

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. President O'Hara led the Salute to the Flag followed by a **Moment of Silence** in honor of **Memorial Day**, which is for the men and women who made the ultimate sacrifice for our country.

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 2, 2011 and January 16, 2011; 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:

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; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

MINUTES

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

Closed Session	May 11, 2011; May 18, 2011
Regular Session	April 6, 2011; April 20, 2011
Executive Session	April 13, 2011

FINANCIAL CORRESPONDENCE

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

REGULAR CORRESPONDENCE

Nothing at this time.

APPLICATIONS

- A. Social Affair: Francis W. Robbins American Legion Post 194, June 25, 2011, 1:00PM – 7:00PM
- B. Calendar Raffle: Roebing Museum, Saturdays, August 20, 2011 – October 22, 2011, 12:00PM
- C. On Premise 50/50 Raffle: Roebing Museum, July 16, 2011, 10:00AM – 3:00PM

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

Upon roll call Council voted as follows:

YEAS: Ryan, Sandusky, Woolston, O'Hara (A)
NOES: None
ABSENT: Baldorossi
ABSTAIN: O'Hara (B & C)

Motion carried.

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PUBLIC COMMENTS

Paul Konrad, 1274 Emerick Avenue, stated that he filed an application with the Construction Department on April 8, 2011 for his property that is next door to the property the house he is living in is on. He hand carried the application with a copy of his survey and handed it in and at that time someone he knows told him that he would not have any problem because he has two (2) non-conforming lots, that are considered a single lot and they are contiguous. He did not know what the code was and asked to get a copy of the code from Thomas Sahol, Assistant Zoning Officer. After his request was denied, Mr. Konrad asked what the problem was and stated that Assistant Administrator Sahol advised him that he has two (2) separate lots and your not going to be able to use the total land coverage. Mr. Konrad stated that he requested paperwork: a copy of the code, an email that transpired between Assistant Administrator Sahol and David Frank (Planning Board Solicitor). He stated that Assistant Administrator Sahol highlighted and underlined sections of 91-166 from the Township code.

Mr. Konrad believes that the lots can be treated as a single lot. Solicitor Kearns stated that the simplest way to solve this is to merge the lots into one legal description for one lot. Mr. Konrad does not believe he should do that since the law states that they are a single lot. Dan Guzzi, Township Engineer, stated that they are two separate lots. He explained that there maybe an exception to that merger because the lots are back to back. It would be different if they were side by side, which is clear in state law.

Council President O'Hara suggested a meeting be held with Mr. Konrad, Township Engineer, Solicitor Kearns, Administrator Brook, Assistant Administrator Sahol and the Zoning Board Solicitor to hash out. Mr. Guzzi is willing to meet and review and present all of the facts (he apologized that he was not prepared with the facts this evening but did not know this would be discussed), and then if Mr. Konrad is still not satisfied he can go for an interpretation or appeal the zoning decision.

Mr. Konrad reiterated that 91-166 is a township law and the township should be going by the law. Mr. Guzzi stated that the township is going by the law but unfortunately he was not aware that this would be discussed this evening, so he is not prepared and Mr. Frank, Zoning Board Solicitor, is not present at this evening to discuss his side. Mr. Guzzi stated that he is more then willing to meet with Mr. Konrad; he believes Mr. Frank would also be more then willing to meet with Mr. Konrad.

Mayor Berry asked what Mr. Konrad was looking for this evening? Mr. Konrad stated that he wants the Assistant Zoning Officer to obey the township's zoning law. Mayor Berry stated that Mr. Guzzi, the Township Engineer who is also the Zoning Board Engineer and present this evening, is willing to put together a meeting to go over this and go over the interpretation of the law.

Mr. Konrad stated that he was here this evening for a complaint. He stated that there is a law and he wants that law followed. He believes that the remedy to his complaint is for Council to issue a directive to Assistant Administrator Sahol to prove his decision per law 91-166. Solicitor Kearns stated that Council has no authority to do that. Mr. Konrad stated that the governor's office and the Burlington County Freeholder's office advised him to go to Florence Township Council. Council Member Ryan believes the State and the County is indicating that it should be worked out at a local level and Council is indicating that they want to get all of the appropriate professionals together with Mr. Konrad to meet and review the application and provide the correct path forward. Other then that, the Township Council cannot override a Zoning Officer's decision or intervene with the Zoning Board; they are a separate Board.

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Assistant Administrator Sahol responded to Mr. Konrad. He explained that he had one conversation with Mr. Konrad before the denial of his application at which time he described to Mr. Konrad that there are many things he has to look at in regards to the code and the fact that there is case law that sometimes overrides township code. Assistant Administrator Sahol stated that at no point in time would he have ever cited the exact code citation in the first denial letter; that is something he does if he has to issue a Zoning Officer Certification. He stated that he also provided the code to Mr. Konrad multiple times, he read it over and over to him. The fact that the code was not included in the initial denial letter is just normal course of business. The reason for the denial and the options are included in denial letters. In some of their conversations, Assistant Administrator Sahol offered Mr. Konrad the ability to do a consolidation of deed; one of the lot numbers would be erased creating one entire lot that Mr. Konrad was seeking for the benefit of using for impervious surface calculations. He also offered Mr. Konrad the ability to appeal his decision to the Zoning Board, and then Mr. Konrad could receive clarification from that board that has authority to override the Zoning Officer and his decision. Assistant Administrator Sahol does not believe that Mr. Konrad followed up on any of the suggestions he offered.

Assistant Administrator Sahol explained that what Mr. Konrad refers to as a Freedom of Information Act is actually called an OPRA Request (Open Public Records Act). He stated that an informal OPRA Request, in the form of a letter, was received by the Township Clerk and himself. It was explained that there is a standard procedure on how OPRA Requests are answered. Assistant Administrator Sahol is not the custodian of the record, he has to provide the Township Clerk, who is the custodian of record, the information and she has to honor and answer those OPRA requests. Mr. Konrad asked for two (2) items, the information regarding the code and any correspondence or communication that Assistant Administrator Sahol had with the attorney. Both items were provided to Mr. Konrad.

Administrator Brook stated that the township officials, along with the Zoning Board Engineer and Zoning Board Solicitor, are very willing to meet with Mr. Konrad to go over the code, the law and his questions and concerns. Administrator Brook explained that as Zoning Officer and Assistant Zoning Officer, it is his and Assistant Administrator Sahol's responsibility to enforce the code. He understands that Mr. Konrad disagrees but reiterated the offer of a meeting. Mr. Konrad did not believe that he will get anywhere with a meeting. He stated that he has a complaint that he was told an untruth. Council Member Ryan asked Mr. Konrad if it was possible that he was misinterpreting the code?

Council President O'Hara advised Mr. Konrad that Council has heard his complaint. The recommendation to meet with the professionals, Assistant Administrator Sahol and Administrator Brook, was offered and they will report back to Council. A meeting is the only way to resolve the issue.

Administrator Brook asked Mr. Konrad to advise this evening or to call if he is interested in setting up a meeting. Mr. Konrad accepted the offer of a meeting. Administrator Brook will contact Mr. Konrad to set up a date for the meeting.

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

RESOLUTIONS

RESOLUTION NO. 2011-123

**AUTHORIZING APPROVAL OF 2011– 2012
RENEWALS OF CLUB LICENSES
(All Five Clubs)**

RESOLUTION NO. 2011-124

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
(The Bungalow Corp.)**

RESOLUTION 2011-125

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSES
(Florence Liquors, Town Liquor & Liquor Barn)**

RESOLUTION NO. 2011-126

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
(Dr. Lou's Place, LLC)**

RESOLUTION NO. 2011-127

**AUTHORIZING APPROVAL WITH CONDITIONS
OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
RIVER ROCK BAR & GRILLE, LLC
ABC LICENSE NO. 0315-33-008-004**

RESOLUTION NO. 2011-128

**ACCEPTING APPLICATION 2011-2012 RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSE
Punam Corp. (Florence Liquor Mart)**

RESOLUTION NO. 2011-129

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
(Murphy's Tavern, Inc.)**

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RESOLUTION NO. 2011-130

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSE
WITH CONDITIONS
WESLEY'S PUB, INC., t/a THE AVENUE PUB**

RESOLUTION NO. 2011-131

**ACKNOWLEDGING FILING OF 2011-2012 RENEWALS OF
PLENARY RETAIL CONSUMPTION LICENSES
(Fine Food & Spirits, Inc.; Aiebon Corp.; F&A Inc.)**

RESOLUTION NO. 2011-132

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL CONSUMPTION LICENSES
(Paglione and Sandor's)**

RESOLUTION NO. 2011-133

AUTHORIZING AMENDING THE AGREEMENT FOR DUFFY MANOR

RESOLUTION NO. 2011-134

RESOLUTION TO REMOVE PROPERTY FROM TAX SALE

RESOLUTION NO. 2011-135

**RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN
THE TOWNSHIP OF FLORENCE AND THE BURLINGTON COUNTY
BOARD OF CHOSEN FREEHOLDERS FOR THE
MUNICIPAL PARK DEVELOPMENT PROGRAM GRANT**

It was on the MOTION of Sandusky, seconded by Woolston to approve Resolution No. 2011-123 through 2011-135.

Joy Weiler, Township Clerk, explained that Resolution No. 2011-131 accepts the applications and fees of three (3) licenses but Council is unable to actually approve the renewals until there is a Special Ruling from the State of New Jersey. She noted that all three (3) are inactive licenses.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Motion carried.

ORDINANCES

**ORDINANCE NO. 2011 – 05
(2nd Reading)**

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE ESTABLISHING A REDEVELOPMENT AREA KNOWN AS THE DUFFY SCHOOL REDEVELOPMENT AREA TO CONSIST OF BLOCK 45, LOTS 8,13,14, AND 15 AND COMMONLY KNOWN AS THE FORMER MARCELLA DUFFY SCHOOL ON WEST SECOND STREET, AND 203 WEST SECOND STREET, IDENTIFIED AS BLOCK 45, LOTS 9 AND 10 AND CURRENTLY OCCUPIED AS A SINGLE-FAMILY DWELLING

It was on the MOTION of Sandusky, seconded by Ryan to approve Ordinance No. 2011-05 on second reading for adoption.

Public Comment

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

Richard Lotter, 3 Walnut Court, was at the meeting where the Duffy School was discussed and believes this is a good thing. His only concern is the storage of trash until the collection day. Dan Guzzi, Township Engineer, explained that the trash will be stored inside the building in a trash enclosure. The trash will be wheeled outside for pickup on the collection day.

Mr. Lotter expressed concern regarding parking. Mr. Guzzi explained that the existing parking lot on the right side of the building will be reconstructed and there will be additional parking along the alley.

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

Motion carried.

**ORDINANCE NO. 2011-06
(2nd Reading)**

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE SALE OF A CERTAIN MUNICIPALLY OWNED PARCEL OF LAND WITHIN THE TOWNSHIP OF FLORENCE KNOWN 622 WALLACE AVENUE AND IDENTIFIED ON THE TAX MAP AS BLOCK 112, LOT 3

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It was on the MOTION of Ryan, seconded by Sandusky to approve Ordinance No. 2011-06 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 Sandusky 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

Motion carried.

REPORTS

Committees, Boards and Officers

- Council President O'Hara thanked Council Member Sandusky for the outstanding efforts he put forth with Post 39 in Roebling for the Memorial Day Services. He also thanked former Council and Planning Board Member John Smith from Post 139 in Florence for his work with the services. Council President O'Hara stated that both posts put on excellent programs but expressed concern that the programs are not advertised well enough.

Mayor Berry stated that the Florence Township High School had a very moving ceremony last Friday.

Council President O'Hara requested that the Mayor, on behalf of himself and Council, send a letter to both posts and the high school thanking them for the ceremonies.

Council Member Sandusky stated that Patrolman Shafer and Patrolman Fisher did an outstanding job directing traffic during the ceremonies, a letter will be sent commending the police officers.

Council Member Sandusky stated that a lot of Greenbriar veterans belong to Post 1000 and the money just goes to a corporate fund. It would be beneficial if any members of Post 1000 wanted to join a local post.

Mayor

- Nothing at this time.

Administrator

- Administrator Brook stated that a letter was received and a copy provided in the packet that makes it appear that one of the township's grants is dormant; he stated that the grant is not dormant. Dan Guzzi, Township Engineer, explained that it was tied in with the **2008 Road**

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Program and was an auto-generated letter from DOT because of the long delay in processing due to the litigation with American Asphalt. Mr. Guzzi has contacted DOT regarding the letter; the money has been spent. A formal response will be sent to DOT.

- Administrator Brook commended Assistant Administrator Sahol and reported that the township received the Burlington County grant and will be able to **replace the boat dock** at no municipal cost other than engineering. He will report back as to how the township can deal with funding these rehabilitation improvements upfront and some of the engineering costs. They are moving forward with going out to bid on the boat dock.
- Administrator Brook stated that over the winter the gentleman that lives across from Marter Park began **constructing a large parking lot for equipment**. The township contacted the gentleman and advised him that he needs to come before the Zoning Board for a variance or he will be cited. The gentleman called and stated that he is in the ARG (agricultural) zone and can do whatever he wants; that he is using the property for 100% ARG purposes. Administrator Brook stopped and spoke with the homeowner and took some pictures. The gentleman told Administrator Brook the same thing. Administrator Brook advised the property owner that he will have no choice but to have the Construction Code Official issue a citation and violation notice. The property owner's response was to issue the violation notice. Administrator Brook and the Construction Code Officer spoke with the Zoning Board Attorney who verified that the property owner needs a use variance and a site plan. A letter was sent to the property owner advising that he has 14 days. In response to the letter, the property owner called and stated that he would pick up an application, which he never did. Tom Layou, Construction Code Official issued a citation to municipal court today. Burlington County Soil Conservation and the Burlington County Highway Department were notified because their approval is also needed.

Assistant Municipal Administrator

- Assistant Administrator Sahol reiterated that the township did receive the Burlington County Grant; the only part left out was the fitness trail. Assistant Administrator Sahol commended the Township Engineer, Dan Guzzi, and his staff for their help, without them the township would not be receiving all of the grants. Mayor Berry complimented Assistant Administrator Sahol on the outstanding job he does.

Township Solicitor

- Nothing at this time.

Township Engineer

- Nothing at this time.

UNFINISHED BUSINESS

Nothing at this time.

NEW BUSINESS

Florence Township Housing Authority Appointment

It was on the MOTION of Sandusky, seconded by Ryan to appoint **Mary Ann Napolitan** to the Florence Township Housing Authority for a 5-year term, term ending 7/31/16.

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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

Motion carried.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Nothing at this time.

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

ADJOURNMENT

9:20PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab