

Florence, New Jersey
September 15, 2010

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order by Council President O'Hara at 8:00PM. The Florence Township Police Department led the Salute to the Flag.

The following statement was read by the Township Clerk: "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. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

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

Also present:

Mayor William Berry; Richard A. Brook, Township Administrator; Thomas A. Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

PROCLAMATION: GEORGE W. EMERICK, JR.

Mayor Berry stated that it is always an honor to recognize someone who has served the community, volunteering on boards and elected office. Tonight the town honors George W. Emerick, Jr.

Mayor Berry presented a Proclamation to Mr. Emerick in honor of his years of service to the community serving as: a Florence Township Council Member from January 1982 until December 1989 (Council Vice President in 1984 & 1988 and Council President in 1985 & 1989); and on the Florence Township Zoning Board of Adjustment since July 24, 1994 and continuously served until December 31, 2009, serving as Board Chairman from 1996 through 2003.

Mayor Berry thanked Mr. Emerick for his many years of dedicated service to Florence Township.

Council President O'Hara presented Mr. Emerick's wife, Virginia Emerick, with flowers and thanked her for her support in allowing her husband to serve the community.

Mr. Emerick thanked Mayor and Council. He stated that he believes that he did what he should have done as a citizen of the community.

PROCLAMATION: GOLD STAR MOTHERS – VETERANS GROUPS

Council President O'Hara welcomed and introduced Mr. Wargo, Commander of the Willits, Hogan, Tonne American Legion Post 39; Mr. Paul Zimmerowski, Commander of the Francis Robbins Post 194 and also the County Commander. Council Member Sandusky introduced Steve Anderson from Post 39.

Mayor Berry thanked the gentlemen for attending this evening.

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Mayor Berry presented a Proclamation to each post in honor of the Gold Star Mothers; American Mothers who suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in World Wars and all wars.

Mr. Wargo stated that it is a pleasure to accept the Gold Star Mothers Proclamation as Commander of Post 39. He thanked Mayor and Council.

Mr. Wargo noted that even though he lives in Mansfield Township, he is a Roebling boy. He thanked Mayor and Council for buying geraniums over the past four to five years for the Post. He also thanked the township for the scholarship for a Post 39 student to attend the Boy's State Program at Ryder University in the summertime. Mr. Wargo also thanked Chief Fazekas for providing escort duty on Memorial Day; they do a great job and have been doing it for years. He also thanked Council Vice President Baldorossi for getting no parking signs in front of Post 39.

Mr. Zimmerowski thanked Mayor and Council.

Council President O'Hara stated that Council Member Sandusky came up with a unique idea regarding the gold star and asked Council Member Sandusky to speak on what he and Assistant Administrator Sahol are working on. Council Member Sandusky stated that when he heard of Gold Star Mothers Day he thought, with former Council Member Hoflinger's idea of naming streets after fallen veterans, of installing a gold star to the actual street sign of the fallen veteran. The gold stars will be installed on September 26, 2010, Gold Star Mothers Day.

Mr. Wargo stated that Florence Township is really backing the veterans up; it is an honor to have the names of deceased veterans on street signs. He congratulated Florence Township for doing a great job. Council President O'Hara stated that we all benefit from the veterans' great sacrifices and the township is pleased to do whatever they can to support the veterans.

Council Member Sandusky noted that Florence Township also provides a scholarship for a girl to attend the Girl's State Program.

8:22: RECESS

8:32: MEETING RESUMED

NOTE: Council Vice President Baldorossi left meeting due to illness during the recess.

MINUTES

Sandusky made a MOTION; seconded by Woolston to approve the following minutes. Roll call vote – all ayes. Motion carried.

Closed Sessions September 1, 2010; September 8, 2010

FINANCIAL CORRESPONDENCE

It was on the MOTION of Sandusky; seconded by Woolston to receive and file Township Clerk's report, Chief of Police's report and the Court Administrator's report for August. Roll call vote – all ayes. Motion carried.

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Sandusky made a MOTION; seconded by Woolston to approve the Treasurer's Bill List. Roll call vote – all ayes. Motion carried.

REGULAR CORRESPONDENCE

Nothing at this time.

APPLICATIONS

A. Social Affair Permit: Roebling Museum, October 15, 2010, 6:30PM – 8:00PM, Main Street Community Center

It was on the MOTION of Sandusky, seconded by Woolston to approve the above application.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval.

PUBLIC COMMENTS

Josephine Voj, 1221 Emerick Avenue, expressed her displeasure regarding the proposed parking restrictions on her street. It affects her directly in front of her house and she expected the courtesy of a letter notifying her. She found out from the township's website. Ms. Voj stated that there is already a portion of Emerick Avenue restricted parking from the corner to the house in front of her. She asked where vehicles are going to park? Council Member Ryan believes the sign Ms. Voj is referring to is not enforceable. He was not clear on how that sign got there. He stated the sign will be taken down.

Dave Cochran, 1211 Emerick Avenue, stated that the resident across the street from him runs a day care and when the bar (on Hornberger Avenue) was open, because there is no curb, patrons were parking on the grass up against the resident's fence. The resident used to find debris along her fence. He believes the resident complained and that is why the sign was put up. Mr. Cochran stated that there is limited parking on Emerick Avenue and the street is narrow. If vehicles are parked on both sides of his driveway and across from his driveway, he has a very difficult time getting out of his driveway.

Ms. Voj has lived on Emerick Avenue for 23 years and all of a sudden it is a problem. She has a driveway but expressed concern of where her visitors will park.

Mr. Cochran asked if visitors to the homes on Emerick Avenue could utilize the church's parking lot? Council Member Ryan stated that Mayor and Council cannot speak on behalf of the church concerning their personal property.

Council Member Ryan explained that some residents, further down on Emerick Avenue, approached him with a legitimate safety concern. The concern was that very often there are vehicles parked on both sides of the street and one resident came very close to having an accident. As she was turning on to her street, there were two (2) vehicles parked on opposite sides of the street from one another

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and she almost had a head on collision. Based on that concern and other concerns and with the width of the street, Council Member Ryan had the Chief of Police and Sergeant investigate and that was how this Ordinance was developed.

Mr. Cochran stated that if there are two (2) SUV's parked across from each other, he has a difficult time getting past in his truck and expressed concern how a fire truck or ambulance would get down the street in an emergency. Council Member Sandusky stated that is a legitimate concern.

Administrator Brook stated that if the sign in question was not put up in accordance with the municipal Ordinance to make it legal, the sign will be taken down as part of this process. Ms. Voj stated that will help alleviate some of the parking concerns.

Council Member Ryan reiterated that he initiated this Ordinance based on safety concerns brought to his attention.

Council President O'Hara apologized for not notifying the residents in writing of the proposed Ordinance. He explained that the health and safety of the residents along Emerick Avenue is what prompted the Ordinance.

Council President O'Hara noted that the new church parking lot will help with parking in the area.

Council Member Sandusky requested that if the bar on Hornberger Avenue reopens that the area where the sign is being removed be checked by the police department to see if the problems that prompted the sign are reoccurring.

Mr. Cochran was made aware that the township is going to adopt a hunting ban on a property he has been hunting on for nine years. He would like it on record that he is inviting Mayor and Council Members to the property to show that it is not a safety issue. Since he has started hunting there, he has eliminated all trespassers. When he first started hunting there nine years ago there were approximately 30 trespassers in one year; he has it down to where there was just one (1) last year. Mr. Cochran has been working with a Conservation Officer over the past nine years. He spoke with a representative of New Jersey Fish and Wildlife, Cindy Kuenstner, and she recommended setting up a committee including herself, the conservation Officer and Mr. Cochran to come in and address the safety concerns. Mr. Cochran does not believe there are any safety issues; he believes safety issues come from trespassers on Green Acres property. He is the sole person that hunts on that property and safety issues do not rise from him. He is the caretaker of that property and no one gets in or out without his knowledge; if they get caught, they are prosecuted. He does call the police when he finds trespassers; he has also reported people hunting on the high school's property. Mr. Cochran explained that the property he is referring to is on Cedar Lane across from the high school, the Lesko property.

Assistant Administrator Sahol is aware that Mr. Cochran has made many phone calls to the Police Department regarding the lawlessness of what some of the hunters have done in that entire vicinity. Assistant Administrator Sahol explained that his recommendation is not singling out the Lesko property or any other individual property. What he has found from investigating with Sgt. Palombi is that there are so many different instances where people were hunting in areas that are prohibited under State of New Jersey Game Laws, such as hunting within the safety zone of a structure or within a school property. The difficulty the police department faces is trying to locate that individual, at the time the hunting occurs, in relation to those structures and working with the State

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Conservation Officers. It can be very difficult for police officers to determine property lines but conservation officers have GPS equipment. Assistant Administrator Sahol explained that as the north side of the New Jersey turnpike extension began to develop, the governing body confronted with the possibility of having hunter and human interface. They addressed it because of the reduced area available under the State Game Laws and it became unsafe. It became clear that they were very small isolated parcels versus large, contiguous parcels. When Assistant Administrator Sahol and Sgt. Palombi worked on this, they asked the Township engineer to work with them. They looked at the safety zones and Assistant Administrator Sahol recommended to council last week that the possibility of coming forward with no firearm discharge Ordinance, which would effectively eliminate hunting in that area was warranted because of those little isolated parcels. Assistant Administrator Sahol explained that he did recommend that the farmer of the land should have the ability to use the game laws to their advantage to call the population to protect the crop, which would give Mr. Lesko the opportunity to hunt his farm. Assistant Administrator Sahol explained that they have not gotten into the semantics of how it will happen yet. He met with Solicitor Kearns this past Monday. He has since spoken with Cindy Kuenstner of New Jersey Fish and Wildlife. He recommended that she and the Conservation Officers be part of the township's committee to help develop the Ordinance and work with the township so the exceptions to the Ordinance could be properly managed. The township is looking to work with the interested parties, not to preclude.

Mr. Cochran reiterated that there are no safety issues where he hunts on the Lesko property. Council President O'Hara explained that there have been two (2) incidents where shots went through a window of a home. He stated that Mayor and Council are trying to provide safe conditions throughout the community. He noted that they will try to work something to accommodate Mr. Cochran but that also addresses the safety issues. Mr. Cochran was invited to serve on the subcommittee.

Mr. Cochran stated that he has been hunting for 28 years and has never had an accident, a summons or any Fish & Wildlife violations.

In response to Council President O'Hara, Assistant Administrator Sahol explained that the property owner could name Mr. Cochran his agent or designate authority to him. Mr. Cochran stated that Mr. Lesko has appointed him the authority, which has been forwarded to the New Jersey Fish and Wildlife.

Council President O'Hara stated that Mr. Cochran's comments will be taken into consideration.

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.

RESOLUTIONS

RESOLUTION 2010-188

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM
OF REVENUE IN THE BUDGET OF THE TOWNSHIP OF FLORENCE,
COUNTY OF BURLINGTON, PURSUANT TO N.J.S.A. 40A:4-87
CHAPTER 159, P.L. 1948**

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RESOLUTION NO. 2010-189

**AUTHORIZING APPROVAL OF 2010-2011 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
#0315-33-014-002**

RESOLUTION NO. 2010-190

**APPROVE REQUEST TO
REDUCE BOND FOR
LEGACY AT MEADOWCROFT**

NOTE: Conditioned upon payment of any escrow funds due

RESOLUTION NO. 2010-191

**APPROVE PAYMENT OF CURRENT ESTIMATES NO. 1 & 2
AND APPROVE CHANGE ORDER NO. 1
EARLE ASPHALT COMPANY
PO DRAWER 556, FARMINGDALE, NJ 07727
FOR SIDEWALK RAMP PROJECT
2009 COMMUNITY DEVELOPMENT BLOCK GRANT**

RESOLUTION NO. 2010-192

**APPROVE PAYMENT OF CURRENT ESTIMATE NO. 2 TO
CARDINAL CONTRACTING CO., LLC
1738 ROUTE 206, SOUTHAMPTON, NJ, 08088
2010 ROAD PROGRAM**

RESOLUTION NO. 2010-193

**APPROVE FINAL ESTIMATE
LEVY CONSTRUCTION CO., INC.
134 CUTHBERT BOULEVARD, AUDUBON, NJ, 08106
FOR LIBRARY DOOR REPLACEMENT
2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

RESOLUTION NO. 2010-194

**APPROVE CURRENT ESTIMATE NO. 1 FOR
THE OLD YORK ROAD BIKEWAY
AMERICAN ASPHALT CO., INC. - CONTRACTOR**

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RESOLUTION NO. 2010-195

**AUTHORIZE REDUCTION IN PERFORMANCE BOND
TILTON LANE, LLC, MC HUGH COURT, BLOCK 100, LOT 8.03**

NOTE: Conditioned upon payment of any escrow funds due

RESOLUTION NO. 2010-196

**APPROVE REDUCTION OF PERFORMANCE BOND
K. HOVNANIAN FOR ESTATES AT CROSSROADS
BOND NO. 1010873**

RESOLUTION NO. 2010-197

**DENY REQUEST FOR RELEASE OF PERFORMANCE BONDS FOR
WATER & SEWER IMPROVEMENTS
LEGACY AT MEADOWCROFT**

RESOLUTION 2010-198

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM
OF REVENUE IN THE BUDGET OF THE TOWNSHIP OF FLORENCE,
COUNTY OF BURLINGTON, PURSUANT TO N.J.S.A. 40A:4-87
CHAPTER 159, P.L. 1948**

RESOLUTION NO. 2010-199

**A RESOLUTION CANCELING TAXES ON PROPERTY
DELETED FROM THE TAX LIST**

It was on the MOTION of Woolston, seconded by Ryan to approve Resolutions No. 2010-188 through 2010-199.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval.

ORDINANCES

**ORDINANCE 2010-15
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
AMENDING CHAPTER 134 OF THE FLORENCE TOWNSHIP CODE
TO ESTABLISH PARKING RESTRICTIONS ON
PORTIONS OF HORNBERGER AVENUE AND EMERICK AVENUE**

It was on the MOTION of Sandusky, seconded by Ryan to approve Ordinance No. 2010-15 on second reading for adoption.

Public Comment

Council President O'Hara opened the meeting to the public for comments at this time.

Nothing at this time.

It was on the MOTION of Sandusky, seconded by Ryan to close the public hearing. All ayes – motion carried.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval.

**ORDINANCE NO. 2010-16
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING SECTION 36-10 OF
THE FLORENCE TOWNSHIP CODE TO REQUIRE TOWNSHIP COUNCIL
AUTHORIZATION FOR EVENTS IN PUBLIC BUILDINGS WHERE ALCOHOLIC
BEVERAGES WILL BE CONSUMED**

It was on the MOTION of Ryan, seconded by Woolston to approve Ordinance No. 2010-16 on second reading for adoption.

Public Comment

Council President O'Hara opened the meeting to the public for comments at this time.

Nothing at this time.

It was on the MOTION of Ryan, seconded by Woolston to close the public hearing. All ayes – motion carried.

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On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval

REPORTS

Committees, Boards and Officers

- Council Member Sandusky stated that he was happy to see so many people took advantage of the **Free Yard Sale Day** but expressed displeasure that some of the **residents did not take their signs down**, even though in the advertisement they were asked to take their signs down. He called Joy Weiler, Township Clerk, and she sent notices to approximately 15 individuals. Council Member Sandusky suggested a **permit fee to post signs** that would be refunded after the signs are taken down; if the signs are not taken down the fee would be forfeited. He would also like to include real estate open house signs, home improvement signs and political signs. Solicitor Kearns believes something can be done about the yard sale signs. There may be a problem with real estate signs because they are considered commercial free speech. In regards to political signs, they can be prohibited in the township right of way, but there is a First Amendment Free Speech issue with political signs. Solicitor Kearns stated that some towns say that signs are not permitted in the right of way and if they find one they confiscate it, no matter what the sign is for. He stated that there will have to be some careful thought to how it is structured; can be discussed at a future worksession. Solicitor Kearns stated that he will draft something in regards to the yard sale signs as part of the yard sale permitting process; the others will be discussed at a later date.
- Council President O'Hara asked Administrator Brook to contact George Lengel regarding the dimensions of the stage at the Main Street Community Center. Administrator Brook will contact him tomorrow morning and set up a time to meet.

Mayor

- Nothing at this time.

Administrator

- Administrator Brook stated that the **Burlington the Beautiful Magazine**, prepared a nice article on the Roebing Museum; they met with him, Mayor Berry and Assistant Administrator Sahol regarding doing an **article about Florence Township**. It is customary for the township to place a small ad in the magazine when they do an article. If the article is similar to the Roebing Museum article, it will be a real quality piece.
- Administrator Brook stated, as discussed in Closed Session, that a **Resolution** for October will be prepared approving the **two (2) police organizations to form as FOP Lodge #210**.

Assistant Municipal Administrator

- Assistant Administrator Sahol stated that there is a **grant opportunity through Burlington County for \$250,000**, but he is on a tight timeline. He provided a list of ideas for use of the grant. After looking through the list, Council Member Ryan noted that one of the things that he gets a lot of phone calls about is the condition of the tennis courts in downtown Florence.

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He would like to see those tennis courts restored. Council Member Sandusky agrees with Council Member Ryan and would also like to add new fencing along Wilkie Park. He would like to see the fence pushed back and install a walking path. He would also like to see work done on Nyikita Field. Assistant Administrator Sahol believes the walking path in Wilkie Park will be covered by the Heritage Trail being put in by the County.

After further discussion it was decided to apply for:

1. Rehabilitation of the tennis courts in Wilkie Park
2. Walking Trails connecting Veterans Park and Water Works Park
3. Rehabilitation of Nyikita Field and a tree grove
4. Buffer hedgerow in Veterans Park along the turnpike

Council complimented Assistant Administrator Sahol on all of the work he does in trying to obtain grants to improve the overall appearance of the community. He does an excellent job.

Township Solicitor

- Solicitor Kearns reported that **Assistant Administrator Sahol has been appointed to the Legislative Committee of the New Jersey League of Municipalities**. Council congratulated Assistant Administrator Sahol.

Township Engineer

- Dan Guzzi, Township Engineer, stated that work has begun on the **bikeway**. The contractor hopes to be completed in the next several weeks.

UNFINISHED BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Nothing at this time.

ADJOURN TO CLOSED SESSION

9:20PM MOTION by Ryan, seconded by Sandusky to adjourn to Closed Session. Roll call vote - all ayes. Motion carries.

REGULAR SESSION RESUMED

10:14PM MOTION by Ryan, seconded by Sandusky to resume Regular Session. Roll call vote – all ayes. Motion carries.

FIELD HOCKEY RECREATION PROGRAM: USE OF LIGHTS REQUEST

Assistant Administrator Sahol stated that David Dennison, Recreation Director, provided a breakdown of how the Field Hockey Program has grown over the years. He explained that Field Hockey is looking for very little time with the lights so they are able to stay competitive. Assistant

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Administrator Sahol stated that the program is growing and believes they should be able to use the lights. After further discussion, it was decided to allow them to use the lights from 6:00PM – 8:00PM. Tim Lutz and Ted Lovenduski will be in charge of the lights. They will be advised that the first time there is a complaint that they went over their time limit, they will no longer be able to use the lights. Council Member Ryan suggested a timer on the lights.

USE OF SCHOOL FACILITIES

Administrator Brook stated that he is going to ask Solicitor Kearns to contact the solicitor for the school. The school has asked that everyone sign a Facilities Use Application Addendum, where if one of the recreation organizations uses one of their facilities, we shall indemnify, hold harmless and defend the Florence Township Board of Education against any and all liabilities. It was noted that in the past the school used the township facilities quite often. Solicitor Kearns was requested to call and ask if the language could be modified to language that works for the town.

10:25PM MOTION by Woolston, seconded by Sandusky to adjourn the meeting. Roll call vote - all ayes. Motion carried.

ADJOURNMENT

10:25PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab