

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

December 14, 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, Elizabeth Ryan, 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

Nothing at this time.

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

ABC LICENSE: DOWNTOWN TAVERN (LICENSE VIOLATIONS)

Administrator Brook verified with the owners of the Downtown Tavern, Lou Fiola and James Angelini, that they received his letter of November 14, 2005. They stated that they did receive it. Administrator Brook explained to them that this is not a formal hearing but just a meeting to advise the owners that there is a problem, the condition of the ABC License renewal that they have a security person posted outside of the bar 15 minutes prior and 15 minutes after closing is not being adhered to. This evening gives the owners the opportunity to advise the governing body what corrective action is being taken and that the owners will comply with the condition. Administrator Brook advised the owners that if any more infractions occur the license will be held accountable.

Police Chief Gordon Dawson and Detective Albert Jacoby reviewed the three (3) incidents that took place. Discussion followed with the owners regarding the problems of people loitering outside of the bar at closing time.

Administrator Brook reminded the owners that when the township issued the license there was a provision that a security person be posted outside of the bar 15 minutes before and 15 minutes after closing. The township is asking that the owners honor that condition and if they cannot, Administrator Brook will request a formal hearing on the license.

Mr. Fiola explained that they do not always close at the same time each Friday and Saturday night. He asked what would happen if they closed at 12:00 AM opposed to 2:00 AM one night

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and people are loitering at 2:10 AM but the bar has been closed for 2 hours? Chief Dawson offered for Mr. Fiola to call Police Dispatch and advise the Police Department of the closing time.

Mr. Angelini asked if it would cause a black mark against the license if there were a group hanging outside the bar and he called the Police? Administrator Brook stated that if he were to call the Police it would not cause a black mark against the license. Chief Dawson reiterated that it would not cause a black mark if they were to call the police for assistance. He explained that shows that he is in compliance with the license.

Administrator Brook thanked Mr. Fiola and Mr. Angelini for attending this evening.

FINE FOOD AND SPIRITS

Chief Dawson reviewed Fine Food and Spirits amended plans that are before the Planning Board and noted that it includes coolers and shelving placed in an area that their liquor license does not allow package goods to be sold from. Chief Dawson wants to be sure that the applicant is aware that package goods can only be sold in the bar area on the outside walls. Mayor Muchowski believes that issue was raised at the Planning Board meeting and believes the applicant's attorney understands the restrictions on the license and stated that the plans would comply. Mayor Muchowski suggested that Chief Dawson include his concerns in his review letter, which could be forwarded directly to the applicant's attorney. After further discussion it was decided to set up a meeting with the property owner, his attorney, Administrator Brook, Chief Dawson and Solicitor Kearns to discuss the concerns of the plans and complying with the rules of the liquor license. Solicitor Kearns asked for a copy of the plans to review.

DRAFT ORDINANCE: SEX OFFENDERS

Dan Guzzi, Township Engineer, prepared maps showing various radiuses (500', 1000', 1500' and 2000') for Council to review. Discussion followed regarding what could and could not be done and what areas could be covered. Solicitor Kearns advised that there is no legislation at the present time. He did state that most municipalities are using 2,500' as their distance. After further discussion, Mr. Guzzi was asked to include churches on the map and tot lots in developments. Solicitor Kearns verified what to include in the Draft Ordinance: 2,500' from schools, libraries, public property, public parks, tot lot recreation areas, playgrounds, childcare centers and churches. Solicitor Kearns will provide a Draft Ordinance next week.

ROEBLING STATUE: MAIN STREET CIRCLE

Assistant Administrator Sahol met with members of the Roebing Garden Club and reviewed the improvements they would like to have done at the Main Street Circle to prepare for the Roebing Statue. The improvements include: replacing the curb around the perimeter, installing a sidewalk inside the perimeter, relocating the electrical controls to one of the islands off of the site, installing decorative lighting, removing any signage that is not necessary for traffic control, remove the banner poles and relocate the two monuments. The donors of the monuments have agreed to them being relocated. Mayor Muchowski explained that the township does not have the funds to complete all of the improvements requested but will look into the costs. He discussed the fund raising efforts of the pavers and asked if they were incorporated into the detail of the improvements? Assistant Administrator Sahol explained that the funds raised by the sale of the pavers will cover the installation of the pavers, concrete around the statue and the statue. The Roebing Garden Club is requesting that the municipality cover the cost for the rest of the improvements. Costs for the improvements are not known at this time.

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Council Member Sandusky suggested that the Garden Club start installing the pavers that they have sold then he believes as people see them installed they may sell more.

Mayor Muchowski supports the project but stated that the municipality does not have the financial ability to do all of the improvements. He discussed safety concerns of the site. He also noted that these requests are much more involved than the original request and plan presented to the governing body. The governing body will do what it can to make the project successful but does not have the funds to dedicate to the extent that the Garden Club is requesting. He assured the club that the governing body would look into the project.

TOWNSHIP WATER AND SEWER ENGINEER

Tall Pines: Curbing, Handicapped Ramps and Aprons

Russell Trice, Water and Sewer Engineer, at the governing body's request, obtained a price to replace three (3) aprons in the Tall Pines Development. The price came in at \$3,000 per apron and depressed curb in front of the apron. Mr. Trice does feel that the cost is a little high. Mayor Muchowski asked if Mr. Trice looked into his concerns that some are minor offsets that could be repaired opposed to being replaced? Mr. Trice did not but will look into.

Tall Pines Water & Sewer: Current Estimate No. 2

Mr. Trice reviewed and recommended Current Estimate No. 2 for Tall Pines Water and Sewer. He explained that the contractor will be done testing all of the lines by early next week then the lines should be ready for use. There is a lot of restoration work to be done. Council Member Garganio asked what they were going to do with the street? Mr. Trice explained that first they would patch the trenches, which will have to sit for 60 to 90 days. He stated that the street is in very bad shape. Provided in the contract the street is to be profile milled then overlaid. He does not believe that will be sufficient for the whole street. They are finding that there is only a couple inches of asphalt in some spots and that is why the street is falling apart. Council Member Garganio asked if the street would be functional for the winter? Mr. Trice stated that it will be patched and leveled out smooth for the winter, which should be done next week. Mayor Muchowski asked if test borings were done on the road to determine the depth? Mr. Trice stated that it is not customary to do test borings before doing water and sewer work. Mayor Muchowski feels that the thickness of the road should have been known before the project was put out to bid.

US Home – Greenbriar Horizon: Performance Bond Reduction Request, Sec. 3, 4, 5

Mr. Trice reviewed and recommended a 70% reduction for US Home Performance Bond for sections 3, 4 and 5. Council President Fratinardo asked if there were still problems with green water or if that does not affect this bond? Administrator Brook does not believe that it affects this bond. Mayor Muchowski spoke with David Lebak, Water and Sewer Superintendent, regarding the green water and to the best of his knowledge there have been no more complaints on green water. There has been rusty and discolored water. He asked Mr. Lebak to test the water to make sure it has cleared up. Administrator Brook will request a report on the status of the testing from Mr. Lebak. A Resolution will be approved at next week's meeting.

A.C. Schultes – Well No. 3 Redevelopment: Current Estimate No. 1

Mr. Trice reviewed and recommended Current Estimate No. 1 to A.C. Schultes for the Well No. 3 Redevelopment project. A Resolution will be approved at next week's meeting.

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Hydrogeological Study: Date Testing Expenditures

Mr. Trice reported that Waste Management had originally given their permission for the township to do testing in their wells at the landfill in Tullytown. There has since been a change in management and they do not want an outside firm to come in and do anything with their wells. This testing is critical to the study. Waste Management does not have any objections to having the data collected for the township and provided a quote to have their consultant do the work. The quote is for \$6,490. Mayor Muchowski asked if there would be a reduction in the township's professional's fee since they will not be doing the work? After further discussion of Waste Management rescinding on the agreement it was decided that a letter will be sent to Waste Management expressing the township's dissatisfaction. Council Vice President Ryan questioned whether the State would accept a report from the other consultant? Administrator Brook will check with the State.

NJDEP Water and Sewer Applications: Status Report

Mr. Trice reported that both the Atlantic Companies and Craft Stewart development applications were approved. Bureau of Safe Drinking Water and Treatment Works Approval applications will be forwarded to the township for signatures. This will be an Agenda item next week and acted upon if Administrator Brook reports that both parties agree to the Water and Sewer Service Agreement.

Whitesell: Bond Reduction Request

Administrator Brook and Mr. Trice reviewed and recommended Whitesell's Bond reduction request. A Resolution will be approved at next week's meeting.

TOWNSHIP ENGINEER

Update on High School

Dan Guzzi, Township Engineer, reported on the status of the new High School:

- Most of the base paving is complete
- Most of the fields have been graded and seeded
- Brick is going on the building
- Utilities are just about complete

Generally the school is on schedule.

US Home – Greenbriar Horizon: Performance Bond Reduction Request, Sec. 3, 4, 5

Mr. Guzzi reviewed and recommended a 70% reduction for Sections 3 and 4, and a 56% reduction for Section 5 due to the amount of work outstanding. A Resolution will be approved at next week's meeting.

Road Program: Current Estimate No. 1

Mr. Guzzi reviewed and recommended Current Estimate No. 1 for the 2005 Road Program. A resolution will be approved at next week's meeting.

Mr. Guzzi reviewed the scheduling for the Road Program. The weather is slowing down the progress a bit but the pipe work is continuing on Winter Street and Railroad Avenue. Most of the pipe work is in the shoulder of the road. Cold patches or backfill and stones will be used for temporary patches. Once the weather breaks reconstruction of the streets will begin.

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Haines Center: Bond Reduction

Mr. Guzzi reviewed and recommended a 70% Bond Reduction. All work is complete with the exception of punch list items. A Resolution will be approved at next week's meeting.

Site Plan Standards

Mayor Muchowski, after noticing several properties with site plan approvals that have either dying trees or trees trimmed too far back, discussed site plan maintenance. He would like something in place so the township can enforce site plan approvals. Solicitor Kearns has drafted an Ordinance that requires that properties be maintained in accordance with the approved site plan. The Ordinance is ready to go. After further discussion, Council in agreement to approve the Ordinance as drafted by Solicitor Kearns.

Basins and Fencing

Mayor Muchowski discussed basins and fencing; some basins have fence, some do not, and the basins with fences have different types of fence. He understands that every basin is different. Council Member Garganio believed that it was discussed years ago and decided that it depended on the depth and the pitch of the basin whether or not a fence was required. Council Vice President Ryan stated that there is no fence around the basin in her development and it does fill up with water, which is worrisome. Administrator Brook pointed out that all the pipe inlets are normally barred.

Discussion followed regarding the depth of the basins. Mr. Guzzi stated that in the new Stormwater regulations that the township just passed addresses and tries to eliminate steep slopes in basins.

Mayor Muchowski asked that Mr. Guzzi look into criteria where fences would be required around basins.

Bustleton Road Subdivision Approval

Mayor Muchowski discussed the Bustleton Road three acre subdivision approval. It is considered a rural development under the State site standards; therefore, they are not required to put in sidewalks or curbs. Mr. Guzzi explained that the developer has the option of considering the development residential access or residential neighborhood. Residential Neighborhood means a wider street with curbs and sidewalks; Residential Access would be sidewalk on one side but no curb. Mayor Muchowski stated that Orleans Homebuilders is very receptive to what the Planning Board wants but explained that Rod Ritchie, Approvals Manager from Orleans Homebuilders, informed the Planning Board that the State is looking for them to install drainage swales on the side of the road that act as recharge areas. Council Member Garganio feels that if the State requires swales, the township should require the development to have an association for maintenance purposes. Mr. Guzzi stated that the swales would be in the right of way and would be the township's responsibility. He also explained with the new Stormwater Ordinance there is another process the developer will have to go through to get approval.

Discuss Stormwater Regulations Ordinance No. 2005-24

Mr. Guzzi explained that this Ordinance must be done. Council Vice President Ryan asked if every regulation must be included in the Ordinance, specifically the section regarding literature being in envelopes when hand delivered to houses? Solicitor Kearns stated that the regulations came from NJDEP and DEP stated that they would not approve the Stormwater Management

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Plan unless the township adopts all of their provisions. After further discussion it was decided to hold discussion for a future meeting.

TOWNSHIP ADMINISTRATOR

Public Broadcast Channel: Agreement with School

Assistant Administrator Sahol reported that next week a Resolution will be on the Agenda authorizing an Interlocal Agreement with the school for the Public Broadcast Channel.

Mayor Muchowski verified that Council was in agreement to eliminate the newsletter since the funds were being earmarked for the Public Access Channel. Council in agreement to eliminate the community newsletter.

Council Member Garganio verified that it was a three-year contract with the School Board and the funds could not be taken out from their budget. Assistant Administrator Sahol stated that is correct.

Mayor Muchowski asked if Council would like to think about eliminating the township calendar? Council believes the residents like the calendar and does not want to eliminate them.

Council Vice President Ryan questioned who determines content? Assistant Administrator Sahol stated the committee, which will be three members of the governing body and three members of the School Board. Mayor Muchowski suggested there be a student representative involved that does not have a vote, so he/she could bring student ideas to the committee.

The three representatives from the township will be Mayor Muchowski, Council Member Garganio and an administrative staff representative.

Relocation Bus Stop: Hornberger Avenue

Assistant Administrator Sahol reported that NJ Transit has agreed to move the bus stop 150' to where there is sidewalk. It will be moved closer to Railroad Avenue. This would be across from Wesley's Pub, which Council Member Sandusky pointed out receives deliveries in that area and if a bus is stopped there traffic would be blocked. Council Vice President Ryan suggested installing sidewalk in the unimproved area that the bus presently stops at. After further discussion Council decided to leave the bus stop where it is but discuss again in February.

Council Member Garganio discussed the lot on the corner of Railroad Avenue and Hornberger Avenue. A Transient Merchant that has been operating there for years now owns it. He feels that a site plan is needed. Solicitor Kearns will look into requiring a Transient Merchant that stays in one place to be required to get a site plan.

Council Member Sandusky asked that the Transient Merchant License Fees be reviewed in February.

Recycling Ordinance: Amendments

Assistant Administrator Sahol attended a County Recycling meeting last week. The State is slowly enforcing a model Ordinance. Some of our current Ordinance is out of date. Adopting the model Ordinance will bring the township into State compliance and assures the ability to go for the Recycling Tonnage Grant. Assistant Administrator Sahol will provide model Ordinance in January.

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Due to safety concerns, Council Member Garganio asked that a letter be sent to the County asking them not to pick up recycling after dark.

Discussion: Time Capsule

Council Member Garganio suggested that a picture of the governing body be taken on the evening of Reorganization and be contributed to the time capsule. He also suggested a picture of the township employees. Employee pictures will be done by department. Council Vice President Ryan suggested a Resolution or Proclamation.

SEX OFFENDERS ORDINANCE

Solicitor Kearns asked if the Ordinance would apply to all sex offenders or only in certain tiers? Council in agreement to include all convicted sex offenders that must register under Megan's Law.

BACKGROUND CHECKS FOR COACHES

Council Member Garganio would like to have the background checks for coaches in place for the upcoming baseball and softball season and asked what needs to be done? Mayor Muchowski asked Assistant Administrator Sahol for a report next week.

OR ZONE

Will be discussed in January.

BLOCK PARTIES: REGULATIONS

Council Vice President Ryan stated that she is not interested in pursuing the topic. She does not wish to restrict block parties just to cul-de-sacs. This will be discussed at a later date.

REGULATE HOURS: PRIVATE OUTSIDE WATER AND SEWER REPAIRS

Council Member Sandusky discussed private contractors doing road or pipe work when no township water and sewer employee is available. He feels that either an employee be brought in to oversee if done over the weekend or restrict that type of work to Monday through Friday. Mayor Muchowski agrees and stated that the overtime pay would be at the contractor's expense. He suggested that it be worded to the effect that work should be completed Monday through Friday during regular business hours or if there is exceptional circumstance it can be scheduled over the weekend and there will be costs associated with it. Administrator Brook will provide Solicitor Kearns with a draft outline.

UPGRADE FUEL SYSTEM

Administrator Brook reviewed the upgraded fuel system. They are ready to move forward under State Contract. The township will receive a reimbursement from the school and fire district. The new fuel system will be confined. A Resolution will be prepared for next week.

ACTION

RAFFLES: Night at the Races, Florence Township Civic Association, Inc.

- February 10, 2006, 6:00 PM – 2:00 AM, St. Nicholas Church
- February 18, 2006, 6:00 PM – 2:00 AM, American Legion Post 194

It was on the MOTION of Ryan, seconded by Fratinardo to approve the above applications.

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On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Ryan, Sandusky, Fratinardo
NOES: None
ABSENT: None
ABSTAIN: Baldorossi (St. Nicholas Church Only), Garganio

Motion carries.

10:55 PM MOTION by Garganio, seconded by Baldorossi to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

10:55 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab