

## **FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION**

**October 12, 2005**

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

### **ROLL CALL**

Present: Frank Baldorossi, Bruce Garganio (Late), 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**

Ken Scott, 26 Tall Timber Lane, discussed the water and sewer installation in the Tall Pines Development. He is in the area that is not getting water and sewer in Phase I. His house is next to the last house where water and sewer is being installed. Council President Fratinardo explained that the opportunity to install water and sewer in the Tall Pines Development arose when the new school construction was approved and they were going to have to run lines in an area that did not have water and sewer. The township does not have the financial means to install lines in the entire development at once. This is just the beginning of the project; Council's intent is to tie the whole development in within the next two years. Mr. Scott does not understand why the lines cannot be run to the remaining houses on that side; he believes it would only cost another \$72,000. Mayor Muchowski stated that it would cost another \$131,000 to run to his property.

Mr. Scott has heard that the homeowner, whose property the easement would run through, does not have to hook up or pay the assessment and a well will be drilled for him. This is money that could have been used to run the lines further. Council President Fratinardo explained that if they did not have an easement, they would not have been able to run the lines at all. Mr. Scott believes this homeowner is receiving all the benefits.

Mr. Scott stated that at one time the plans came up to every house except for his, and to go from the end of the line to his house, he believes, is not that far. The workmen are there. At first he heard that the engineer felt that it would be physically impossible, now he understands that the engineer has taken a second look at it and now feels it is physically possible to hook Mr. Scott's home in. He stated that it was marked right up to his property, and it does not make sense to leave his property out. Now a grant or loan will have to be applied for and the entire other side of the neighborhood will have to be done and a big stretch of roadway just to get to his property. From his point of view, he feels he is going to be left out. Mayor Muchowski and Council President Fratinardo stated that in order to do the other half they would have to go past Mr. Scott's house. Russell Trice, Township Water and Sewer Engineer, explained that the line will

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run past Mr. Scott's property, past the culvert to the other side of the culvert to the homes there where it would dead end and go in the other direction. Mr. Scott asked why it could not be brought down to his property at this time? Then at a later time complete the other section. Mr. Trice stated that from an engineering standpoint there is no reason not to do that, but from a monetary standpoint. Mayor Muchowski stated that it was evaluated based on survey responses. Mr. Scott does not believe that the letter and survey provided to the residents of the development was easy to understand and was misunderstood by many residents.

Administrator Brook cleared up the misconception that the homeowner whose property the easement is running through is benefiting. They are losing 20' of their property that they can never build on that the municipality would have had to pay them for. The municipality looked at the calculation of what that payment would be versus waiving the connection fees and the cost of replacing the well.

Administrator Brook feels that the letter and survey were concise and easy to understand.

Mr. Trice stated that the whole development was surveyed to be sure that the whole development could be sewerred by gravity in Phase II.

Mayor Muchowski stated that the whole development will be done, but in two phases. He reiterated what Council President Fratinardo had said early that Council is going to make every effort to have it completed within two years. At the next budget session Council will look at the debts, obligations and revenues to determine how to get the project accomplished as soon as possible.

Mr. Scott has heard talk of a grant and ask if there was a grant available? Dan Guzzi, Township Water and Sewer Engineer, believes that Council has applied for a grant. Council Member Garganio stated that whether there is a grant or not Council has committed to complete the project.

Mayor Muchowski explained that residents are not required to connect to the system but all property owners with the ability to connect will be assessed. The township could have mandated that all property owners connect.

Council Member Garganio assured Mr. Scott that the system will be completed and the line will run by his property within the next two years or so.

Sue LaBaw, 31 Tall Timber Lane, agrees with Mayor Muchowski that the installation of water and sewer is an improvement to the property. Ms. LaBaw stated that she did not understand a lot of what was happening in the beginning, and the information through the development was a lot of misinformation. She stated that if she was assured that they would have the ability to hook into water and sewer within a year she could live with that. She explained her reason for mistrust is that her family was guaranteed that they would have PSE&G service before they moved in ten years ago and they still do not have it. Mayor Muchowski explained that the township will make every effort to complete the project. He explained that this project would have never come to be if the school wasn't being built on Cedar Lane, and they had to put money into the infrastructure because the township does not have the financial resources.

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Mayor Muchowski stated that there are many unhappy residents; residents that the lines are running in front of their home are agitated, residents where the lines are not running in front of their homes are agitated. Some residents have said that the assessment is not fair. Mayor Muchowski stated that the township cannot financially complete the project in one phase.

Mayor Muchowski explained that Phase I has been determined, the project has gone out to bid, awarded and construction has begun. The township cannot extend Phase I to the next house, then his neighbor will ask why it cannot be extended to his house and so on. The township has made a commitment to complete the project but cannot guarantee an exact timeline. He did assure the residents that this item will not be taken off of the Agenda and invited them to attend Council Meetings and the Budget Sessions so they can hear the discussions.

Ms. LaBaw asked if the township was similar to the school district, where you can only bond out a certain amount of money per year? Mayor Muchowski explained that under the municipal budget there are significant restrictions now due to the massive debt assumed by the school. It has affected the township's ability to budget and bond for money. The township has to go before the Local Board of Finance before a Bond Referendum can be passed. The water and sewer budget, which is separate, is not as stringent but there are significant debt calculations that go out over twenty years that are reviewed yearly to determine and balance revenues versus expenditures. In an effort to control the water and sewer rate, the township can only bond so much.

Council Member Garganio and Council President Fratinardo reiterated that Council's intent is to complete the project as soon as possible without raising the water and sewer rate. Council Member Garganio stated that due to finances the project has to be phased.

Mr. Scott feels that the method of the survey and the information given to the residents was faulty. Mayor Muchowski stated that a group of residents approached Mayor and Council asking for water and sewer to be installed in the Tall Pines development. Hours were spent discussing the matter; every resident had the opportunity to ask any question they may have had.

Patricia Williams, 30 Tall Timber Lane, asked if an application for a grant has been submitted and at what stage of the process is it in? Dan Guzzi, Township Engineer, believes a grant application was submitted to the DCA almost a year ago but was denied. Council President Fratinardo stated that they are looking into every possible way to finance the completion of the project.

Mayor Muchowski spoke with Administrator Brook a few days ago regarding Waste Water Treatment Trust Fund, which is a twenty-year low interest loan. Administrator Brook will be running budget numbers to present to Council at a budget session.

Ms. LaBaw stated that whenever she has spoken with Administrator Brook, he has been very forthright and informative in his response. He always gives a full answer to all of her questions. She understands the budgetary constraints of the township.

Mayor Muchowski discussed the frustrations that have occurred. This is the most positive improvement from an infrastructure standpoint this development has seen but has been the roughest because the township did not have the financial ability to complete the project at one time. He stated that the project will be completed.

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Ms. LaBaw asked if there were any grants available? Council Member Garganio stated that if a grant is found they will apply for it.

Rick LaBaw, 31 Tall Timber Lane, explained that the frustrating part is that if the school did not have to run water and sewer lines this would not have even been discussed because the money was not there. Once the school is done there still will not be any money. Council President Fratinardo stated that now they will have the line from Route 130 but before the school had to run the line that would have been an additional expense for the township. This is a joint venture with the school, which makes the project less expensive.

Council Member Garganio explained that the original plan of the schools was to run a force main straight up Cedar Lane and bypass the Tall Pine development. Council approached the school about running lines that the township can connect to for Tall Pines and start the first phase. This cut a large percent of the cost of the project. He also stated that Council had to work fast and give the school a firm answer or they would have run a line that they could not have been hooked into. That may have caused some of the confusion.

Mayor Muchowski discussed the cost of the project, what the school and the township have contributed and the future assessment. There has been a significant financial commitment on all parties: the school, the township and the residents.

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.

### COAH: MARY BETH LONERGAN, SPECIAL COAH PLANNER & MARY FERICE, PLANNER: DUFFY SCHOOL REVIEW

Administrator Brook introduced Mary Beth Lonergan with Clarke, Caton & Hintz, Special COAH Planner, who will review a report that was distributed to Mayor and Council regarding COAH and the draft affordable housing plan. The timetable is to move to the Planning Board for November, come back to Council for formal adoption in December and then submit to the State within the time period stipulated.

Ms. Lonergan reviewed the three part affordable third round affordable housing obligation:

- **1<sup>st</sup> Part, Relocation Share:** 21 units, presently the township has 5 existing credits, balance of the 16 units will be addressed with help from the Burlington County Home Improvement Program. An agreement will have to be made between the township and the County.
- **2<sup>nd</sup> Part, Prior Round Obligation:** 115 units, township has addressed the 115 units with a 52-unit surplus. The 52 units will carry over to the 3<sup>rd</sup> round.
- **3<sup>rd</sup> Part, Growth Share:** COAH's rules say that the township must estimate or project residential and non-residential growth from January 2004 to January 2014, which they did. The 3<sup>rd</sup> Round Growth Share is projected to be a total of 215 affordable units, 95 of those units will be called township wide growth and 120 units will be generated from any redevelopment that may occur on the Roebling Steel Mill site.

Ms. Lonergan reviewed the 3<sup>rd</sup> Round Growth Share Proposal, which is separated in 2 parts:

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- **95 Unit Growth Share:** There is a 52-unit prior round surplus credit and the Proposed Senior Affordable Rental Complex at the old Duffy School. It is hoped that the Duffy School will accommodate 63 Senior Affordable Rental units. The Atlantic companies development has been approved and they will have 17 affordable family rental units. Orleans will have 3 affordable units. There are 9 existing transitional supportive housing operated by Family Services of Burlington County, which the township will avail itself of credit for those existing credits. There is also a rental acquisition proposal and a purchase price assistance program. Both programs are focused on acquiring an existing market rate residential unit and either renting it or selling it to an income eligible homeowner. COAH has a limit of 10 units per each of these 2 programs. She is looking for a maximum of 10 units for both programs. New non-residential development coming in to the township can help fund the acquisition of market rate units.
- **120 Unit Growth Share:** Through the township's adopted Growth Share Ordinance the developer of the Roebing Steel Mill site will be required to provide 30 affordable housing units. Once a developer presents plans, the township would meet with the developer and detail how the township wants the developer to provide the affordable housing.

Council President Fratinardo questioned, since this is based on projected growth, if it would make a difference if the zoning of three (3) acres in the ARG area were changed to ten (10) acres? Ms. Lonergan stated that it would not make substantial difference. Majority of the projected growth is from the Roebing Steel Mill site.

Ms. Lonergan also explained that if the growth does not materialize as projected, the township would not own the unit. COAH requires that the municipality must do an accounting of growth in years: 3, 5 and 8.

Ms. Lonergan explained that with the Duffy School, the township would be issuing a request for proposals for experienced affordable housing provider that should be able to get financing. There are many programs available that should not occur additional debt for the municipality.

Administrator Brook explained that he has met with one (1) third party administrator that specializes in COAH and will be meeting with another individual tomorrow. Many options are being explored that will be presented to Mayor and Council within 30 days.

Mr. Lonergan introduced Mary Ferice, Clarke, Canton and Hintz, here this evening to present the Duffy School Study.

Ms. Ferise explained that after reviewing the existing building and site and doing several different layouts, it has been determined that with a small addition on the west side of the building it could house 63 affordable housing units and 1 manager unit. There would be twenty (20) parking spaces on each side of the building, two (2) handicapped parking spaces on W. Second Street at the entrance of the building. On the west side they are proposing a garden with walkways and benches. She reviewed the number of units on each floor. Supplemental spaces are also included that could be utilized as a community room, laundry room, mail room, etc.

Council Member Garganio asked if all the units were the same size, and if so what is the square footage? Ms. Ferise stated that all units are the same size with each approximately 580 sq. ft.

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Council Member Sandusky questioned security for the building? Ms. Ferise stated that there are various security systems that can be looked into.

Council Member Garganio questioned the lack of parking. Ms. Lonergan stated that there is on street parking and explained that generally these types of uses do not have a heavy parking demand. She stated that there normally are not more than one (1) car per unit. Council Member Garganio expressed his concern that this is an existing residential neighborhood. Even though this has always been a school with no parking out front, he does not want to negatively impact the current residents.

Ms. Lonergan stated that this is a conceptual plan. The township will be preparing a request for proposals where everything the township wants to occur with the site can be laid out. The township will receive responses from experienced senior affordable housing providers.

Mayor Muchowski suggested looking into developing parking in the alley since it will no longer be a school site and will not be used as heavily. Council Member Garganio stated this may be a place to begin trash pickup in the front.

Mayor Muchowski explained that with this conceptual plan it gives the township the flexibility to market the property. Part of what Clarke, Canton and Hintz did was try to determine what the market place that develops these types of housing is looking for from a unit standpoint so they can make it work for them and the township.

Ms. Lonergan stated that 64 units is the minimum number of units to have an on site manager.

Administrator Brook stated that the Master Plan will be amended by the Planning Board in November. The plan will then come before the governing body for their full acceptance the first meeting in December. In the mean time Administrator Brook will continue to interview third party administrators. The cost to the municipality will be minimal.

Mayor Muchowski asked Ms. Lonergan, if the Planning Board is able to meet early (6:00 PM) on November 21<sup>st</sup>, if she would be able to attend? She penciled the date in her calendar.

Mayor and Council thanked Ms. Lonergan and Ms. Ferise for attending this evening.

### **TOWNSHIP WATER AND SEWER ENGINEER**

#### **Tall Pines Water and Sewer Installation: Alternate #1**

Discussed during public comment.

#### **Status Report on Current Projects**

Russell Trice, Township Water and Sewer Engineer, provided and reviewed a status report for Mayor and Council.

- Aquifer Testing: Installation of the sentinel wells should be in the next couple of weeks. Preconstruction meeting with the contractor was held. After the sentinel wells are installed the aquifer test will be conducted.

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- Well No. 6: Design of the building and permanent structure is ongoing. Plans should be ready in approximately a month. Mr. Trice hopes to go out for bid and start construction next year.
- Water and Sewer As-built drawings: Close to completion.
- Tall Pines Water and Sewer Installation: Construction work is approximately 30 – 35% complete. He believes the construction work will be complete well before the December 30<sup>th</sup> contract deadline.
- Well No. 3, Redevelopment: Bids will be received tomorrow.
- Well No. 5, Redevelopment: Go out to bid later this year.

Mayor Muchowski discussed some concerns regarding **iron related claims** from residents. It has been very sporadic throughout the township. Dave Lebak, Water and Sewer Superintendent, is trying to piece together what could have caused it. An engineering look may need to be taken of the wells.

Administrator Brook received a formal request from the **Rite Aid** developer to **release** the **Water and Sewer Performance Bond**. Alaimo Associates is recommending that the bond be released; a report will be in next week's packet.

### TOWNSHIP ENGINEER

#### Update: New and Old Public Works Building

Dan Guzzi, Township Engineer, updated Mayor and Council on the new and the old Public Works Facilities.

- New Facility: Only outstanding item is the overhead doors, which seems to be a manufacturing problem. The manufacturer of the doors will come out within the next week or so.
- Old Facility: A number of punchlist items were completed this week. Met with the contractor and he will try to have all items completed by next week. Discussion followed regarding the restoration work and what can be done if the contractor does not have seed planted by next week. Mr. Guzzi believes the restoration will be done.

### TOWNSHIP SOLICITOR

#### Discharge Industrial Treatment Regulations

Bill Kearns, Township Solicitor, stated that he will email the Ordinance to Administrator Brook and Clerk Weiler this evening for the next packet.

### ASSISTANT ADMINISTRATOR

#### Set Policy for Hornberger Avenue Signs

Assistant Administrator Sahol stated that included in the meeting packet was a revised draft policy on the Hornberger Avenue sign usage. He believes that all of the points Council previously made were addressed. The only question is if Council would allow a sign to be displayed for up to four weeks? Mayor Muchowski questioned who would be responsible for taking the signs down. Council in agreement to allow signs to be displayed for four weeks and the organization displaying the signs will be responsible for taking them down.

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### **Fences: Commercial Zones**

Assistant Administrator Sahol provided pictures of a fence that was put up in front of warehouses on Cedar Lane. He reviewed it with the Zoning Board attorney who stated that they do not fall within the standards that require a site plan review. The present code permits it. Council Member Garganio feels that it is a major change from their approved site plan therefore they are in violation. Solicitor Kearns stated that the Ordinance would have to be amended to state that the property must be maintained in accordance with the approved site plan, including all landscaping, fencing and striping. His suggestion is to require them to come back before the Board. After further discussion there was some disagreement between the Zoning Board Attorney's legal opinion of the code and Solicitor Kearns and Council Members. Council Member Garganio requested that the Zoning Board Solicitor provide her opinion in writing for next week's meeting.

### **SET PATRIOTIC CELEBRATION DATE FOR 2006**

Assistant Administrator Sahol would like to confirm that the Patriotic Celebration would be held on July 8, 2006. Council in agreement to hold event on July 8, 2006.

### **HOUSE DECORATING CONTEST**

Assistant Administrator Sahol reported that the participation level has dropped substantially in the seasonal house decorating contests. The cost is outweighing the benefit. Council in agreement to suspend for the time being and maybe try again in a few years.

### **BLOCK PARTIES: REGULATIONS**

Administrator Brook stated that the only issue left unresolved is the through streets. Mayor Muchowski would like to discuss with the Chief of Police before taking action on new regulations. Will discuss at November's Worksession.

### **OR ZONE**

Administrator Brook stated that this has to do with the Griffin Pipe property, whether Council would want to rezone. Mayor Muchowski explained this property is presently zoned SM in the front with the remainder residential. A thought may be to transition the remaining residential into an age restricted zone. Towards Front Street will have to remain a Commercial Zone but it will have to be determined how intense of a Commercial Zone. A recommendation will have to be made to the Planning Board so they can amend the Master Plan. Mayor Muchowski suggested forming a subcommittee to go over the details and concerns. Council Members in agreement to have a subcommittee discuss.

### **TRANSIENT MERCHANT LICENSES**

Clerk Weiler provided a copy of the current Ordinance and reviewed the revisions that Council has discussed making. Solicitor Kearns will review and provide a Draft Ordinance for Council to discuss. Discussion followed regarding restrictions Council would like Solicitor Kearns to look into.

### **REQUEST FROM BROAD STREET BUSINESS**

Mayor Muchowski asked if Council would like to consider the request from the Broad Street business regarding using the municipal lot behind them for customer parking. Council Member Garganio suggested inviting them to attend a meeting with a presentation of what they would like to do; Council would then discuss the request. Discussion of an expansion of the buildings and the location of the utility lines followed.

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**STREET NAMES**

Council President Fratinardo stated that there are only four (4) names left on the list of approved street names. Clerk Weiler stated that the new development located off the Boulevard is requesting these names and asked if Council is comfortable with that? Council in agreement to approve the street name request. Assistant Administrator Sahol will be meeting with some longtime residents of the community to go over the history of notable families. Two (2) firefighters and one (1) police officer that were killed in the line of duty will be added to the list of possible street names.

**ACTION**

**RESOLUTION NO. 2005-194**

**AWARD CONTRACT FOR CERTAIN QUANTITIES OF DUCTILE IRON PIPE,  
FITTINGS, VALVES AND OTHER MATERIALS AS MAY BE NECESSARY FOR  
WATER AND SEWER PIPE INSTALLATIONS**

It was on the MOTION of Sandusky, seconded by Baldorossi that Resolution 2005-194 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Sandusky, Fratinardo  
NOES: None  
ABSENT: Ryan

Motion carries.

**UNFINISHED BUSINESS**

Council Member Garganio rescinded his request for a letter from the Zoning Board Solicitor explaining her legal opinion on the fence that was installed in front of a commercial building on Cedar Lane. He asked that Solicitor Kearns meet with Solicitor Abbott to discuss their opinions.

10:20 PM MOTION by Sandusky, seconded by Baldorossi to adjourn meeting. Roll call vote - all ayes.

**ADJOURNMENT**

10:20 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER  
Township Clerk

/mab