

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

November 09, 2011

8:00PM

CALL TO ORDER & FLAG SALUTE

Council President O'Hara called the meeting to order and led the Salute to the Flag.

SUNSHINE STATEMENT

The Opening 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; posted on the municipal bulletin board.

ROLL CALL

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

Also Present: Richard Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; William J. Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

PUBLIC COMMENTS

Council President O'Hara requested that the Public Comments portion be held later in the meeting so the Public Hearing on the renewal of the Comcast Cable contract could be held. There were no objections from those present.

BUSINESS

Public Hearing: Comcast Cable Renewal

Council President O'Hara announced the Public Hearing for the Comcast Cable contract was advertised in the Burlington County Times on September 15, 2011 and November 28, 2011. The Township Solicitor has had several conversations with representatives from Comcast. Council President O'Hara asked the Township Solicitor to explain the process.

Solicitor Kearns explained the process can take a couple years. Television companies are subject to franchise renewals. The length of the contract will vary depending on what the municipality approves. This public hearing is an early part of the process. In New Jersey a law has transferred authority to the Office of Cable Television. This, coupled with federal law, takes much of the control away from local municipalities. Rates are not under local control, channels are not under local control. This hearing is to let residents express concerns with service and how things are being done with a representative from the cable company. Comcast has already been made aware of some problems with Comcast regarding screen freezing and similar issues. Solicitor Kearns introduced Fred DeAndrea from Comcast Cable.

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Mr. DeAndrea, Director of Government & Regulatory Affairs, Southern New Jersey, explained that he was present to discuss the Franchise agreement with the Township and was happy to take questions from the public regarding any problems they may be having.

Solicitor Kearns explained the Council will not be taking any action tonight. This is the public hearing, Council will take what is brought up here to the discussions they will be having with Comcast; there are formalities that are associated with the process that are governed by both federal and state regulations. The process was begun when Comcast sent written notice to the Township on May 16, 2009, indicating the desire to renew the non-exclusive franchise agreement. He stressed that this does not prohibit another operator from entering into an agreement with the township to provide service. Today's hearing is just an opportunity for Comcast and the governing body to hear the concerns and needs of the residents. He stated the governing body must base the franchise decision on four questions. First, has the franchise complied with the material items of the existing franchise and applicable laws? The second is the quality of upgrade or service and has the response to complaints been reasonable. Third, does the operator have the financial, legal and technical ability to provide facilities and equipment that it is supposed to provide; and last, is the proposal reasonable to meet the future cable-related needs of the community, taking into the account the cost of meeting such needs. He reminded the public that rates and channel selection are not subject to the renewal process and are not governed by the local governing body. He opened the floor to the public.

Don Kaminski, 10 McCay Drive, stated that he thinks the contract should be for a limited number of years, and he has problems with the On-Demand service. He said Comcast came out for a service call and physically changed his cable line but he is still having problems.

Council President O'Hara inquired about "screen freezing," and if it will be addressed by Comcast. Mr. DeAndrea explained the freezing and tiling on the screen can sometimes be caused by the last few hundred feet of wiring coming into a residence. Sometimes this section gets damaged and needs to be replaced. This is not something that can be fixed from the call center. The system has nodes that have 150-200 households on each. Comcast tries to proactively take care of the network, but also relies on customers to let them know when there is a problem. There are a number of things that can be done at the household level to fix many of the problems.

Council member Ryan inquired about the number of nodes servicing Florence Township and is it enough to support all of the subscribers in the Township? Mr. DeAndrea said that there are sufficient nodes. Council Member Ryan said that he has experienced screen freezes and he calls Comcast and is told to power down and then turn it back on.

Mr. DeAndrea said that powering down is a regular procedure and nine times out of ten it will fix the problem. The nodes are working as they are supposed to work. Mr. DeAndrea related that he personally did not try to power down once when he had a problem, and could have saved himself some time and money because that is what ended up fixing the problem he had.

Ralph Cicchini, 54 Trainor Circle, said four or five months ago some of the services were changed and he lost a feature he used frequently – the picture in picture option. He said also at that same time he could not turn off the cable box while recording. Then he noticed that at the same time every evening he lost all stations. He thinks the new programming has not improved services, but actually took away some of his favorite features. Mr. DeAndrea responded that there are some glitches that are still being fixed. It seems the issues being discussed can be solved on an individual basis. It could be the box itself. Mr. Cicchini does not believe it is the box. Mr. DeAndrea supplied his business card to be contacted directly.

Robert Kahrman, 52 Trainor Circle, has the same problems with losing channels the same time each night. He calls Comcast and they tell him to go behind the television and unplug it and then plug it back in and it will work. He has not had luck doing this. He wants to know what a “reasonable response time” to correct a problem is? Mr. DeAndrea responded that the goal is to have first time resolution, and to not have any problems continue or fall through the cracks. Mr. Kahrman said he had his box changed and after that was told that he should unplug again. He is not satisfied. Mr. DeAndrea agrees that the problem has not been solved, and that the company apologizes for the experience. Mr. Kahrman requests that council renew the contract for a shorter amount of time, and that if there is an outage in an area of town for more than an hour, all residents in that area should be credited for a day to their accounts.

Solicitor Kearns reminded everyone that the renewal process takes three years, so a contract cannot be for less than that.

Council President O’Hara asked Mr. DeAndrea if these outages are something that can be monitored at Comcast? Mr. DeAndrea explained modems can be monitored. There are not as many checks for the boxes, but there are alarms that are activated when there are a certain number of modems off line. One way to improve customer service is to fix problems before a customer experiences them. But there are times when the problems are at the home and not in the Comcast system. He said the company relies on the feedback of the customers. He said when residents call, Comcast needs to do a better job. That is something Comcast is measured on.

Jerry Cohen, 7 Barbee Court, suggested that some of the cable boxes and underground wiring could be part of the problem. Also, the node handles 150-200 homes for all services offered, perhaps they are being overloaded? Mr. DeAndrea said that the nodes are designed to be able to handle that capacity. Mr. Cohen said he notices that his internet slows at the same time every day. Mr. DeAndrea said that since all of the residents experiencing the same problem are in the same development, he will have Comcast look deeper into the problem to resolve it.

Council Vice President Baldorossi said that a resident relayed a complaint to him about blackouts. Mr. Baldorossi also recently experienced a blackout during a game. This was the first time he experienced it.

Mr. DeAndrea said it is definitely something to look into since it seems there are so many residents experiencing the same problem.

Richard Lotter, 3 Walnut Court, recently signed up for the “Triple Play” services and had issues during installation and repeatedly called and had numerous service calls until one tech finally fixed the problem and checked to make sure all of the services were working before he left. Mr. DeAndrea explained that this should have been done after every service call and every tech should perform a test on all services before leaving. The goal is to fix a problem the first time.

Joseph Csik, 45 East Fifth Street, would like to have a local office to handle complaints and repairs in the area. Mr. DeAndrea stated that he believes most of the calls in our area are serviced out of the Willingboro office, and most of the calls go through the Voorhees call center. Occasionally there is some outsourcing. Comcast prefers to keep service and call centers local. Techs are accountable for certain areas.

Council President O’Hara inquired about the amount of outsourcing for service calls. Mr. DeAndrea said there is some outsourcing; they are given training guidelines and Comcast requirements that they must meet.

Don Kaminski wanted to know if there is any benefit for the township if they agree to a longer contract? Mr. DeAndrea confirmed that the certainty of continued business in the future is a plus for Comcast, but said right now is not the time for negotiations; these issues can be raised at that time.

Council President O’Hara asked if the company is proactive for residents that have had cable for a number of years. Mr. DeAndrea confirmed that Comcast does try to monitor level of service, but there are some issues that must be reported by the customer.

Mr. Csik wanted to know if there is any way for the Township to get out of the agreement if Comcast does not live up to the contract? Solicitor Kearns explained that it would have to go to litigation to be broken, but reminded him that the only other option would be to get a dish network. There are no other options in the Township.

Administrator Brook asked where the calls go when residents call with questions or for service? Mr. DeAndrea said that most of the calls for our area would go to the Voorhees call center. Administrator Brook requested that Mr. DeAndrea provide his business card to those at the meeting so if they have a problem in the future, they can call him to be sure it will be taken care of properly. Mr. DeAndrea agreed.

Solicitor Kearns asked how customers can find out what the costs are for service? Mr. DeAndrea responded that twice a year a rate card is mailed that outlines what is available and the pricing. It's all available on the Comcast website, and the information can be provided by someone answering at the call center. Residents can call Comcast if there are questions about a bill.

Mr. Kahrman expressed that he enjoys the cable service but thinks when he calls for service the company is not getting to the true cause of the problems. He believes there is a problem with the process of handling customer issues.

Mr. DeAndrea stated that he appreciates the feedback.

Mr. Lotter said he used to work in the service industry. He suggests the contract include service bullets to provide some recourse to the Township if needs are not being met.

Mr. DeAndrea explained there are standards that are set by the state, and Comcast tries to distinguish itself from the competition. He stated this is one step in the process. The issues raised concern him but he believes they are all easily remedied. There was not a large crowd present tonight. Comcast knows there are some improvements to make regarding customer service and it will strive to improve. If you look at what was offered fifteen years ago compared to now, the franchise has progressed.

Solicitor Kearns explained that from here there will be discussions with Comcast regarding issues raised here. The contract will be put on a future agenda for action probably after the first of the year.

Council President O'Hara stated there will be two new council members and a new Mayor; they need to be aware of what transpired tonight, as far what we hear from the constituents, the screen freeze is a problem, township-wide. He requested that Comcast look at how long we have contracted and be proactive and look into upgrading the cable itself throughout the township.

Mr. DeAndrea will be addressing the concerns.

Motion to close the Public Hearing made by Mr. Ryan, seconded by Mr. Sandusky.
Roll call vote – all ayes.

PUBLIC COMMENTS

Council President O'Hara asked if there were any issues the public would like to discuss. Council agreed to provide an overview of Greenbriar and unresolved issues.

Administrator Brook explained that three sections of the development are on the maintenance bond; Lennar has refused to do any remaining work under the maintenance bond. There are three main items: the drainage swales, condition of sidewalks and concrete, and the significant amount of dead trees in the complex. The Township has filed a formal claim with the surety company against all three of the bonds. A meeting was held today at Lennar's request but it was not a fruitful conversation and very frustrating. There was no indication of a way to settle the pending litigation. If there is discussion in the future, the Homeowner's Association will be notified. It is possible that the Homeowner's Association could be involved in the litigation in some manner. Lennar's position is unacceptable, and the bond companies will be notified that the Township will continue to pursue the claim.

Solicitor Kearns stated the big issues were the concrete, sidewalks and trees. Lennar has taken many different positions regarding the trees, but the trees are in common areas, and the concrete was damaged by the snow removal company and the chemicals used to eliminate ice.

Terence Napravnik, 77 Ridgway Drive, inquired about the results of an inspection of the trees that was to be done by November first. Administrator Brook responded that nothing has been shared with the municipality. The Township hired an arborist and did not find anything that would state the trees died from neglect, abuse or from chemicals related to landscaping. Lennar would need to prove negligence; there needs to be more than just what Lennar says; they need to show some proof. The Homeowner's Association will be kept apprised of the situation.

Mr. Cohen questioned why Lennar was not as concerned about the swales as they are about the trees and concrete? He suggested it is because the concrete and trees are more expensive to fix. He said the residents cannot be blamed for the dead trees because most of them are on the walking trails and they are not watered by residents.

The Township Administrator explained that there are a few small cash bonds that the Township is working with and Lennar needs to finish the work the bonds are attached to or the Township will pull the cash. These are minor compared to sections three, four, five and two.

Jill Measley, 44 Trainor Circle, Vice President of the Homeowners Association, believes that the trees were all planted with bags still on the roots. She would like to know if the Association can pull the trees to check? The Township Administrator explained that it was put in writing to Lennar that the Township would like to pull some dead trees; the response was that it needs to be done after November first. If the Homeowners Association does decide it will pull some trees, it was requested they contact the Township so a representative from the Township can be present and document with photos.

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220 Foundry Street: Fountain of Life: COAH

Susan Espisito and Ed Hedger from the Fountain of Life Center presented drawings of the proposed multi-family home for this location.

Council President O'Hara asked Ms. Espisito about apartment number four on the second floor that faces the parking lot. He and his wife spent happy years in that apartment. He was pleased that the floor plan was kept in place. Ms. Espisito confirmed the floor plan was kept intact, but the entire building was gutted so the apartment is brand new.

She explained that the apartments are all two bedrooms. It is a beautiful building and she and her organization are eager to move forward. Mr. Hedger explained that representatives have met with the Township's Code Official and Building Inspector and are aware of the code requirements and know what types of upgrades are necessary. He said they are prepared to release all of the information to the architect to have the construction drawings done. They have also met with Mary Beth Lonergan, Township Special COAH Planner, who has given them great guidance as to requirements for COAH units.

Motion made by Baldorossi; seconded by Sandusky to approve the project proposal.

On the Question

Council President O'Hara questioned why the plan must go before the Zoning Board? Administrator Brook explained that he conferred with the Zoning Board Solicitor, David Frank, and the project will require a use variance. There will most likely not be a problem. There are a few small things to be addressed. The project is for the greater good. This project shows a creative mind and a willingness to transform a blighted building into something great. This is a win for the Township. Just need to go through the regulatory process. Everyone is working together for a smooth transition to the Zoning Board in December.

Councilman Sandusky wanted to confirm that all units will be completed before the units are rented. He also would like to see some type of dedication ceremony for Council President O'Hara's mother-in-law, since her husband was the builder and his name is on the capstone. The representatives from The Fountain of Life confirmed the stone is still in place and will remain there. This project has the potential to set the area into a rebirth. Roll call vote – all ayes.

