

Florence, New Jersey
July 16, 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:

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

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

PRESENTATION: OFFICER JAMES FORD, FIRST AID MEMBER OF THE YEAR

Mayor Berry presented a Proclamation to Officer James Ford, EMS Lieutenant of the Florence Township Emergency Services and also a Florence Township Police Officer, in honor of being named First Aid Member of the Year. He read the Proclamation aloud. Officer Ford was credited with saving the life of a man in November 2007.

Council President Baldorossi presented Mrs. Ford with flowers in appreciation of her support of her husband.

Officer Ford thanked Mayor and Council for this honor. He stated that he was not alone in responding to the incident. He expressed appreciation for the support from his fellow EMS and Fire Department Members.

8:06PM: RECESS

8:09PM: MEETING RESUMED

MINUTES

Garganio made a MOTION; seconded by Sandusky to approve the following minutes. Roll call vote – all ayes. Motion carried.

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FINANCIAL CORRESPONDENCE

It was on the MOTION of O'Hara; seconded by Ryan to receive and file the Court Administrator's report for April, May and June. Roll call vote – all ayes. Motion carried.

O'Hara 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.

APPLICATIONS

- A. Catering Permit: American Legion Post 39, August 9, 2008, Noon – Midnight
- B. Raffles: St. Nicholas Byzantine Catholic Church, September 7, 2008, 1:00PM – 6:00PM
 - On Premise Raffle
 - Off Premise Raffle
- C. Social Affair: St. Nicholas Byzantine Catholic Church, September 7, 2008, 1:00PM – 7:00PM
- D. Social Affair: Societa DiMuto Soccorso Gugiemlo Marconi, Inc. Bocce Tournament, August 2, 2008, 9:00AM – 9:00PM

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

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.

PUBLIC COMMENTS

Elaine Scaccetti, 15-3 Florence Tollgate, presented a petition to Mayor and Council regarding the restricted parking on Walnut Court. Mayor and Council took a few minutes to review the petition.

Karen Sholes, 30-6 Florence Tollgate, does not understand why parking is restricted on Walnut Court. She noted the amount of revenue the township collects from Florence Tollgate and asked Mayor and Council to think it over.

Arlene Czyzyk, 8-3 Florence Tollgate, stated that a lot of time when she comes home late at night there is no place to park, so she parks on Walnut Court. There is a back parking lot but it is not well lighted, which makes her apprehensive to park there. She asked Mayor and Council to reconsider.

Ms. Scaccetti stated that her community has tried to be good neighbors to the people that live on Walnut Street and the cul-de-sac. Every one of these neighbors has used Florence Tollgate as a throughway. At the request of a Walnut Court resident and even though money is tight, the dumpster facing Walnut Court was enclosed. She stated that the Florence Tollgate residents have nothing against their neighbors from the cul-de-sac or Walnut Court. She stated that there has been parking on that street for 28 years; there is no disruption or people hanging out. It is only used for parking at

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night or when the lot is full. She does not understand why people cannot park on a public street that no one goes down.

Council Member Sandusky explained that previously parking was eliminated on Walnut Court by the bend because the recycling and trash trucks could not get around the bend to pick up in the cul-de-sac. There was damage to property that the township paid for. Ms. Scaccetti agrees with that.

Council Member Sandusky has driven through Florence Tollgate personally, and there is plenty of parking for the residents. He does not believe it is a problem.

Jeff Trayner, 9-3 Florence Tollgate, believes that since parking was taken away from the street, it should have been taken away from the cul-de-sac also. He believes those residents have plenty of parking since they have driveways. Council Member Sandusky stated that he would not have made an affirmative vote for the Ordinance if he believed there was a parking problem for the Florence Tollgate residents. He stated that there was a first and second reading of the Ordinance, and no one showed up for the Public Hearing. Mr. Trayner agrees that there is parking in the back but does not want to have to park four (4) units away and have to carry his groceries that far.

Bob Evans, 21-5 Florence Tollgate, and also the President of the Homeowners Association, feels that it is a safety issue. There are many residents that are senior citizens; he does not believe they should have to park in the back. Council Vice President O'Hara suggested that the association provide better lighting in the back. He stated that safety is a concern of every member of council, but it is Florence Tollgate's Homeowners Association's duty to provide proper lighting and safe conditions. He also suggested that the homeowner's association create parking restrictions for the residents. If a resident has multiple vehicles, only one (1) vehicle can park in the adjacent area of their unit. The rest have to park somewhere else. Council Vice President O'Hara had personally gone out there in June with the Assistant Administrator and another Council Member, and there are vacant parking spaces. Mr. Evans agrees that there are vacant parking spaces in the back. Council Vice President O'Hara stated that there were also vacant parking spaces adjacent to Walnut Court.

Council Member Ryan stated that parking is an ongoing issue in the whole community. Residents would like premium parking spaces directly in front of their homes. Council Member Ryan asked if Florence Tollgate's Homeowner's Association has considered numbered parking spaces, limiting parking to one (1) vehicle per unit with overflow parking directed towards the back parking lot where there is more than substantial parking? Council Member Ryan has been there on several occasions and before he reached the end of the lot, he counted beyond thirty-seven (37) vacant parking spaces. Mr. Evans stated that he received the parking stickers, which is the first step. They will be issuing the stickers to the residents.

Ms. Scaccetti does not believe whether Florence Tollgate has enough parking spaces for the whole community is the point. Her point was, "that street is not traveled, there is nobody on that street." Ms. Scaccetti stated that it is just parked on and has been for the past twenty-eight years and only once did the garbage truck crash into something, which that section of parking was taken away. She feels the street will now be a private driveway for three (3) homes in the cul-de-sac. She does not believe the street will ever change and have development on it. She would appreciate it if Council would reconsider.

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Jennifer Potkay, 14-8 Florence Tollgate, stated that she is not as elderly as some of the residents that live in Florence Tollgate but there are certain health conditions that younger residents may have. She is a single homeowner of a second floor unit and there are times when she gets home at night and has to park in the end and has to walk 1,000 feet to her unit. She does not expect to always have a parking space right in front of her house, but she would not mind 50 feet opposed to 1,000 feet. She asked that Council re-look at the parking lot and reconsider.

Ms. Czyzyk asked why, after all these years of people parking there, did Council decide to restrict parking? She asked Council to reconsider.

Lois Burmeister, 347 W. Front Street, stated that it was advertised in the newspaper that Peninsula Compost Company would be here this evening. Council Member Ryan stated that they were supposed to be here this evening but asked for a postponement for a future date in September or October. Council Member Ryan noted that there is a Burlington County Board of Chosen Freeholders Meeting next Wednesday where they will be holding a public hearing for this proposed development. Solicitor Kearns has heard that it may be postponed and suggested anybody interested in attending should call the County first and provided the phone number to the public.

John Fratinardo, 4 Yockus Lane, expressed concern regarding airborne bacteria from the proposed composting facility in Burlington Township on the border of Florence Township. It is close to the sports facility and the airborne bacteria may be detrimental to the health of the young people. Also, the township is spending thousands of dollars putting trees in the sports facility. Council President Baldorossi stated that Mayor and Council are also concerned.

Ms. Potkay, Florence Tollgate resident, requested that the governing body consider No Parking between the hours of 9:00AM and 5:00PM at Walnut Court, that way people could park there over night.

Council Member Sandusky asked Mr. Evans how the parking stickers would be distributed? Mr. Evans stated that they are reviewing several options and have not finalized the plans yet. Council Vice President O'Hara suggested Florence Tollgate look into amending their master deed. He would like to see a plan from the homeowner's association that addresses both the township's and Florence Tollgate's concerns.

Mr. Evans reviewed the upgrades the new Homeowner's Association Board has done over the past couple of years. Council Member Sandusky and Council Vice President O'Hara acknowledge all the work that has been done.

Gus Bermeister, 347 W. Front Street, stated that there is a New Jersey Transit bus stop in front of his home. He cannot open his front windows in the spring due to the exhaust from busses. There is a lot of profanity from the people at the bus stop and they leave their trash there. On several occasions he has had people sitting on his front porch waiting for the bus. Last week he asked a man to move off of his steps and the man told him he was staying there until the bus comes. Mr. Burmeister requested that the township contact New Jersey Transit and ask them to move the bus stop down one block, to the corner of W. Front Street and Laurel Street where no houses face it. Administrator Brook and Assistant Administrator Sahol will look at the area and if Mr. Burmeister is correct, they will contact New Jersey Transit with a recommendation and request. If New Jersey Transit has no objections, an Ordinance will be prepared to amend the location.

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

RESOLUTIONS

RESOLUTION NO. 2008-145

**DENY REQUEST TO RELEASE PERFORMANCE BONDS
ROMA BANK
ROUTE 130 NORTH & FAIRBROOK DRIVE**

RESOLUTION NO. 2008-146

**DENY REQUEST TO RELEASE PERFORMANCE BONDS
LEGACY AT MEADOWCROFT
BLOCK 147.01 , LOT 1
(Performance Bonds: W #5014839 & S #5014840**

RESOLUTION NO. 2008-147

**RELEASE PERFORMANCE BONDS FOR HAINES INDUSTRIAL CENTER
270 DANIELS WAY (CTS), PERFORMANCE BONDS
NO. PA1FSU0414180 AND PA1FSU0414181
*NOTE: Conditioned upon payment of any escrow funds due.***

RESOLUTION NO. 2008-148

**RELEASE PERFORMANCE BOND FOR RAY HOBORA
SEWER EXTENSION
BLOCK 87, LOT 6.01
CASH BOND
*NOTE: Conditioned upon payment of any escrow funds due.***

RESOLUTION NO. 2008-149

**AUTHORIZE TOWNSHIP ENGINEER TO FILE FOR PERMIT
FROM NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND/OR THE ARMY CORPS OF ENGINEERS
FOR RIVERSIDE AVENUE WASHOUT**

RESOLUTION NO. 2008-150

INCREASE RECREATION FEES

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It was on the MOTION of Sandusky, seconded by O'Hara that Resolutions 2008-145 through 2008-150 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

ABSTAIN: O'Hara, Ryan (Resolution No. 2008-145 only, due to a conflict of interest.)

Motion carries.

RESOLUTION NO. 2008-151

**AUTHORIZE SETTLEMENT AGREEMENT WITH
B&H CONTRACTING, INC., 1022 BLACK HORSE PIKE,
FOLSOM, NEW JERSEY, 08037
WELL NO. 6, WELL PUMP, BUILDING & APPURTENANCES**

It was on the MOTION of Sandusky, seconded by Ryan that Resolution 2008-151 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. 2008-11

(2nd Reading)

**AN ORDINANCE AUTHORIZING THE SUBMISSION TO THE VOTERS OF THE
TOWNSHIP OF FLORENCE AT THE GENERAL ELECTION ON NOVEMBER 4, 2008, A
PROPOSITION AUTHORIZING AN ANNUAL LEVY AT THE RATE OF \$0.01 (ONE
CENT) PER \$100.00 OF ASSESSED VALUE OF REAL PROPERTY FOR THE
ESTABLISHMENT OF A "MUNICIPAL OPEN SPACE, AND FARMLAND
PRESERVATION TRUST FUND" AS PERMITTED BY N.J.S.A. 40:12-15.7, FOR A
PERIOD NOT EXCEEDING TWENTY YEARS**

It was on the MOTION of Sandusky, seconded by Garganio to approve Ordinance No. 2008-11 on second reading for adoption.

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Public Comment

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

Phillip Lowenstein, 89 Ridgway Drive, asked for an explanation of Ordinance No. 2008-11. Council Member Garganio explained that there is a County program that the township can participate in by contributing 20%; it preserves farmland throughout the community. One farm on the corner of Burlington-Columbus and Old York Roads has been preserved. The township is looking to take that 0.01¢, put it into a fund and continue to preserve properties in the country area of the township. The community gets to vote on it, if the residents vote “no” the township cannot do it.

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 NO. 2008-12
(1st Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE IN THE COUNTY
OF BURLINGTON TO SET FORTH THE DETERMINATION OF THE
GOVERNING BODY CONCERNING ELIGIBILITY FOR THE DEFINED
CONTRIBUTION RETIREMENT PROGRAM (DCRP) PURSUANT TO
CHAPTER 92
OF THE LAWS OF 2007**

It was on the MOTION of Sandusky, seconded by Garganio to approve Ordinance No. 2008-12 on first reading and set adoption for August 6, 2008.

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 NO. 2008 – 13
(1st Reading)

**AN ORDINANCE FIXING THE COMPENSATION OF CERTAIN
OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF FLORENCE**

It was on the MOTION of O'Hara, seconded by Sandusky to approve Ordinance No. 2008-13 on first reading and set adoption for September 3, 2008.

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.

REPORTS

Committees, Boards and Officers

- Council Vice President O'Hara asked if there were plans to install additional **benches** in **Veterans Park**? Assistant Administrator Sahol stated that additional benches would be installed.

Since the trees have been cleared out, Council President Baldorossi asked that Assistant Administrator Sahol look at putting in **benches** in the **Roebing Park overlooking the river**.

- Council Member Sandusky stated that the **Patriotic Celebration** was held this past Friday evening and Saturday. It was a wonderful event, kicked off by a softball game between the Florence Township employees and the Florence Township Fire Company and movie in the park Friday evening. On Saturday there was a parade, bands, vendors and fireworks. The events were well attended. Council Member Sandusky asked that a letter of appreciation be given to the employees that worked that day.

Council Member Sandusky stated that the proceeds from the 5k run that took place Saturday morning went to a young lady in the township with breast cancer. He gave a special thanks to Wayside Florist who donated pink ribbons to mark the path, Lorraine's Florist who donated pink carnations to hand out to the ladies that participated and Anna's Buds, Blooms and Blossoms who donated an arrangement that was given to the beneficiary of the 5k run.

Mayor

- Mayor Berry **thanked** Assistant Administrator Sahol, Council Member Sandusky, David Dennison and the entire **Patriotic Celebration Committee** for a wonderful event. They all put in a lot of time. He feels it was an outstanding event and received a lot of compliments from the public. Mayor Berry has personally thanked the employees that were involved.

Council Member Sandusky noted that over \$3,000 was raised from the 5k run. He gave a special thanks to all of the people that participated in that worthwhile effort.

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Administrator

- Administrator Brook explained that a couple from North Jersey were traveling through town this past Saturday during the Patriotic Celebration, which was a very hot and humid day, when their car broke down. Even through with the organized chaos, David Dennison, Recreation Director took a lot of time to be sure that they had food and water. Other staff members were checking on them to be sure that they were okay. The Police Department kept an eye on their car for several days and made sure they got home safely. The gentleman was so impressed with the fact that people took time out from everything that was going on that day to treat them with extreme courtesy, politeness and professionalism that he stopped back today and hand wrote a note. The gentleman asked Administrator Brook to share the note with the Township Council. Administrator Brook read the note aloud:

July 16, 2008

Thanks for keeping an eye on us and for your care and concern this past Saturday. You can take pride in your beautiful town. Folks like you make the world a better place to live in. God bless you!

Fondly,

Yaakor & Henna R. Langsner

(The couple who were stranded here July 12, 2008.)

Assistant Administrator

- Nothing at this time.

Township Solicitor

- Solicitor Kearns stated that the Appellate Division yesterday ruled that all of the **municipal Ordinances** regulating where **sex offenders can reside have been invalid**. The ordinances can no longer be enforced. There is rumor that it may be appealed to the Supreme Court, but he is unsure if that would be successful. Since they are saying that local Ordinances interfere with the State plan encompassing Megan's Law, the best thing would be for the legislator to move on several bills that are pending that would establish uniform statewide standards. When there have been uniform statewide standards in other states, they have been upheld by the courts. Solicitor Kearns suggested contacting some legislators and ask that this become a priority. Administrator Brook will write a letter to the legislators.

Township Engineer

- Dan Guzzi, Township Engineer, reported that the work is proceeding again on the basin in **Greenbriar**. It was pumped out earlier this week and the material is being staged and they will start hauling it out tomorrow.

UNFINISHED BUSINESS

Nothing at this time.

NEW BUSINESS

Council Member Sandusky stated that **Homes for Our Troops** will begin construction on Sergeant Robinson's house on Fifth Street this Thursday. They plan to have the exterior done in three (3) days. Mayor Berry noted that the Fire Company will be feeding the workers their evening meal Thursday and Friday night. Council Member Ryan asked if they were still accepting volunteers for

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this weekend? Mayor Berry believes they have enough volunteers for this weekend, but they may be looking for volunteers when they get into the finishing work. Council Member Sandusky stated that the American Legion Post 194 will be helping to serve. Solicitor Kearns noted that residents of Greenbriar will be making desserts for both nights.

Council Member Garganio discussed the letter in the packet from Tracy Lease regarding **use** of the **Roebing Fire House** for performing arts. He asked that she be contacted and asked for more detail. He feels it could be a positive use for that facility. Administrator Brook will contact Ms. Lease.

Council Vice President O'Hara questioned liability to the township when groups are using the building? Administrator Brook stated that if there is no separate hold harmless agreement or insurance certificate from the user, it would be argued that the liability lies with the township. Administrator Brook stated that this will be discussed further in the fall when they discuss use of the building.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Nothing at this time.

9:20 PM MOTION by O'Hara, seconded by Sandusky to adjourn to Closed Session. Action may follow Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:20 PM: Meeting adjourned.

RETURN TO OPEN SESSION

11:15 PM MOTION by Sandusky, seconded by Ryan to return to Open Session. Roll call vote – all ayes.

It was on the **MOTION** of O'Hara, seconded by Garganio to approve a waiver for the due time for the RFP's for the Duffy School in order to accept the RFP's after the advertised deadline.

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.

Riverrock Bar and Grille

The Township Administrator informed the Mayor and Council of a violation of local ABC regulations that had occurred over the weekend. A warning was given at this time; if it happens again, Riverrock will be cited.

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Patriotic Celebration

The Township Administrator briefly discussed a few issues that occurred during the Patriotic Celebration Day events. One suggestion is that with events in the future, the Francis W. Robbins Post 194 American Legion on Broad Street be asked to fence off their yard area with a temporary fence; that will keep a barrier between the Legion's guests on their property and from those individuals that may be causing problems.

The Township Clerk will send a letter to the American Legion requesting their assistance in the future.

11:20 PM MOTION by Ryan, seconded by O'Hara to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

11:20 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab