenue.

In response to Chief Dawson's recommendation of no parking from 7:00 AM – 3:30 PM on Tenth Avenue on the VFW side, Mayor Muchowski discussed the arrival and dismissal at the Roebling School. It is very dangerous. Council Vice President Ryan suggested a letter be sent to the School Board stating Council's concerns and asking to meet with them to work on a solution. Council Member Garganio agrees. A letter will be sent to the School Board.

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Municipal Lot on South Street

Mayor and Council discussed changes to be made to the Ordinance regulating recreational vehicles parked on South Street. Different options were discussed such as holding a lottery, charging a permit fee, requiring that vehicles be registered and operational. Assistant Administrator Sahol will draft an Ordinance for Council to review.

LETTER FROM PLANNING BOARD (ZONING)

Mayor Muchowski stated that this is a follow up to Council's previous discussion regarding Griffin Pipe's property and what is the best use of that acreage. Council Member Garganio asked for a report from Carl Hintz, Township Planner, with his recommendations as to the best use.

FLORENCE TOLLGATE ROAD OWNERSHIP

Mayor and Council discussed the request for the township to take over the ownership of Florence Tollgate's roads. After discussion of the condition of the roads, and how close to the surface the water lines are, Council decided that they will not accept the roads. Assistant Administrator Sahol will ask for a letter from the Fire District stating that emergency vehicles will not access the roads except in the case of an emergency.

10:25 PM MOTION by Ryan, seconded by Garganio to adjourn the meeting. Roll call vote - all ayes.

ADJOURNMENT

10:25 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab