

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

March 10, 2010

8:00 PM

CALL TO ORDER

Council President O'Hara called the meeting to order.

FLAG SALUTE

Council President O'Hara led the Salute to the Flag.

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 10, 2010; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Frank Baldorossi, Sean Ryan, Jerry Sandusky, David Woolston, Dennis O'Hara

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

Nothing at this time.

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

TOWNSHIP WATER AND SEWER ENGINEER

Belt Filter Press

Russell Trice, Township Water and Sewer Engineer, reported that the plans and specifications for the belt filter press are complete; the project has been advertised and bids will be opened March 30, 2010. He hopes to award the contract in April and give the contractor notice to proceed in April. It is a 7-month contract. As long as everything goes as planned, it should be completed in November 2010. Administrator Brook noted that a Bond Ordinance for the Belt Filter Press will be introduced next week.

Water Allocation Draft Permit

Mr. Trice met with Administrator Brook and David Lebak, Water and Sewer Superintendent, to go over the Draft Water Allocation Permit to be sure that everything was included in the allocation that NJDEP is giving the township. Everything is included except for NFI's property. Mr. Trice is going to write a letter to NJDEP asking for additional allocation for the NFI property.

Chemical Bids

Assistant Administrator Sahol will report back with recommendations. Solicitor Kearns explained that there are some inconsistencies that make it difficult to analyze the bids. Two (2) bidders bid on proprietary products that only they know what the chemical component is. The township needs to

Florence Township Council Executive Session: 03/10/10

find out what the chemical components are so they can compare. Administrator Brook explained that presents a dilemma because, even though they are the low bidder, putting in an unknown chemical could put the whole system in jeopardy. Plus there is no guarantee that the township will save money if more of this particular chemical needs to be used to achieve the same results as a lesser amount of the other chemical. That information is not known yet.

TOWNSHIP ENGINEER

Greenbriar Horizon: Section I

Dan Guzzi, Township Engineer, stated that this is the final section. He provided a letter outlining the remaining items. He suggested that Council release the Performance Bond conditioned upon the posting of a cash guarantee to cover items 1 – 4 (final street sweeping, \$10,000 to cover trees that still need to be replaced; \$1,500 to cover sprinkler heads that may have been damaged; \$1,000 for a specific lawn inlet repair).

Mr. Guzzi asked if Lennar and Greenbriar's Home Owners Association (HOA) have come to an agreement in regards to the trellis by the pool? Administrator Brook is not sure; he has tried to contact the HOA but has not received a response. He spoke with Lennar, who has agreed to post \$10,000 for the trellis or build a trellis, whichever the HOA wants. Administrator Brook has seen documentation from Lennar to the HOA showing that Lennar has been having trouble getting a formal response.

In response to Council Member Sandusky, Mr. Guzzi stated that when they clean the streets they have to either draw the water from the sewer plant so it is metered and paid for or bring their own water.

Council Member Sandusky discussed illegal use of water by contractors and believes more safeguards need to be put in place. He asked if there is a locking device for fire hydrants instead of just using a wrench to open them? Mr. Guzzi does not believe so. Council Member Sandusky suggested increasing the fine. Administrator Brook stated that David Lebak, Director of the Water and Sewer Department, has installed rings warning against illegal water use but some contractors have ignored the rings and were cited to court and fined. He noted that contractors are not given a warning before being cited because they know not to open the hydrants to use the township's water.

Mr. Guzzi stated that he received the as built plans yesterday but has not had a chance to review them. He will review and report back before next week's meeting.

Administrator Brook stated that Solicitor Kearns will draft an Ordinance concerning the streets; the streets are considered private until accepted by the township. Administrator Brook will notify the HOA to advise the residents that once the township accepts the streets that traffic violations are enforceable.

Administrator Brook is working with Lennar on getting reimbursed for snow plowing costs that were incurred this winter.

Bikeway Grant: Old York Road

Mr. Guzzi provided a construction cost estimate for Council to review. The township received a \$300,000 grant for the bikeway from Brookside Drive to Marter Park. The construction cost estimate

Florence Township Council Executive Session: 03/10/10

is approximately \$352,000, which includes a 20% contingency. Mr. Guzzi explained that the County received stimulus money and will be overlaying Old York Road, so he has been working with them. The County has to restripe and has agreed to do the striping to accommodate the bikeway but the projects have to be done around the same time frame.

Mr. Guzzi gave a Power Point presentation reviewing the project. He showed where the bikeway will begin, where it will follow and where it will end. There is a stretch of road where there is a large enough right-of-way that the bikeway will be separated from the road. As it gets closer to Florence Columbus Road, the additional right of way is not as large and the bikeway will be contacted to the road. Mr. Guzzi noted that they do meet all the NJDOT minimum width requirements without any modifications to the bridge.

The County is scheduled to go out to bid on their project on March 30, 2010; if the township gets out to bid on the bikeway project this spring, he can coordinate with the County.

Council Members are in agreement to authorize Mr. Guzzi to move forward with putting the project out to bid once the bonding is in place. A Resolution will be prepared for next week's meeting.

BURLINGTON COUNTY HISTORIC PRESERVATION RECOGNITION PROGRAM

Council Member Ryan noticed in the packet the Burlington County Historic Preservation Recognition Program and History Recognition Program and suggested nominating the Roebling Main Gate Museum. Administrator Brook will double check, but believes the Roebling Main Gate Museum received this award in the past couple of years. After checking, Administrator Brook reported that they received the award in May 2008.

HON. MARTIN L. HAINES AWARD

Council President O'Hara congratulated Solicitor William J. Kearns, Jr. for receiving the prestigious Hon. Martin L. Haines Award through the Burlington County Bar Association. There will be a dinner in his honor on March 25, 2010.

SIDEWALKS: DISCUSSION

Solicitor Kearns provided the information on the laws and liabilities and will respond to any questions from Council. Solicitor Kearns stated that a policy decision needs to be made on what triggers the sidewalk requirement. Council Member Ryan asked if there was a separate provision within the Ordinance that governs Route 130 only? Solicitor Kearns stated that the Ordinance only applies to the State Highway Route 130.

Council President O'Hara asked Solicitor Kearns if he has dealt with this issue in other municipalities? Solicitor Kearns stated that in other municipalities the Planning Board or Zoning Board would require sidewalks but they may say that the applicant does not have to install the sidewalks until there are properties that can connect to them. He explained that the standard argument from developers is why they should put out the expense of installing sidewalk when the sidewalks are not going to connect to anything. Council Member Woolston asked how they make a developer install sidewalks at a later time; the developer could claim a hardship. Solicitor Kearns stated that if a developer does not do it when they are told to, the township could revoke their CO. Solicitor Kearns believes the best option is to require the sidewalks be installed during construction of the site even if the sidewalks are not going to connect to other sidewalks.

Florence Township Council Executive Session: 03/10/10

Council Member Ryan stated that the issue is mostly the Route 130 corridor. Solicitor Kearns stated that if the Ordinance is for Route 130 only, Council may not want to set a dollar amount that will trigger the requirement of sidewalks. Council President O'Hara agrees to start with Route 130 but believes there is a need in town also. Council Member Sandusky agreed. Solicitor Kearns will change the Ordinance language to apply only on Route 130: no construction permit shall be issued for any property or building on Route 130 that does not have or provide for sidewalks.

Council Member Woolston asked what would be done for a hardship or wetlands? Mr. Guzzi stated that a provision will have to be included if there was an environmental issue precluding them from putting in sidewalk; they would get some sort of relief from that portion of sidewalk.

Solicitor Kearns reviewed the draft language of the Ordinance, "No construction permit shall be issued for any property abutting US Route 130 that does not have or provide for sidewalks. The Township Council may, but is not required to, waive the sidewalk requirement for good cause subject to such conditions as the Council may establish." He explained that this gives Council flexibility. An applicant will be advised that sidewalks are required and they cannot get a waiver on sidewalks without going before Council.

An Ordinance will be ready for introduction at next week's meeting. Solicitor Kearns will email the Draft Ordinance.

ACTION

RESOLUTION NO. 2010-73

**RESOLUTION OPPOSING LEGISLATION AMENDING
THE TIME OF DECISION RULE**

Council President O'Hara asked that this Resolution be put on this evening because it has to be faxed to the Senator tomorrow. Solicitor Kearns suggested that it also be sent to the Assembly. Council President O'Hara explained that this legislation intends to modify the time of decision rule that currently allows municipalities to change the zoning regulations during the pendency of an application for development. If it passes, it ties up the municipalities.

It was on the MOTION of Sandusky, seconded by Ryan to approve Resolution No. 2010-73.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Baldorossi, Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: None

Unanimous approval.

Florence Township Council Executive Session: 03/10/10

HERITAGE TRAIL

Administrator Brook reported that the Heritage Trail Grant is moving along. Burlington County brought in their appraiser today to go over the scope of how it will work and what they are trying to accomplish.

ROEBLING MUSEUM

Council Member Sandusky noted that it is a long walk from the parking lot to the entrance of the museum and asked if any consideration has been given to designate handicapped parking out front or a designated drop off point for handicapped individuals? Council President O'Hara stated that the present door system within the museum does not meet ADA requirements. In the plan that they received, a grant for development and drawings for enhancing the mill yard to allow visitors to wander through pathways, there was discussion of doing a ramp system from Second Avenue. It is being worked on.

RECREATION

Administrator Brook stated that there was a meeting today to follow up on the use of the township's recreation fields by the West Jersey Witches Travel Softball Team, which was discussed at Council's February Worksession. Administrator Brook would like to follow up with a letter to Gary Olaff, head coach of the softball team, regarding the decision made at the Council meeting. Administrator Brook verified that the decision of Council that evening was to approve use of the fields for the tournament on May 22nd and May 23rd as long as there are no conflicts with the recreational leagues. It will be made clear that in the future the 50% residency requirement for players and coaches must be adhered to. Council President O'Hara stated that was the decision and he has spoken to Mr. Olaff regarding that several times. Administrator Brook will move forward with sending the letter to the West Jersey Witches Travel Softball Team in care of Mr. Olaff.

BRANDOW

Administrator Brook reported that Brandow is ready to be issued their permit for demolition. To keep the property from becoming a parking lot for trucks, he looked at the fence. There is fence on the left side but only posts on the right side. Administrator Brook suggested that he work with the property owner to leave the fence up or have no parking signs posted so it can be enforced by the Florence Township Police Department. Administrator Brook will talk to the property owner regarding property maintenance.

SALT & LIGHT

Administrator Brook reported that Salt & Light received a \$300,000 low interest loan and he is working with them on the final agreement.

DAYCARE CENTER: REVEREND MOORE

Council President O'Hara asked how Rev. Moore is progressing with the daycare center? Administrator Brook had explained to Rev. Moore that it was a legal non-conforming use of a daycare center, it had been a canteen but that was many years ago and it is in a residential zoning district. Administrator Brook has advised Rev. Moore that he needs to apply to the Zoning Board.

9:10PM MOTION by Sandusky, seconded by Baldorossi to adjourn to Closed Session. Roll call vote - all ayes.

Florence Township Council Executive Session: 03/10/10

ADJOURNMENT

9:10PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk
/mab