David Lebak, Director – Water & Sewer Department

- Upgrade and Replace Camera Equipment – TV Truck

The Administrator explained that the township has had the TV camera truck for about 15 fifteen years. The truck is an asset to the community, and it is even used to scope residents' lines at times. Usually this equipment has a life of ten years; this is a sizeable investment. It is proprietary equipment. The price should not exceed \$22,400.

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Mr. Lebak explained that if a different camera was used, there would be modifications that would have to be made, so any cost savings would be lost there. It could not be retrofitted in-house. The problem is that the seal on the camera is compromised; the lens is becoming old and cracked, but parts are not available to repair the camera because the technology has moved on.

Councilman Ryan inquired about a shared services agreement for a TV Truck. Administrator Brook explained that there are only a couple towns in the county that have this truck. Also, other agreements have been very one-sided. The township would be in a better position to try and rent out the equipment to other municipalities. Mr. Lebak also explained that with shared services there is no immediate access to the equipment. When a line needs to be TV'd, it needs to be done immediately, not when the truck is available from another municipality.

Township Engineer Guzzi explained that before any bonds are released for new developments, all of the lines are TV'd to identify problems and this is done in-house. This is a substantial savings to the Township.

Councilman Woolston asked that Mr. Lebak get some prices on a new, complete unit and an evaluation on our existing equipment. He would like to know the value for trade in.

Administrator Brook said the issue will be brought back in December. Council President O'Hara wants the newly elected officials to be part of the discussion.

- **Brief Update (Wastewater Treatment Plant Operations)**

The new sludge press has been up and running since November and the plant is in better shape than it has been in years. Plant efficiency has been increased tremendously, and this decreases overtime dramatically. Mr. Lebak said that the department is at a point where they are at a very controllable place right now. The clarity of the effluent is the best it has ever been. Also, the amount of blowers has been reduced. The township has been tracking the reduction in energy costs.

Mr. Lebak explained that each year over the last five or six years the Water and Sewer Department has been trying to identify water mains that are a dead end. These are areas where there are a larger number of calls for rusty water. The dead end main on Cedar Street by Riverfront School was about 750 feet of eight inch water main. The job included five new water services to the curb. Many of the houses there are run all the way to Front Street. A couple homes on East Third Street also benefitting by tying in closer. In the last five years, the department has run over a mile of water main pipe.

Council President O'Hara believes the new press was well worth the investment and it is showing real savings. He said he has enjoyed working with Mr. Lebak and the department for the past four years; they do a great job.

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Township Water and Sewer Engineer

Nothing at this time to report.

Township Engineer

- **Estates at Crossroads – Performance Bonds**

There is a request for a Performance Bond Release. Township Engineer Guzzi recommended denying release of the bond. Council agreed to deny the release. It can be reviewed in December if the items on the punch list are completed.

- **2011 Pedestrian Safety Project: Current Estimate No. 1**

The sidewalk work is moving along. Residents seem to be receptive. Tonight is a Current Estimate Number 1 in the amount of \$18,106.24 for the work that has been completed to date. Council President O'Hara asked about an area on Third Street where there is a large drop. Assistant Administrator responded that it will be tapered and fixed.

- **Jottan Roofing, Inc. – Release Maintenance Bond**

Township Engineer Guzzi recommended release of the bond. A resolution to approve is on the agenda for tonight's Regular Session.

Proposed Rezoning and Ordinance Amendments

- **Hornberger Avenue – Proposed Senior Apartments**

Administrator Brook presented the map for the proposal. Solicitor Kearns reported that an ordinance was prepared and reviewed by the Township professionals. Township Engineer Guzzi explained changes are limited to the School site and the rezoning from RA to RC. The small lot adjacent to Maple Avenue and Parish Lane will remain RC. The changes in zoning will be for senior housing with bulk standards that are applicable to this project. Councilman Ryan asked if there will be outside storage for recycling totes? Engineer Guzzi explained there will be storage areas. Council Vice President Baldorossi asked if there is only one entrance/exit? Engineer Guzzi confirmed it will be a cul-de-sac with an emergency access from Hornberger Avenue. Administrator Brook added that the developer also has offered to make contributions for recreation areas in the Township and they are aware of the need for buffering. There is no impact on the school district; the church wants to retain ownership; and the apartments will be rentals for seniors. There are 36 apartments proposed. The ordinance will be introduced tonight. It will go to the Planning Board in November and come back to Council in December for adoption.

ADJOURNMENT

9:58 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/aek