

Florence, New Jersey
February 1, 2012

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 Sandusky at 8:00 PM. President Sandusky led the Salute to the Flag.

The Opening Statement was read by the Township Clerk: Notice was sent to the Register News for information on 1-5-12; posted on the municipal bulletin board on 1-5-12 & placed on the web-site; sent on 12-21-11 to the Burlington Co. Times for publication on 1-8-12, but due to the newspaper's error, the notice was not published until 1-11-12.

Upon roll call the following were found to be present:

Frank Baldorossi
Ted Lovenduski
Paul Ostrander
David Woolston
Jerry Sandusky

Also present:

Mayor Craig H. Wilkie; Richard A. Brook, Township Administrator; Thomas A. Sahol, Assistant Municipal Administrator; Anthony Ogozalek, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

MINUTES

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

Regular Session – December 21, 2011

Closed Session – January 11, 2012 and January 18, 2012

FINANCIAL CORRESPONDENCE

It was on the MOTION of Baldorossi, seconded by Lovenduski to approve the Treasurer's Bill List.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion carried.

Florence Township Council Regular Session 02/01/12

REGULAR CORRESPONDENCE

A. Barbara Mayer: Read Across America Celebration, Friday, March 2, 2012.

E-Mail dated January 31, 2012.

Township Clerk Weiler read into the record an e-mail dated January 31, 2012 inviting Mayor and Council to participate by reading a book to a Kindergarten or Pre-K class.

B. Steven E. Martin, President, Burlington County Chiefs of Police Association

Township Clerk Weiler read into the record a letter that was faxed on February 1, 2012. The letter discusses the organization's position on the elimination of the position of Chief of Police in Florence Township. The organization is opposed and offered its help in planning for new leadership in the Florence Township Police Department.

MOTION was made by Baldorossi and seconded by Lovenduski to receive and file the correspondence. Roll call vote – ayes. Motion carried.

APPLICATIONS None at this time.

PUBLIC COMMENTS

Council President Sandusky asked that residents in attendance wishing to discuss the ordinances on the agenda please wait until that time to comment on them.

Don Kaminski, 10 McCay Drive, inquired about bids for the floating dock.

Assistant Administrator Sahol explained that the proposals are due in next week.

Administrator Brook stated that tonight Council was introducing the Ordinance that will give the ability to fund the installation of the dock and once the work is completed, the township will be reimbursed by Burlington County.

All residents having the opportunity to be heard, MOTION by Ostrander; seconded by Lovenduski to close the public portion of the meeting. All ayes – motion carried.

ORDINANCES

ORDINANCE NO. 2012-01

(2nd Reading and Public Hearing)

**An Ordinance of the Township of Florence Amending Section 140-40 and 140-46
of the Code of the Township of Florence Establishing Water and Sewer Service Connection
Fees within the Township of Florence**

Florence Township Council Regular Session 02/01/12

A MOTION was made by Woolston, seconded by Ostrander to open the meeting for public comments on Ordinance 2012-01.

All residents having an opportunity to be heard, a MOTION was made by Lovendusky, seconded by Ostrander to close the public hearing.

A MOTION was made by Baldorossi, seconded by Lovenduski, to approve Ordinance 2012-01 on second reading for adoption.

On the Question

Nothing at this time

Upon roll call Council voted as follows:

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion Carried.

ORDINANCE NO. 2012-02

(2nd Reading and Public Hearing)

**An Ordinance of the Township of Florence Amending the
Florence Township Code, Chapter 5 on Committees and to
establish an Economic Development Committee**

A MOTION was made by Lovenduski, seconded by Ostrander to open the meeting for public comments on Ordinance 2012-02.

All residents having an opportunity to be heard, a MOTION was made by Woolston, seconded by Ostrander to close the public hearing.

A MOTION was made by Baldorossi, seconded by Lovenduski to approve Ordinance 2012-02 on second reading for adoption.

On the Question

Nothing at this time

Upon roll call vote Council voted as follows:

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion Carried.

Florence Township Council Regular Session 02/01/12

**ORDINANCE NO. 2012-03
(2nd Reading and Adoption)**

An Ordinance of the Township of Florence amending and supplementing Article XI entitled “Police Department” of Chapter 4 of the code of the Township of Florence entitled “Administration of Government” to provide for a Public Safety Director, to abolish the position of Chief of Police, to designate the Public Safety Director as the “appropriate authority” to have charge of the Police Department and be responsible to the Mayor and Council for the function of the Department

A MOTION was made by Woolston, seconded by Lovenduski to open the meeting for public comments on Ordinance 2012-03.

Public Comments

Detective James Ford, President, FOP Lodge 210, said the FOP Lodge is in opposition of Ordinance 2012-03. The lodge believes the Police Department needs to be run by a sworn law enforcement officer. He does not believe a civilian should run a police department. He said children dream of being police officers when they grow up. They aspire to reach the highest level possible, which is the position of Chief. He would not like to see the bubbles of the young people who aspire to this popped by the needle of bureaucracy. He understood there may be cost saving reasons for the action, but he feels the move will affect morale. He asked if the cost savings will be used to hire another full time officer?

Mayor Wilkie answered that the township is still reviewing the budget, department needs and what is best overall for the township; then a recommendation will be made. The township cannot commit to hiring another officer at this time.

Detective Ford asked if there could be a Police Chief and Public Safety Officer in the same ordinance?

Township Solicitor Ogozalek said the township cannot have both positions in the same Ordinance. He said other parties claim this occurs in municipalities, but he has not seen any proof of that, and his research has shown that state statute requires the municipality must designate one or the other. He said you cannot legally have both positions in the ordinance.

Council President Sandusky asked if anyone had anything showing the contrary? Mayor Wilkie stated that the Township has been asking for anything that might show how the municipality could have both positions but was not given anything until now. He said the documentation presented tonight will be reviewed.

Detective Ford asked if the position of Police Chief will be reinstated any time in the future?

Mayor Wilkie said over the next few months he will be reviewing the positions, the information presented and the department itself to make a determination on what is best for the Township.

Florence Township Council Regular Session 02/01/12

Council President Sandusky said that this situation had come up before. There was a Director of Public Safety, but the Township went back to the position of Police Chief.

Raymond Hayducka, 1st Vice President, New Jersey State Association of Chiefs of Police, urged Council to postpone the Ordinance and meet with his organization to discuss the position. He said a Chief has the authority to give direct orders to officers, review police reports, review internal affairs investigative reports and direct specific law enforcement activity. He said in comparison, a civilian Director would not have access to investigative reports, and would need to consult with the highest ranking officer to obtain information on investigations, internal affairs information, criminal history information or confidential reports or information. The Director also cannot have access to any computer terminals in the Department. The director has no law enforcement powers. The Director will only essentially schedule officers and write policy. A Chief has the ability to fill in as an officer if there is a need for additional man power. He said with the economy the way it is, cutting overtime is a must. A Police Chief performing police duties during his shift cuts down on overtime. He said that also the Police Chief benefits the governing body. The Chief is not a political position. A Chief can make difficult decisions without the pressure of public outcry. A Director might be in the position to fear for his job, a Chief would not be subjected to this. He said the belief that it is hard to get rid of a Chief is false. A Chief has no more rights than any other police officer and is subject to the same codes of conduct. He urged council to reconsider and give the officers something to aspire to. Morale is more important than ever. Mr. Hayducka asked if the Council is planning to offer the Public Safety Director position to the current Chief of Police in six months?

Mayor Wilkie stated that at this point Administrator Brook will be the Public Safety Director and Captain Alvin Scully will be the Chief Law Enforcement Officer. He does not know what the future will be until he fully assesses the Department.

Mr. Hayducka asked if Chief Fuzzy was consulted on the idea of a Public Safety Director?

Mayor Wilkie stated he did not ask the Chief. He said the department is being managed and there were some changes and promotions and Council will manage the department the best that it can with the people it has.

Mr. Hayducka offered mentoring services to a new Chief. He said he is willing to meet anytime and thanked Mayor and Council for their time.

Steven Martin, President, Burlington County Police Chiefs Association, 17 Devonshire Drive, Westampton, asked how long the Mayor's evaluation process will take?

Mayor Wilkie explained that he is working with the budget right now and Administrator Brook was very clear that previously he served as Director for one year, and he won't work as Director for that long this time.

Florence Township Council Regular Session 02/01/12

Mr. Martin said that there are a few options for the department depending on budgetary constraints. He said that at his department, he was appointed to the position of Director for about eleven months and it made it difficult for him to do his job because he was limited in what he could do and had access to. Eventually the situation ended in his becoming Chief of Police. He felt that this did boost morale in his department and he found it easier to do his job as Chief rather than Director of Public Safety.

George Kline, Treasurer, New Jersey Fraternal Order of Police, 9 Hassimer Avenue, Cherry Hill. He said he was present tonight to support his fellow officers. He said when he was an officer in Willingboro the position of Director was created. He said what happened was that the Officer in Charge ended up taking on many additional responsibilities. He suggested Council consider keeping the Chief of Police position. He said that Newark has both a Public Safety Director and Police Chief. He offered to get a copy of the Ordinance.

Administrator Brook explained that during discussions the township wanted to have both positions if there was a legal way to do that. The township received the legal opinion that this could not be done. He said if it could be done legally, both positions would be returned to the municipal code. Secondly, he said, the budget is currently being prepared and if there is any way possible, the funds will be found to hire another officer. It is a priority to do that if at all possible. He added that if there are copies of any ordinances with both positions, he would like them forwarded to the township. They were requested before this meeting but none were supplied.

Joe Valdora, 341 Birch Hollow Drive, said he was a Captain with the Trenton Police Department. He said a civilian Director did not work well there. He said much of the problem was political influence. A Police Chief is separated from the political aspect. He noted other towns that tried having a Director of Public Safety but were not successful.

Joe Gadbois, 965 Burcliff Street, retired Florence Township Police Captain and member of FOP Lodge 210, said he is very familiar with the current staff of the Florence Township Police Department and feels there are members that would be up to the challenge of being the "Acting Chief." He would like to see the opportunities remain for the department. He said he realizes this is a difficult time, but would like to see more officers on the road with an opportunity to rise through the ranks.

Council President Sandusky said that in 1999 Captain Gadbois and Chief Gordon Dawson moved to the aforementioned positions. He said he didn't think the present Chief would retire at the age of forty-six; he believed Council would have a couple more years. Also, Captain John Bunce is currently deployed. He said the township police force is undermanned right now; that is why the evaluation is so important.

Chief Gordon Dawson, former Florence Township Police Chief, 2 Acorn Court, said he was distressed and dismayed when he heard about the plan to appoint a Director of Public Safety.

Florence Township Council Regular Session 02/01/12

He remembered that in 1999 when a Director was appointed everyone knew it was a temporary amount of time to transition back to a Chief of Police. He asked the Mayor about his evaluation of the police department and why there needs to be this ordinance at this time when there are people already on staff who are very knowledgeable on the topic? He suggested letting Captain Scully run the Department as the Chief Law Enforcement Officer until the evaluation is complete and a plan in place.

Mayor Wilkie explained that Captain Scully will be Chief Law Enforcement Officer, and Administrator Brook is to handle some of the duties to support Captain Scully. In 1999 it was the same situation, to support the Officer in Charge. He said at the time the evaluation was over a year, this time will not be as long. Sergeant Brian Boldizar has been promoted to Acting Captain while Captain Bunce is deployed. This is also to support the department and cover the vacancy.

Township Solicitor Ogozalek explained that the current ordinance names a Chief of Police, with a Chief retiring and no one named Acting Chief there is no authority for the department. This ordinance is being passed now to be in place in time for the retirement of the current Chief.

Chief Dawson asked if a Captain could be named Acting Chief until Mayor and Council decide on what direction to take with the Department?

The Township Solicitor said yes, it was possible, but Mayor and Council have decided that is not what they would like to do at this time.

Chief Dawson commented that former Mayor Berry praised the Florence Township Police Department. He also said he personally thought Chief Fazekas did a good job during his tenure.

Administrator Brook said this is not the time to go officer by officer and explain who is or is not qualified to be Chief. Captain Scully has distinguished himself with honor and has worked extremely well in the Department. The other Captain is deployed right now. He said the Township has no problem meeting with those here tonight who offered their assistance. He explained that there were discussions held with the Captains and with the FOP Lodge 210. He said if someone at this time was qualified and able to take the position of Chief, it would be reasonable for the Township of Florence to act.

Former Chief Dawson said he hoped a Chief of Police position would be reinstated in a timely manner and he offered any assistance he can provide.

James Carnival Jr., 691 Wallace Avenue, Retired Captain, New Jersey State Police, wondered if this was a financial situation. He asked Administrator Brook if giving up a Captain's position and having only one Captain and a Chief of Police would resolve some of the financial burden and eliminate the need for a Public Safety Director?

Florence Township Council Regular Session 02/01/12

Administrator Brook explained that finances are not the only issue. The long term future of the Township will not be decided over a dollar amount savings.

Mr. Carnival said the Township had just one Captain and one Chief for many years. He said if you had only one Captain, you saved that salary and you avoid some of the issues that arise with a Director of Public Safety.

Mr. Hayducka said there is no legal requirement to have a Chief of Police or a Director. He said at some point you are required to compensate anyone taking on extra duties.

All residents having an opportunity to be heard, a MOTION was made by Ostrander, seconded by Lovenduski, to close the public hearing on Ordinance 2012-03.

A MOTION was made by Ostrander, seconded by Lovenduski, to approve Ordinance 2012-03 on second reading for adoption.

On the Question

Nothing at this time

Upon roll call vote Council voted as follows:

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion Carried.

ORDINANCE NO. 2012-04

(2nd Reading and Adoption)

An Ordinance of the Township of Florence fixing the compensation of certain officials and employees of the Township of Florence

It was on the MOTION of Ostrander, seconded by Woolston to open the meeting for public comments on Ordinance 2012-04.

All residents having an opportunity to be heard, a MOTION was made by Woolston, seconded by Baldorossi to close the public hearing.

A MOTION was made by Lovenduski, seconded by Ostrander to approve Ordinance 2012-04 on second reading for adoption.

On the Question

Nothing at this time.

Florence Township Council Regular Session 02/01/12

Upon roll call Council voted as follows

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion carried.

ORDINANCE NO. 2012-05

(1st Reading)

An Ordinance of the Township of Florence providing for improvements to the Township's recreational fields and related expenses in and for the Township, appropriating \$450,000 therefor, and authorizing the issuance of \$427,500 in General Improvement Bonds or Notes of the Township to finance same

Mayor Wilkie explained this was the bond ordinance to bid for the floating boat dock and the possible improvements to the parks. The boat dock is the top priority.

A MOTION was made by Lovenduski, seconded by Baldorossi to approve Ordinance 2012-05 on first reading and set the public hearing and adoption for February 15, 2012.

Upon roll call Council voted as follows

YEAS: Baldorossi, Lovendusky, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion carried.

ORDINANCE NO. 2012-06

An Ordinance of the Township of Florence to exceed the Municipal Budget Appropriation Limits and to establish a cap bank

Administrator Brook explained that the State has two different caps. One is a Tax Cap Levy, which is the actual levy raised through taxes. The other is the Appropriations cap. Each year we do a change to the Appropriations cap and bank those funds. This gives the ability to raise the appropriation level if it was ever necessary. This is done as a protective measure and is part of the budget process.

A MOTION was made by Lovendusky, seconded by Woolston, to approve Ordinance 2012-06 on first reading and set the public hearing and adoption for February 15, 2012.

Upon roll call vote Council voted as follows

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion carried.

Florence Township Council Regular Session 02/01/12

RESOLUTIONS

Resolution No. 2012-47

**A RESOLUTION FIXING THE COMPENSATION
OF CERTAIN OFFICIALS AND EMPLOYEES OF THE
TOWNSHIP OF FLORENCE
FOR 2012 (Held from 1-18-12) (Ad in Burl. Co. Times 1-22-12)**

Resolution No. 2012-51

**AUTHORIZING THE BURLINGTON COUNTY MOSQUITO
EXTERMINATION COMMISSION TO CONDUCT AN AERIAL
MOSQUITO CONTROL ACTIVITY**

Resolution No. 2012-52

**RESOLUTION AUTHORIZING THE TOWNSHIP OF FLORENCE TO ENTER INTO
AN INTERLOCAL SERVICE AGREEMENT FOR THE “BURLINGTON COUNTY
DWI TASK FORCE” PROGRAM FOR 2012**

Resolution No. 2012-53

A RESOLUTION CANCELING 2012 PRELIMINARY TAXES

Resolution No. 2012-54

RESOLUTION CONSTITUTING 2012 TEMPORARY CAPITAL BUDGET

It was on the MOTION of Ostrander, seconded by Woolston, to approve Resolution 2012-47 and Resolutions 2012-51 through 2012-54.

On the question

Nothing at this time

Upon roll call Council voted as follows

YEAS: Baldorossi, Lovenduski, Ostrander, Woolston, Sandusky

NOES: None

ABSENT: None Motion carried.

Florence Township Council Regular Session 02/01/12

REPORTS

Committees, Boards and Officers

Mayor:

Mayor Wilkie said that all four Ordinances voted on tonight are now signed.

He said it is the 100th Anniversary of the Fire Company. There will be a dinner at the end of February. He would like to prepare a Resolution to present at the dinner.

He said last Wednesday was the DARE Program graduation. He would like to do a follow up with the parents to reinforce the drug and alcohol program. He would like parents to keep it close to their hearts and minds.

Mayor Wilkie noted that he went to a workshop last week and part of it was about Facebook. Our Office of Emergency Management has a Facebook Page to keep residents connected when there are issues. He would like the Township to create a page for residents to increase communication. He said it would be another way to get information to residents.

Administrator:

Nothing at this time.

Assistant Administrator:

Nothing at this time.

Division of Law:

Nothing at this time.

Division of Engineering:

Nothing at this time.

Council President Sandusky said Mayor and Council are all serving for the betterment of the township. He acknowledged that it is going to be a tough financial year. There will be tough decisions to be made. He said they will do everything for the best interest of the Township of Florence.

Florence Township Council Regular Session 02/01/12

UNFINISHED BUSINESS

Nothing at this time.

NEW BUSINESS

Nothing at this time.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Council President Sandusky opened the meeting to the public again at this time.

Joseph Csik, 108 Fifth Avenue, inquired about Resolution No. 2012-53, Cancel Taxes, Settlement Agreement.

Administrator Brook explained Griffin Pipe demolished buildings on their property. You cannot place taxes on buildings that are no longer there. Griffin Pipe filed a Tax Appeal and the Township met with them to negotiate an agreement. Griffin Pipe agreed to take a reduction starting in 2012. The Administrator explained how the judgment in a tax appeal impacts the town, and that the Township is much better off with the settlement.

9:08 PM MOTION by Ostrander, seconded by Woolston to adjourn.
Roll call vote - all ayes. Motion carried.

ADJOURNMENT:

9:08 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/aek