

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

December 10, 2008

8:08 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, thanked Assistant Administrator Sahol and Chief of Police, Stephen Fazekas, for surveying the intersection of Olive Street and Third Street and installing a stop line for that intersection.

Council Vice President O'Hara stated that there is a notice posted on the door asking that hats be removed when entering Council Chambers and asked that all who enter please abide by the notice.

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

TOWNSHIP WATER AND SEWER ENGINEER

Albax: TWA Application

Russell Trice, Township Water and Sewer Engineer, reviewed and recommends that Council pass a Resolution approving the Treatment Works Application. A Resolution will be prepared for next week's meeting.

Hydrogeologic Report

Mr. Trice explained that this is in response to a letter from Pierre Lacombe, who had reviewed the report that was prepared by the township's engineer, Leggette, Brashears & Graham, Inc, which had to do with requesting an increase in allocation from NJDEP. He explained that the hydrogeologic report was done over two years ago to submit with the Water Allocation Permit application to the State. The permit is still at the State going through the process. He recently submitted one of the last items the State requested, which was a mapping of all the wells in the area, both public and private.

Mr. Trice stated that Mr. Lacombe is in the audience this evening. By reading the letter, Mr. Trice believes that Mr. Lacombe would have done some things differently in the report, looked at some additional information and would like to have seen some things presented differently. In the last paragraph, Mr. Lacombe states that it is a well-prepared document.

Florence Township Council Executive Session: 12/10/08

Mr. Lacombe, professional environmentalist, does not have any negative comments on the report; only additional comments. The reason for reviewing the report was to access if leakage from the Tullytown Landfill had the potential to contaminate Florence Township's public water supply wells. The result of the report clearly shows that the potential exists. Mr. Lacombe believes that the likelihood the contamination from the landfill would adversely impact our well field will not occur unless there is a critical failure of the landfill liner.

Mr. Lacombe suggests that the township collect water samples from the deeper of the two (2) monitoring wells by the boat dock on an annual basis during the late summer when the withdraw stress is at its greatest. The samples would be analyzed for drinking water parameters and general landfill contaminants. Water samples should be taken for three years to develop a repeatable baseline.

Mr. Trice stated that in the current allocation permit, NJDEP required that the township install monitoring wells or submit a plan for the installation of monitoring wells along the river to see where the water is coming from; whether it is being recharged from the river or coming from the aquifer below. To satisfy that requirement, as well as to give the township two (2) wells along the river, the wells were installed and NJDEP approved the location and depth of the wells. NJDEP has not informed the township what sampling they want done from those wells. They said the monitoring requirements would be included in the new allocation permit. Council Member Ryan questioned the timeframe of receiving the new allocation permit. Mr. Trice stated that NJDEP has everything they need now. He believes the township should have a draft permit within a year.

Council Member Ryan asked if Mr. Lacombe's suggestions should be implemented? Mr. Trice feels it is a good idea and has no objection. He explained that nothing has been done with the wells because he is waiting for NJDEP to advise him of what they want done. Mayor Berry asked if the township could do their own sampling in the meantime? Administrator Brook explained that you would not just sample-to-sample, you sample for what you are specifically looking for. Council Member Garganio suggested sampling the wells around the Burlington County Landfill. Mr. Trice stated that was very extensive testing. Administrator Brook would want the parameters spelled out when testing. There would have to be a standard operating procedure in place. Mr. Trice would have to look at and make some recommendations. Administrator Brook noted that ultimately they will have to test as the State tells the township to test.

Administrator Brook advised that testing will begin next year.

Mayor and Council thanked Mr. Lacombe for reviewing the report.

TOWNSHIP ENGINEER

Release Cash Performance Bond: Makkay, 11 W. Second Street

Dan Guzzi, Township Engineer, reviewed and recommends release of the Performance Bond. All punch list items are complete. A Resolution will be prepared for next week's meeting.

Request for Bond Reduction: Legacy at Meadowcroft

Mr. Guzzi reviewed and recommends the reduction of the Performance Bond. Administrator Brook explained that municipalities have 90 days from the day they receive the request to take formal action. The request was received November 14, 2008. He recommends that the request be held until

Florence Township Council Executive Session: 12/10/08

the January 2009 Worksession due to the lack of cooperation from the developer to make the adjustments to the berm. Council Members are in agreement to hold request until the January 2009 Worksession.

Council Member Garganio stated that the lighting issue at Garelick Farms still needs to be addressed. Administrator Brook is aware and explained that he has discussed with the contractor. This should be addressed this month.

Current Estimate No. 4: Community Center

Mr. Guzzi reviewed and recommends payment of Current Estimate No. 4. A Resolution will be prepared for next week's meeting.

Mr. Guzzi reported that the abatement work has commenced.

Current Estimate No. 4/Change Order No. 1: Road Program

Mr. Guzzi reviewed and recommends Change Order No. 1 and payment of Current Estimate No. 4. A Resolution will be prepared for next week's meeting.

Mr. Guzzi prepared a breakdown of the asphalt index over the course of this project. Earlier on in the project the contractor was concerned that asphalt prices were going to skyrocket. He explained that the price peaked at its highest and has been going down since. The current price is lower than at the time the contractor bid on the project.

Performance Bond: PRM Associates

Mr. Guzzi reviewed and recommends release of the Performance Bond subject to the posting of a two year Maintenance Bond. All punch list items have been completed. A Resolution has been prepared for next week's meeting.

Greenbriar Update

Mr. Guzzi reported that the contractor has been working fairly steady to complete a majority of the punch list items. There are some repairs left to be completed. There are some outstanding swales and bear spots in the sod to be addressed; trees to be replanted. He is still waiting for the final as-built records and deeds for the open space areas. Plantings are still missing in the basin. Concrete items, lawn sprinkler issues and a few mailboxes need to be reset. There are also curb repairs and other miscellaneous items to be done.

Mr. Guzzi stated that the contractor submitted a bond release request for a number of the sections. Mr. Guzzi will update the punch list and report back next month. Administrator Brook sent a letter to Greenbriar's Community Manager advising them that a bond release request was received. Once he receives Mr. Guzzi's report he will advise the association, as he also will do when it comes time for a formal release. Administrator Brook noted that Mr. Guzzi has 45 days to report to Council and Council has 45 days to take action.

Garelick Farms: Release Performance Bond

Mr. Guzzi reviewed and recommends release of the Performance Bond subject to the posting of a two year Maintenance Bond. A Resolution will be prepared for next week's meeting.

Florence Township Council Executive Session: 12/10/08

Due to the previous problems with odors, Council Member Garganio asked if a maintenance schedule could be set up to check the plant? Mr. Guzzi stated there is an agreement in place with Garelick Farms for pretreatment; he believes David Lebak, Water and Sewer Superintendent, has access to go on the site and inspect the plant, which he believes should be done periodically. Council Member Garganio requested that the plant be inspected at least once a year to be sure it is being maintained properly before there is an issue.

ABC LICENSE TRANSFER SCHEDULED FOR DECEMBER 17, 2008

Joy Weiler, Township Clerk, explained that Lou Pica has purchased the former Bridges at Roebling Station restaurant/bar building, which is presently open for sandwiches as a restaurant. Council will be considering the ABC License Transfer next week. Clerk Weiler provided a copy of the Resolution listing the conditions that were placed on the previous owner's license. She asked how Council would like to address those conditions when transferring the license to Mr. Pica? Council Member Sandusky suggested taking the conditions off the license but giving Mr. Pica a copy of the conditions. He explained that area was once a problem area where the township had to spend a lot of money on police protection. Council Member Sandusky noted that it is easy to place the conditions back on the license if there is a problem at that establishment. He welcomed Mr. Pica to Roebling. Council President Baldorossi agrees.

Council Vice President O'Hara asked Mr. Pica what the hours of operation would be? Lou Pica, 130 Shive Place, Burlington, stated that he is looking at 11:00AM to no later than 1:00AM with liquor. He explained that he purchased the establishment for a music venue and restaurant, more than just a bar. Council Vice President asked that due to concerns with traffic flow in that area, Mr. Pica schedule his deliveries late morning or early afternoon. Mr. Pica is willing to cooperate.

Council Member Ryan asked Mr. Pica to give an overview of what his plans are for the establishment. Mr. Pica stated that he is in the entertainment business and explained that his goal is to have independent artists and musicians come from around the world to play. He is looking to bring people in from out of town and support the community with good food and fun.

Council Member Sandusky noted that Mr. Pica has been making improvements to the establishment and commends him for putting money into the business before it takes off.

Mayor and Council wished Mr. Pica well.

COAH

Report Third Round Housing Element – Fair Share

Administrator Brook stated that Mary Beth Lonergan, COAH Planner, appeared before the Planning Board. The Planning Board recommends adopting the Third Round Housing Element and Fair Share Plan. A Resolution will be prepared for next week's meeting; no public hearing is necessary.

COAH Craft Stewart

Administrator Brook explained that Craft Stewart is the property off Sixth Street and the Boulevard. The township received a letter where they are asking that the property be placed in the township's affordable housing plan. Administrator Brook does not understand the nature of the request or the rationale for Florence Township to do that. He advised Council that the township's plan is set and

Florence Township Council Executive Session: 12/10/08

recommended to advise Craft Stewart that the township declines the request at this time. Council Members are in agreement to decline the offer.

Sassman COAH Request

Administrator Brook explained that Mr. Sassman is moving forward with construction on the corner of Hornberger Avenue and Tenth Avenue. Mr. Sassman is required to provide two (2) COAH units. He came in with a proposal that he would purchase the property on the corner of Main Street and Fourth Avenue (the former pharmacy with apartments on top) and convert two (2) of the units to COAH. Council Vice President O'Hara asked if these would be family units? Administrator Brook explained that Mr. Sassman would have to do the advertising in accordance with COAH's requirements, which are not necessarily family units. There is an advantage to the township to ask for family units. It was suggested that Mr. Sassman be asked to provide three (3) units. Administrator Brook will contact Mr. Sassman.

REPORT: ROLLOVER SHORT-TERM NOTES

Administrator Brook provided a report to Mayor and Council regarding the Short-Term Notes that were rolled over at an interest rate of 3.5%.

ASSISTANT MUNICIPAL ADMINISTRATOR

Firehouse Lane

Assistant Administrator Sahol asked if there were any questions on creating Firehouse Lane as a through street by designation? No questions at this time. He stated that the legislation was signed and went through New Jersey Department of Transportation quickly. It gives the township the ability to make regulatory changes without DOT approval.

Pipe Bids

Assistant Administrator Sahol recommends rejecting the bids and rewriting the specifications at a future date. A Resolution will be prepared for next week's meeting.

FAAD PARK

Administrator Brook received a request from a woman to have a moon bounce at the FAAD Park and have the children's parents sign a waiver that they would not sue her or the township. Due to the liability involved, Administrator Brook and Solicitor Kearns do not recommend allowing. Council Members are in agreement to deny request.

RESOLUTION: PURCHASE POLICE VEHICLES (TAHOES)

Administrator Brook stated that the Tahoes may make the NJ State contract before December 17, 2008. If they do, a Resolution will be on next week's Agenda.

HOUSING INSPECTION FEES

Administrator Brook asked if Council would like to lower the housing inspection fees for COAH units? Council Members in agreement that since the units receive a tax break, the COAH units will be charged the full housing inspection fee.

BUC'S PROPERTY

Administrator Brook recommends hiring Brinkerhoff Environmental Services, Inc. to do the environmental remediation on the Buc's property. They presented a solid proposal and are familiar with the site. A Resolution will be prepared for next week's meeting.

Florence Township Council Executive Session: 12/10/08

Administrator Brook reported that the buildings will be demolished after the holidays. The owners of the vehicles parked on the site will be given plenty of notice to remove those vehicles.

Council Member Garganio asked about the shed? Assistant Administrator Sahol explained that the Historical Society wants it; the Historical Society will be responsible for dismantling & removing it.

COURT DEPARTMENT AUDIT

Council Member Sandusky referenced the excellent audit report the Court Department received. One recommendation that was made was a police escort to the bank to make deposits. Administrator Brook stated that it is not always necessary but when there is a large deposit, the police take the Court Administrator to make the deposit. Council Member Sandusky asked that a letter be sent to the Court Department commending the employees for an excellent job.

POLICE DEPARTMENT UNIFORMS

Administrator Brook provided a picture of a new style of police uniform that a lot of other police departments are going to use. The Florence Township Police Officers are interested and are willing to pay for the change. Council Members do not have an objection to the appearance.

CHIEF OF POLICE - STEPHEN C. FAZEKAS: OATH OF OFFICE

Administrator Brook stated that Stephen C. Fazekas, Chief of Police, is now officially certified by Civil Service. Mayor Berry asked if the Oath of Office could be administered at the Reorganization Meeting, January 7, 2009? Council Members are in agreement to have the Oath of Office administered at the Reorganization Meeting.

REASSESSMENT

Discussion followed regarding the pending reassessment, which is scheduled to take effect August 2009. With the current recession it may be best to wait until 2010. Council Vice President O'Hara stated that the country has been in a recession for approximately a year and most economists believe that recessions last about 18 months. There may be a rebound in housing prices by the third quarter of 2009. Council Vice President O'Hara asked Dennis Bianchini, Tax Assessor, if that were to happen would he have time to do the numbers? He indicated that he would. He also asked Mr. Bianchini what he would prefer to do; Mr. Bianchini indicated that he would prefer to wait until 2010. Administrator Brook does not believe the economy will evolve quickly. Waiting gives the township the ability to refine as best as possible and make adjustments. He noted that there are several buildings on the highway that have no value. The goal is to minimize and equalize as much as possible. Every assessment is community wide. A Resolution may be needed to delay the reassessment.

9:15 PM MOTION by O'Hara, seconded by Ryan to adjourn the meeting. Roll call vote - all ayes.

ADJOURNMENT

9:15 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab