

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 8:05PM. President O'Hara led the Salute to the Flag followed by a Moment of Silence in honor of *Harry Fauver*, former Tax Collector and *Norma Furman*, who also worked in the tax office, both of whom recently passed away.

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:

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

MINUTES

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

Regular Session	September 7, 2011
Closed Session	September 7, 2011; September 14, 2011; September 21, 2011

FINANCIAL CORRESPONDENCE

It was on the MOTION of Sandusky, seconded by Ryan to receive and file the Court Administrator's report for September. Roll call vote – all ayes. Motion carried.

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

REGULAR CORRESPONDENCE

Nothing at his time.

APPLICATIONS

Nothing at this time.

PUBLIC COMMENTS

Don Kamienski, 10 McCay Drive, had the opportunity to visit British Columbia and one of the

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problems they are having is people squatting in their rivers to avoid paying taxes and discussed the unsanitary conditions this has caused. He noted that there has been a houseboat on the Delaware River for the past three weeks; sometimes on the Florence Township side and sometimes on the Pennsylvania side. Mr. Kamienski asked if the township has contacted the New Jersey State Police or the NJDEP to check to see if the resident has onboard facilities and what pump out station they use? Assistant Administrator Sahol stated that he has not contacted anyone but he knows that the NJ State Police have made contact with that person and they are forced to move every three days to another location on the river. The township does not have any regulatory authority on the waterway; the NJ State Police are the regulatory authority.

Robert Kahrman, 52 Trainor Circle, raised an issue he has been having over the past couple of days with Comcast Cable and periodic outages. He contacted Comcast Cable, who was not aware of the problem but said that they would dispatch a technician. He did negotiate with Comcast that he would be credited one day's charge if his cable is out for a few minutes. He is not sure if the problem is exclusive to Greenbriar Horizon or if it is throughout the community. Mr. Kahrman believes that Comcast Cable is up for renewal on November 9th and asked the Council Members to address this issue. Solicitor Kearns explained that the meeting on November 9th is a Public Hearing, which is an opportunity for residents to come and express their concerns. He has notified Comcast to be prepared to address those types of concerns, which is not limited to Greenbriar. Solicitor Kearns encouraged Mr. Kahrman to come to the November 9th meeting, even though that issue has already been brought to the attention of Comcast, having it on the record at a Public Hearing is very useful. After the hearing, the township will have to decide whether to hold further hearings and there will be discussions with Comcast as to the renewal process. The minimum renewal is three years because it is a three year process; so the process would begin right away. Comcast will more than likely be looking for a 15 year renewal. Solicitor Kearns stated that the township's decision on the renewal will be based heavily on Comcast's responses to the residents' concerns. The township has no authority over such issues as paying too much or having an additional channel added. Administrator Brook noted that it is a plus for residents to come to the Public Hearing to try and improve the service. He will notify Greenbriar's manager by email, who often distributes information to the residents in the community.

Council President O'Hara suggested advertising the Public Hearing on Channel 19 and the website.

In response to the question if there is another alternative, Council Member Ryan stated that the only alternative would be Verizon Fios but it is not available in Florence Township at this time. Solicitor Kearns noted the only other alternative is the Dish Network. There really is no other competition and he does not believe that any other cable company will come in because of the cost of running lines. The best thing is to discuss the issues and bringing them to the attention of Office of Cable Television if Cable does not address them properly.

Mr. Kahrman suggested adding a requirement to the contract that everyone under the contract receives one day credit if there is an outage. Solicitor Kearns will talk to a representative of the Office of Cable Television before the Public Hearing.

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 NO. 2011-200

**AUTHORIZING APPROVAL OF 2011-2012 RENEWAL OF
PLENARY RETAIL DISTRIBUTION LICENSE
#0315-44-005-004
PUNAM CORPORATION**

RESOLUTION NO. 2011-201

**PUT THE BRAKES ON FATALITIES DAY®
OCTOBER 10, 2011**

RESOLUTION NO. 2011-202

**A RESOLUTION RESCINDING RESOLUTION NO. 2011-18
(AUTHORIZING DESIGNATION OF ORGANIZATIONS
TO PROVIDE RECREATIONAL OPPORTUNITIES
IN THE TOWNSHIP OF FLORENCE)
IN ORDER TO REMOVE TWO FORMER BASKETBALL ASSOCIATIONS
AND TO ADD THE NEW JOINT ASSOCIATION
“FLORENCE TOWNSHIP RECREATION BASKETBALL ASSOCIATION”**

RESOLUTION NO. 2011-203

**AUTHORIZING THE TOWNSHIP ENGINEER AND ASSISTANT
MUNICIPAL ADMINISTRATOR TO PREPARE PLANS,
SPECIFICATIONS AND SOLICIT BIDS FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

RESOLUTION NO. 2011-205

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE, IN
THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE APPROPRIATE
APPLICATION FOR THE DRAW DOWN OF ANY AND ALL EXISTING MAINTENANCE
BONDS OR LETTERS OF CREDIT ESTABLISHED IN THE NAME OF U.S. HOME
CORPORATION OR LENNAR CORPORATION (SUCCESSOR TO U.S. HOME
CORPORATION) FOR THE GREENBRIAR HORIZON DEVELOPMENT, SECTIONS 3 & 5,
AS PRINCIPAL FOR THE EXPRESS PURPOSE OF COMPLETING IMPROVEMENTS
PREVIOUSLY REQUIRED TO BE MAINTAINED BY THE DEVELOPER**

RESOLUTION NO. 2011-206

**AUTHORIZING REFUNDS OF CERTAIN OVERPAYMENTS
WATER AND SEWER DEPARTMENT**

RESOLUTION NO. 2011-207

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING THE APPROPRIATE APPLICATION FOR THE DRAW DOWN OF ANY AND ALL EXISTING MAINTENANCE BONDS OR LETTERS OF CREDIT ESTABLISHED IN THE NAME OF U.S. HOME CORPORATION OR LENNAR CORPORATION (SUCCESSOR TO U.S. HOME CORPORATION) FOR THE GREENBRIAR HORIZON DEVELOPMENT, SECTION 4 , AS PRINCIPAL FOR THE EXPRESS PURPOSE OF COMPLETING IMPROVEMENTS PREVIOUSLY REQUIRED TO BE MAINTAINED BY THE DEVELOPER

Dan Guzzi, Township Engineer, stated that **Resolution No. 2011-204** (Change Order for the Bikeway) will be **held** for discussion at next week's Worksession.

Administrator Brook reviewed **Resolution No. 2011-207**, which was added this evening. The Resolution is in conjunction with the issues at Greenbriar Horizon with the developer, Lennar. Tonight the governing body is considering a Resolution (Resolution No. 2011-205) that authorizes Administrator Brook and Solicitor Kearns to proceed with legal action against Lennar's bonding company because they have not fulfilled the requirements under the punch list for the Maintenance Bonds for Sections 3 & 5. Section 4 has been out there for several months and Administrator Brook received confirmation from Lennar today that they have no intention of doing the Maintenance Bond work. Therefore, he prepared a Resolution for consideration similar to Sections 3 & 5. Council Member Ryan agreed that it is time to pull the bonds. Council President O'Hara asked who will be responsible to make the repairs if the bonds are pulled? Solicitor Kearns explained that they are notifying the bonding company to give the township the money; then the township can go out to contract and get the work done. That is not the best solution because there are delays with going out to bid and getting contractors. Normally what happens is the bonding company wants to have discussions and work towards getting the work done. The bonding company wants to come to a resolution because they do not want to turn the money over to the township. Administrator Brook noted that Lennar has said they will not do the work and the best option is to pull the bond; he anticipates they will also have to move to pull the bonds for Sections 1 & 2.

It was on the MOTION of Baldorossi, seconded by Woolston to approve Resolution No. 2011-200 through 2011-203 and 2011-205 through 2011-207.

On the Question

Council Member Sandusky questioned Resolution No. 2011-200 (ABC Renewal with Special Ruling: Punam Distribution License) and verified that this is the license that was pocketed when Rite Aid was constructed. Joy Weiler, Township Clerk, stated that was correct. He asked the requirement for the number of distribution licenses a municipality can have? Clerk Weiler explained that it is according to population and Florence Township is above the number of allowed distribution licenses but they are grandfathered in. She noted that Punam did pay their fee to the township, which was \$2,000. Council Member Sandusky believes that this gentleman made out well when Rite Aid bought him out and he does not believe that the owner has any intention to use the license. He asked that Resolution No. 2011-200 be voted upon separately.

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It was on the MOTION of Baldorossi, seconded by Woolston to amend the MOTION and approve only Resolution No. 2011-200.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Ryan, O'Hara

NOES: Sandusky, Woolston

ABSENT: None

Motion carried.

It was on the MOTION of Ryan, seconded by Woolston to approve Resolution No. 2011-201 through 2011-203 and 2011-205 through 2011-207 .

Upon roll call Council voted as follows:

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

NOES: None

ABSENT: None

Unanimous approval.

ORDINANCES

**ORDINANCE NO. 2011-13
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING CHAPTER 134 OF
THE FLORENCE TOWNSHIP CODE TO ESTABLISH PARKING
RESTRICTIONS ON A PORTION OF TENTH AVENUE**

It was on the MOTION of Baldorossi, seconded by Woolston to approve Ordinance No. 2011-13 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: Baldorossi, Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: None

Motion carried.

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REPORTS

Committees, Boards and Officers

- Council President O’Hara thanked Assistant Administrator Sahol for organizing the 5k Run, the funds that were raised will go towards bringing back the **Patriotic Celebration**.

Mayor

- Nothing at this time.

Administrator

- The process has begun for bidding the **boat dock**. The project will be awarded this year and the boat dock will be ready for installation in the spring. Since the new boat dock is covered by grant money, user fees will not increase.

Assistant Municipal Administrator

- The **Draft Ordinance** for the **South Street recreation vehicle** parking lot has been prepared and will be discussed at next week’s Worksession.
- Council President O’Hara asked the status of the **Main Street Community Center?** Administrator Brook stated that it is moving forward. The Roebling Museum is willing to occupy an office space and man the building.

Council President O’Hara noted that a group approached him about using the Community Center for a Beef & Beer fundraiser. The group has outgrown where they normally hold their events. Administrator Brook explained that the governing body needs a usage policy. When the building is used after hours, it has to be staffed and the utilities have to be paid for. There has to be a mechanism in place for the groups or organizations to cover the expenses. Then there are issues such as insurance and serving alcohol. These issues are harder to address then opening up during the weekdays or limited use on the weekends. Opening up for functions is going to take some lengthy discussions. Council President O’Hara asked that this topic begin to appear on the Agenda so discussions can begin.

Township Solicitor

- Nothing at this time.

Township Engineer

- Nothing at this time.

UNFINISHED BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

BOARD OF HEALTH

Nothing at this time.

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MISCELLANEOUS

Nothing at this time.

8:40PM MOTION by Sandusky, seconded by Woolston to adjourn to Closed Session. Roll call vote
- all ayes. Motion carried.

ADJOURNMENT

8:40:00PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab