

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

July 9, 2008

8:00 PM

CALL TO ORDER

Council Vice President O'Hara called the meeting to order.

SUNSHINE STATEMENT

The Opening Statement was read: 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; posted on the municipal bulletin board.

ROLL CALL

Present: Dennis O'Hara, Sean Ryan, Jerry Sandusky

Also Present: 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 M. Weiler, Township Clerk

PUBLIC COMMENT

Don Kaminski, 10 McCay Drive, has a document from the Burlington County Road Department showing the revised travel lanes on Delaware Avenue by the Corner Deli. He stated that a few days ago they did an excellent job of realigning the travel lanes. The document also shows that the County plans on painting diagonal stripes in the no parking area along one side of Delaware Avenue, but that has not been done. Assistant Administrator Sahol stated the job is not done and the County intends to finish it.

Steve Kovacs, 14-6 Florence Tollgate, stated that he has lived there for over 20 years and now suddenly there are no parking signs on Walnut Court. He asked why? Council Vice President O'Hara stated that it was decided by Council that those no parking signs would serve a better purpose. Mr. Kovacs understands that empty parking spaces were counted in the Florence Tollgate parking lot. Council Vice President O'Hara stated that several people counted multiple spots that were available. Council Member Ryan stated that he checked around 11:00PM one evening and they stopped counting after 36 empty spaces were identified. They have checked on multiple evenings. The time checked was in response to a resident of Florence Tollgate who attended a Council meeting and said there were no spots available at 11:00PM at night. Mr. Kovacs stated that it is rare to find an available parking space between 8:00PM on up. He does not feel that he should have to park two units away from his unit.

Council Member Sandusky stated that there are parking issues in Roebing where residents cannot park on their avenue. He does not believe there is a parking issue at Florence Tollgate; it is an issue if you want to park in front of your unit. There is no assigned parking. Council Member Sandusky suggested that Florence Tollgates Association look into assigned parking for the residents.

Charles Valentino, 33 Ridgway Drive, approximately a month ago attended a meeting where they were told that the detention basin was going to be cleaned up, drained and put back together again within one month. The worked would be done between the hours of 8:00AM and 8:00PM to get the job accomplished. The job was started 2 ½ weeks ago. They drained the pond and no one has been

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back for a week and a half now. The residents are left with this pond that is breeding mosquitoes and other bugs. There are dead fish that are creating a horrendous odor. Mr. Valentino called the township and spoke to two gentlemen that informed him that the contractor cannot get rid of the silt at the Burlington County Landfill because it is wet and the contractor is looking for another facility to dispose of it. Mr. Valentino asked if the contractor has found a place to dump the silt yet? He also asked who is responsible for this work Lennar or the township? Dan Guzzi, Township Engineer, explained that the material is too wet and that is why the County will not accept it, because it is difficult to deal with in its current state. Lennar and Lennar's contractors are responsible for the project and for finding a place to dispose of the material. They are working on finding a location. Mr. Guzzi's office is keeping on top of them to be sure they pump and to be sure that it does not fill up with water again. Mr. Valentino stated that there is approximately three feet of water in there now. Mr. Guzzi spoke with them today and told them it needs to be pumped.

In response to Mr. Valentino, Mr. Guzzi stated that this is the best time of the year to do the project, when it is hot.

Council Member Ryan asked if the County could be requested to spray for the mosquitoes? Administrator Brook will contact the County.

Mr. Valentino was told that the township would be taking samples and testing for contamination. Administrator Brook explained that is standard procedure whenever soil is taken to a facility; it is required to be tested to see what materials it is composed of. It does not mean that the soil is contaminated.

Administrator Brook stated that there really isn't a good time of the year to do a project like this but they felt that doing it in the summer months, when it is dry, presented the best opportunity to move the project along and to complete restoration in the fall. The project had to be done; the basin was not designed properly and did not meet NJDEP standards. That was a decision the township had to make and it was made in conjunction with Greenbriar's Homeowners Association; they were also in agreement. Administrator Brook apologized for the disruption this has caused the residents.

Council Member Sandusky asked if the silt could be moved to another location to allow it to dry? One of the problems is that it is too wet to transport.

Council Member Ryan is aware of the disruption that the residents of Greenbriar are dealing with. He explained that the basin was misdesigned and a safety rail within the pond area to save someone who fell in from drowning, was left out. Lennar tried to push the township to let it go but Council would not let it go.

Mr. Guzzi has been pushing the contractor to get the project done and will continue to do so.

Mr. Valentino asked to be called when the contractor finds a place to dispose of the silt. Administrator Brook will call him when he hears something.

Administrator Brook stated that an option that is not out of the question is that the township may have to find a staging area for Lennar to put the materials, at their expense, while silt dries. Administrator Brook does not want to commit to that because a spot will have to be found. He explained that under the law, Lennar has to be given a reasonable ability or change to remove the

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materials. If not, it may reach the point where the township removes the materials and goes after Lennar for the damages. He prefers that Lennar gets the job done and gives the residents peace and quiet. Administrator Brook does not want to see this project go on into the winter.

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

TOWNSHIP WATER AND SEWER ENGINEER

Roma Bank: Release Performance Bond

Russell Trice, Township Water and Sewer Engineer, stated that Roma Bank has an outstanding punch list. Administrator Brook explained that the township has 90 days under the law to make a formal decision on a request to release a Performance Bond. He will check on the date of the request and if they are within the 90 days, he will put on the Agenda for August; if not, he will put on next week's Agenda to deny the request.

Haines Industrial Center, 270 Daniels Way: Release Performance Bond

Mr. Trice reviewed and recommends release of the Performance Bond for 270 Daniels Way in the Haines Industrial Center. All punch list items are complete and have been inspected. A Resolution will be prepared for next week's meeting.

Ray Hobora's Sewer Extention: Release Performance Bond

Mr. Trice reviewed and recommends release of the Performance Bond for Ray Hobora's Sewer Extension. All punch list items are complete and have been inspected. A Resolution will be prepared for next week's meeting.

Township Water and Sewer Engineer's Status Report

Mr. Trice handed out a status report to the governing body. There were no questions for Mr. Trice at this time.

TOWNSHIP ENGINEER

Roma Bank: Release Performance Bond

Dan Guzzi, Township Engineer, stated that all items on his punch list are complete. As soon as the Water and Sewer punch list items are complete he will be able to recommend release of the Bond.

Command: Full Report – Marter Park: Current Estimate No. 9 (Final)

Mr. Guzzi stated that the contractor completed all of the items they were responsible for under the Agreement with Council. After a thorough inspection, Mr. Guzzi recommends payment of Current Estimate No. 9, which is the final payment and will close out the contract. A Maintenance Bond has been posted. Administrator Brook agrees. A Resolution has been prepared for the Regular Session later this evening.

2008 Road Program: Award Contract

Mr. Guzzi stated that it would be in the township's best interest to award this evening, especially to be able to get Pine Street finished before the school year starts.

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Mr. Guzzi reviewed the bid tabulation sheet with the governing body. The low bidder was American Asphalt. The base bid came in at \$959,879, plus there are 12 alternates. The decision that needs to be made is on the alternates: A1 through A12. Any or all of the alternates can be awarded and must be awarded with the base bid.

Administrator Brook had the opportunity to review the Road Program with Council President Baldorossi and Council Member Garganio, who could not be here this evening, and asked them for their concerns. He advised them that under the way the Ordinance was prepared and the funding the municipality has, the base bid can be done. Administrator Brook made the following recommendations:

A1 – Drainage Improvements on Potts Mill Road

Recommends.

A2 – Intersection Improvements & Drainage work on Walnut Street and Walnut Court

Recommends.

A3 – Walnut Court to the End

Administrator Brook stated that the township did some improvement work at the end of Walnut Court because of the drainage issues. It seems to be working well so he asked Mr. Lotter, the resident that brought the concern before Council, if he had any objections if the township continued to monitor this because the township cannot afford to do all of the alternates; the funds are not in place and a contingency must be left in place in case something unexpected arises. Mr. Lotter found that to be reasonable because the condition has improved since the latest work was done. He told Mr. Lotter that he would run it past Council. He stated that it could be done in another road program if it fails.

A4 – South Parking Lot at Marter Park

Administrator Brook does not recommend doing the top parking lot at Marter Park and instead ask the contractor for a price to do a slurry seal. If the cost for striping is out of line, the township will obtain three quotes.

A5 – Tack and Overlay East and North Lots within Marter Park

Administrator Brook does recommend the final paving at Marter Park down through the driving and the two parking lots.

A6 – Drainage at Seventh and Hornberger Avenues

Administrator Brook does not recommend doing the drainage at Seventh and Hornberger Avenues at this time but look at a future date. It is a significant number.

Administrator Brook stated that there is only so much money; the bond Ordinance has already been amended once and prices have risen astronomically. The price of oil has a large impact on these types of projects.

A7 – Alley between Fourth and Fifth Avenues

Recommends.

A9 – Alley between Railroad and Amboy Avenues

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Administrator Brook recommends and stated that this alley is so bad it cannot be traversed; even the trucks are having problems getting down it.

A10 – Alley Front to Second Streets from Spring to Broad Streets

A11 – Front to Second Streets from Chestnut to Walnut Streets

A12 – Alley between Second to Third Streets

Administrator Brook stated that one of the alleys in Florence could be added to the program.

Council Member Sandusky asked if there was enough money to do the recommended alternates? Administrator Brook stated that there are sufficient funds.

Council Member Ryan asked if the drainage issue at Hornberger and Seventh Avenues could be looked at to see if there is a temporary solution as what was done on Walnut Court? Council Member Ryan looked at it after a rain and feels it needs to be looked at. Mr. Guzzi stated that the plan he recommended in the bid specifications is to install a storm sewer at that intersection; there is no way to regrade to move the water.

Council Vice President O'Hara asked what steps were taken on Walnut Court? Administrator Brook stated that it was done through a combination of work done in house and Keatings. Sometimes changing the elevation or the pitch of the grading works. Administrator Brook still checks Walnut Court after it rains and it seems that it has been draining well. He believes that true test on how it holds up will be this winter. An eye will be kept on Walnut Court. Council Member Ryan believes the intersection of Seventh and Hornberger Avenues should be kept on an action list. Administrator Brook stated that the true test is not when it is raining but per Mr. Guzzi 24 hours after the rain and whether the water is moving or just sitting. Mr. Guzzi stated that there is no quick, easy fix for the intersection of Seventh and Hornberger Avenues; it is a significant undertaking.

Administrator Brook explained that when looking at the costs on the bid tabulation sheet, they are raw costs and do not include professional costs, which the municipality must set aside 20%. The municipality should also set aside a contingency for the unknown.

After looking at A10, A11 and A12, Council Member Ryan feels that A12 (Alley between Second to Third Streets) is in the worst shape and that would be his suggestion to add to the contract. Administrator Brook stated that after including A1, A2, A5, A7 and A9 there are enough funds to add \$43,000 to \$44,000; A12 falls within that range.

The final decision on the contract to be awarded is:

Base Bid	\$959,879
A1 Drainage Improvements on Potts Mill Road	\$24,910
A2 Drainage and Roadway Improvements to Intersection of Walnut Street and Walnut Court	\$46,930
A5 Tack and Overlay East and North Lots within Marter Park	\$67,715
A7 Improvement to the Alley between Fourth And Fifth Avenues	\$12,635
A9 Alley between Railroad and Amboy Avenues	\$25,620
A12 Alley between Second to Third Streets, from Broad to Chestnut Streets	\$43,675
Total	\$1,181,364

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Administrator Brook stated that he has discussed the funds with the Chief Financial Officer; the funds are available and are certified.

Riverview Drive: Washout

Mr. Guzzi provided pictures of the washout of Riverview Drive, which is similar to an earlier washout on Riverview Drive that was repaired eight to nine years ago. Back then he believes the cost to stabilize the riverbank was approximately \$120,000 to \$150,000; so the cost for this repair will be substantially higher, most likely between \$200,000 - \$250,000.

Mr. Guzzi stated that permits are required from NJDEP and the Army Corps of Engineer (due to the proximity to the river), which took nine months last time. He explained that the last repair there was a restriction that nothing that was done to repair the bank could be visible from the river as a man made feature.

Mr. Guzzi stated that he has been watching that area over the past three to four years and it has gotten worse but not a lot worse; that is not to say that one storm could really accelerate the washout.

Mr. Guzzi stated that if the approvals were obtained, they would be good for five to seven years that way if something needs to be done, the township would be in a position to move forward with the repair. Council Members are in agreement for Mr. Guzzi to move forward with the permit process. A Resolution will be prepared for next week's meeting.

ASSISTANT ADMINISTRATOR

Community Center

Assistant Administrator Sahol stated that the original platform for the projectors was found up in the balcony area. He suggested, instead of repairing the floor and losing the opportunity to showcase what was once there, adding a wainscot around it like a skirting, deck the top and put the wood surface back on with a brass rail. Maybe one day they could find an old projector or put up a sign stating this is the location of the projector when it was a movie house. They would lose some seating but they would be preserving part of the character of the structure.

Assistant Administrator Sahol stated Council had decided not to put carpet in the balcony and refinish the hardwood floors. He looked at the floor in the balcony and he feels it is in really bad shape. He spoke to a contractor regarding the cost of installing a new maple floor that matched the downstairs floor, which was \$10,800. It is just an option for Council. Council Member Sandusky and Council Member Ryan agree it is a nice idea but do not feel it is a good time to spend the extra money.

Assistant Administrator Sahol stated that the old kitchen has a very nice tall ceiling, the current plan calls for a reduction in the ceiling height by installing a drop ceiling for the purpose of hiding an air handler. The drop ceiling would also block a portion of the windows. Assistant Administrator Sahol suggested looking at a split zone unit, which is a thin, flush mounted wall unit. There would be one exterior unit. Council is interested. Assistant Administrator Sahol will get a cost estimate.

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Marter Park

Assistant Administrator Sahol stated that the irrigation well at Marter Park is being drilled tomorrow morning. The well will need to be powered. He contacted PSE&G and they have agreed to provide the three-phase power needed for the well, as well as a build out potential if the soccer league were to ever install facility lighting. They will be charging \$5,085 for permanent power supply. Assistant Administrator Sahol stated that is a very low price. Assistant Administrator Sahol was able to keep the cost down because he will have either the township or a contractor dig the trench. Council Members are in agreement to proceed.

TOWNSHIP SOLICITOR

Draft Ordinance: Determining Defined Retirement Contribution Program

Solicitor Kearns explained that under the pension reform legislation that went through last year, they eliminated the inclusion of a whole group of different types of positions within the Public Employees Retirement System (PERS). Those that are in stay in. New appointments that get made to certain classes of positions have to go into a Defined Benefit Contribution Plan. Florence Township has to adopt an Ordinance specifying which positions go into that and a comparison to positions in State Government has to be done. Solicitor Kearns has to meet with Administrator Brook to define which positions go into it and report back. The Department of Community Affairs has provided a model Ordinance to follow.

Resolution No. 2008-141, Authorize Consent Decree: DEP v. Aaxon Industrial, Inc.

Solicitor Kearns reviewed Resolution No. 2008-141, which is on the Agenda for consideration later this evening, which approves signing off on a settlement on a piece of litigation that the township has been involved in for a considerable length of time. He explained that the New Jersey Department of Environmental Protection brought litigation against anybody that ever had any contact with the Florence Recontouring Landfill, which was initiated in 2004 for the NJDEP to recover all of the cleanup costs and anticipated maintenance cost for that landfill. The bottom line is that the responsibility of Florence Township is \$50,000 paid over 3 years, which Solicitor Kearns believes is a reasonable amount. He gave a breakdown of what the other parties will be paying. Administrator Brook added that getting out of the litigation for \$50,000 versus the township litigating on their own is a much better financial arrangement for the municipality, plus this puts the issue to rest permanently.

9:30 PM MOTION by Ryan, seconded by Sandusky to adjourn the meeting. Roll call vote - all ayes.

ADJOURNMENT

9:30 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab