

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

November 12, 2008

8:00 PM

CALL TO ORDER

Council President Baldorossi 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: Bruce Garganio, Dennis O'Hara, Sean Ryan, Jerry Sandusky, Frank Baldorossi

Also Present: Mayor William Berry; 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, stated that there is a large pine tree at the intersection of Olive Street and E. Third Street that he believes is a safety concern. He believes the tree blocks the view for drivers wanting to cross Olive Street from E. Third Street. Mr. Kaminski provided a picture of the intersection. Administrator Brook, Assistant Administrator Sahol and Chief Fazekas will look at and report back.

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

CHIEF OF POLICE: TOWING ORDINANCE

Chief Stephen Fazekas is here this evening with recommendations for changes to the Towing Ordinance. He explained that the insurance companies get a copy of the township's Towing Ordinance, which is what they pay from for the tow operator's services. The tow operator's cannot charge for different things when their time is being used; must go by local Ordinance fees.

After researching surrounding municipalities' Ordinances, Garden State Towing and Recovery Association and meeting with the tow operators, Chief Fazekas suggested recommendations to amend the definitions and fee schedule, which he reviewed with Mayor and Council. He feels the changes are very fair to the tow operators.

Chief Fazekas stated that the tow operators are required by law to clean up the debris following an accident. If oils are in the roadway, they will apply speedy dry.

Council Members are in agreement to proceed with amending the Towing Ordinance per Chief Fazekas's recommendations. An Ordinance will be prepared for December 3, 2008.

TOWNSHIP WATER AND SEWER ENGINEER

Tall Pines: Phase II, Water and Sewer Extension

Russell Trice, Township Water and Sewer Engineer, prepared an updated construction and engineering cost estimate for Tall Pines Phase II Water and Sewer Extension design and permitting.

Administrator Brook explained that the township is not in the financial position to begin construction of the project but believes the permit process should be started. That way the township will be able to proceed with the project once financially able. Mr. Trice stated the permit is good for two years but the township can apply for two (2) extensions.

Administrator Brook reported that out of 31 homeowners in Phase I, 12 homeowners to date have connected. He explained that New Jersey State law mandates that the property owner be assessed but Florence Township does not require the homeowner to physically connect to the system like some utilities do. The homeowners have the option of waiting to connect at a later date.

Administrator Brook asked if Council would like to proceed with obtaining the permits and then one day, when the township is financially ready, undertake the job? The engineering and permit fees would be a cash expenditure out of the budget. With the current economy, Administrator Brook is not sure if the homeowners in Phase II would want to connect. Council President Baldorossi suggested that the homeowners be surveyed again. Council Member Garganio feels that they went painstakingly through the process once.

Council Member Ryan expressed his concern that if they move forward with engineering and permits, they are locking themselves into a timeframe. Mr. Trice explained that once the permit expires, the township would just have to reapply with a minimal fee; no additional work would be required.

Council Vice President O'Hara asked if any of the residents that will be effected by Phase II have been asking when the work would begin? Administrator Brook stated that only one (1) resident has contacted him with any regularity.

Council Member Ryan asked if there where any grants available for this project? Mr. Trice is not aware of grants for this type of project.

Financing was discussed. Administrator Brook stated that he is unsure on financing until he sees the 2009 Budget. He did not want the topic to linger.

Administrator Brook explained that the residents initiated this project and the township saw an opportunity with the construction of the new high school to do Phase II. The residents were coming before Mayor and Council for many years asking for water and sewer to be extended to their development.

Council Member Sandusky believes they should move forward with Phase II; the residents have been waiting for the next phase. Even though not all of the residents in Phase I tied in, it is there for them in case their septic system fails.

Florence Township Council Executive Session: 11/12/08

Council Member Garganio agrees to move forward. A lot of the septic systems are set to fail. Council President Baldorossi also agrees to move forward. The residents did come before Mayor and Council asking for water and sewer and the residents excluded from Phase I were told Phase II would be done.

Solicitor Kearns explained that all residents would be assessed because having the lines there increases the value of their home but would not be charged a connection fee until they connect.

Council Member Ryan is concerned about the lack of funding for the project. He feels, with the state of the economy and the State, Mayor and Council will have a lot of challenges coming before them. He would rather look for alternative methods of funding for this project that would have less of an impact on the taxpayers. Other residents in the municipality would also like to have water and sewer lines. Council Member Ryan will not cast an affirmative vote this evening.

Council Vice President O'Hara agrees with Council Member Ryan's concerns.

Administrator Brook stated that the township is not financially able to proceed with the project today but he believes that the funds will be available in the 2009 budget for the plans and specification, so they are prepared to move forward when the time comes.

Council President Baldorossi stated that a commitment was made to the residents that Phase II would be done. He would like to move forward with plans and specifications.

It was on the MOTION of Garganio, seconded by Sandusky to start the process.

Upon roll call Council voted as follows:
YEAS: Garganio, Sandusky, Baldorossi
NOES: O'Hara, Ryan
ABSENT: None

Motion carries.

Performance Bond Release Request: 1500 John Galt Way

Mr. Trice reviewed and recommends release of the Performance Bond; since the water and sewer lines are privately owned, a Maintenance Bond is not required. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Performance Bond Release Request: Shoppes at Mallard Creek

Mr. Trice reviewed and recommends denying the Performance Bond release request due to a number of outstanding punch list items. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

TOWNSHIP ENGINEER

Hornberger Avenue: Reconfiguration

Dan Guzzi, Township Engineer, Mayor and Council discussed reconfiguring the striping on Hornberger Avenue in the area of Wesley's Pub and Bridges at Roebing. Council Member Sandusky suggested a loading zone for the trucks making deliveries to the taverns. Mr. Guzzi will

Florence Township Council Executive Session: 11/12/08

prepare a sketch. Assistant Administrator Sahol will speak with the Chief of Police and report back with his recommendation.

Performance Bond Release Request: Greenbriar Section 4

Mr. Guzzi reviewed and recommends denying the Performance Bond release request due to a number of outstanding punch list items. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session. Mr. Guzzi reported that Lennar is making progress but still has work to complete.

Sterling Bank: Sign and Right of Way Request

Robert Duffield, attorney with Ballard Spahr Andrews & Ingersoll, representing Sterling Bank on Broad Street, explained that Sterling Bank received site plan amendment approval from the Planning Board to improve and beautify the structure. One thing they would like to do is erect a pylon sign for the entrance to the bank. The pillars for the sign, as well as some of the canopy on the building, do encroach on the right of way. The right of way goes all the way up to the building line so the Planning Board sent them to Council for approval to encroach on the right of way. If Council grants the approval to encroach on the right of way, the details of sign would be subject to approval of the Planning Board.

Mr. Duffield introduced Greg Woodring, architect for the Sterling Bank and Scott Horner from Sterling Bank.

Mr. Woodring explained that Sterling Bank received approval from the Planning Board to build out the bank and add the canopy that is not in the right of way. The rendering that is on the plans in front of the governing body now are the original plans that were presented to the Planning Board in July. Mr. Woodring stated that as you approach Broad Street from E. Front Street it is very dark and can barely be seen. They are proposing to put this sign at the corner to define the beginning of Broad Street, but it would encroach on the right of way. Mr. Woodring provided a color rendering of the sign they are proposing. He explained that the sidewalk in front of the bank is 10-15 feet deep; they are proposing to take up the sidewalk right in front of the building and put in a planting strip. The pylon would not project out any farther than any of the adjoining buildings. Mr. Woodring stated that the stoops on the adjoining buildings all extend into the right of way. Encroachment would be no more than 6 feet into the right of way, which would allow them to build the canopy on the front as well as the proper advertising for the bank with the sign. The sign and the fabric canopy would be illuminated. Mr. Woodring stated that the pylon at the night depository would only have the bank's logo. Council Vice President O'Hara feels the sign and canopy are too large and inappropriate for the area, which is zoned Neighborhood Commercial. He also does not feel that the night depository needs to be identified with an illuminated sign since it would be businesses using it and they would know its location. Mr. Woodring agrees that the sign and canopy may appear to be an aggressive intrusion in the community but feels it works as a buffer. He stated that the backside of the building that is next to the residents is not illuminated; the sign is facing out towards the public, commercial streets. Council Member Garganio explained that this area is zoned Neighborhood Commercial; there are residents that live in the area; it is not just a commercial district. He feels that the encroachment is a step further than Mayor and Council would like to take it. Council Vice President O'Hara feels that fabric awnings are a maintenance problem with the bird droppings. He suggested a metal standing seam roof, with down lights for security, that the signs could be attached to, which would not infringe on the sidewalk. Mr. Woodring stated that the pylon would be on a lawn area, not

Florence Township Council Executive Session: 11/12/08

the sidewalk. Council Vice President O'Hara is opposed to allowing Sterling Bank to encroach on the right of way.

Mr. Horner explained that when Sterling Bank acquired Bordentown People's Bank, they had to make a decision regarding the Florence location. They decided to renovate the bank and make it more visible so business would increase and it could remain open. He stated that as with most businesses, their advertising or their signage is very important, and visibility is very important. He feels that presently the bank is an "invisible" and an "eyesore" to the community. Council Vice President O'Hara appreciates the fact that Sterling Bank is making a commitment to the community by staying in the township. He agrees that advertising and recognition is important but not to this degree. Signs on the canopy will do the exact same thing as freestanding signs. Sterling Bank has an advantage that they front on Front Street and Broad Street and can have signs on both frontages. Council Member Garganio agrees with Council Vice President O'Hara. Mr. Horner believes that the Planning Board embraced this design but could not authorize it because they do not have the authority to allow the intrusion into the right of way. Council Member Ryan, who is the Council Representative on the Planning Board, believes there were concerns of liability at the Planning Board level. He stated that the Environmental Commission expressed concerns regarding the illumination in that area. Solicitor Kearns stated that if Council were to approve the encroachment onto the right of way there would have to be an Indemnification Agreement. Council President Baldorossi agrees with Council Vice President O'Hara and Council Member Garganio. Mr. Woodring stated that they would still need approval to encroach on the right of way to build just the canopy on the Broad Street side; they do need to put the posts down to the ground. The canopy facing Broad Street would extend four feet.

After further discussion, Mr. Woodring asked if Council would consider granting approval this evening for a solid metal freestanding canopy that encroaches into the right of way that would be the same green as the bank's logo? They would come separately for approval of the signs. Council Members are in agreement to allow a metal canopy with down lighting that extends four feet over the right of way. The sign identifying the night depository will be eliminated and replaced with security lighting. Solicitor Kearns stated that there must be an Indemnification Agreement. They will redraft the sign and go back before the Planning Board with the sign application.

Performance Bond Release Request: PRM Associates, Inc., Block 163.01, Lot 3.01

Mr. Guzzi reviewed and recommends denying the Performance Bond release request due to a number of outstanding punch list items. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Current Estimate No. 3: Road Program – American Asphalt

Mr. Guzzi reviewed and recommends payment of Current Estimate No. 3. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Current Estimate No. 3: Main Street Community Center

Mr. Guzzi reviewed and recommends payment of Current Estimate No. 3. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Florence Township Council Executive Session: 11/12/08

Main Street Community Center: Asbestos Testing

Mr. Guzzi reported that the contractor for the Main Street Community Center had his environmental sub-consultant air test inside the building and the test revealed that there are elevated levels of asbestos. Mr. Guzzi had an environmental consultant repeat the test; the test results did not come back as high, but the bottom line is that there is some airborne asbestos detected in the basement of the building. Mr. Guzzi believes that during demolition of the basement some of the asbestos insulation was disturbed, which put some asbestos in the air. Mr. Guzzi is still reviewing and evaluating the test results. He will be getting estimates to do the necessary clean up, along with estimates to recap all the asbestos installation. The building has been posted, which is required by law and work has been shut down for now.

USE OF MUNICIPAL BUILDING FOR MEETINGS

Administrator Brook stated that Carriage Stop's Homeowners Association approached him requesting to use the Court Room for a meeting once a quarter on a weekday. They previously met on Saturdays in the courtroom but can no longer meet then. Administrator Brook brought the meeting calendar to show how busy the front conference room and the courtroom are. Administrator Brook was questioning the use. Council Members are in agreement to allow Carriage Stop's Homeowners Association to use the courtroom if it fits into the schedule.

VOTING DISTRICTS

Joy Weiler, Township Clerk, provided a letter concerning the size of Ward 1/District 1. She will continue to look at the options as to where to move the voting district location or break up into an additional district. One problem is finding a voting location that is handicapped accessible and with ample parking. She will continue to explore options.

SECOND AVENUE PARKING

Mayor Berry discussed the parking problem on Second Avenue, which is actually a problem all through the Village of Roebling. Council Member Ryan suggested using the Buc's property for overflow parking, which would benefit Second, Third and Fourth Avenues. Also down by the park there is some light overflow parking and suggested expanding it. Council Member Garganio agrees that overflow parking could be expanded by the park but feels that the Buc's property would be better utilized as a commercial property. He did suggest the possibility of public parking in the front part of the property with commercial development in the rear of the property. Council Member Sandusky suggested taking down the old Rescue Squad Building and utilizing that area for overflow parking. There is no historical significance to that building.

Council President Baldorossi asked if parking was utilized on the Buc's property, is there any way to get the commercial vehicles off Second and Third Avenues? Administrator Brook stated that is something that will have to be discussed.

Administrator Brook stated that the buildings on the Buc's property are due to be demolished the end of November or December. Remediation also needs to be done. Administrator Brook stated that temporary parking could be set up in the meantime but does not believe they should allow boats, motor homes or commercial trucks to park there. Council President Baldorossi suggested that residents that bring commercial vehicles home to park be told to park those commercial vehicles on Buc's. Solicitor Kearns advised that cannot be done without permit parking.

Council Member Garganio suggested a map of the site for Mayor and Council to review.

Florence Township Council Executive Session: 11/12/08

Discussion followed regarding creating a park in the area where the tennis court was taken out at the Roebing Park. Mr. Guzzi stated that sketches were done in the past for that area. He stated there is potential for parking there. They also discussed extending the diagonal parking along Riverside Avenue towards Fifth Avenue. Mr. Guzzi stated that there may be some areas they would have to stop at for trees and fire hydrants. He believes the parking could be extended to the alley between Fifth Avenue and Sixth Avenue. Council Member Garganio suggested creating parking on the mill site by the water tower. Council Member Sandusky also suggested an area in the 200 block of Fourth Avenue.

Assistant Administrator Sahol stated that 56 parking spots were created earlier this week on Main Street between Eighth Avenue and Tenth Avenue.

Council Members are in agreement to allow Mr. Guzzi to review the areas that were discussed this evening for overflow parking.

10:10 PM MOTION by O'Hara, seconded by Garganio to adjourn the meeting. Roll call vote - all ayes.

ADJOURNMENT

10:10 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab