

## **FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION**

**May 08, 2013**

**8:00PM**

### **CALL TO ORDER & FLAG SALUTE**

Council President Sandusky called the meeting to order and led the Salute to the Flag.

### **SUNSHINE STATEMENT**

The Opening Statement was read by the Recording Secretary, Aimee Kuc: Notice was sent to the Register News for information; posted on the municipal bulletin board; placed on the web-site on January 3, 2013; and advertised in the Burlington Co. Times on January 6, 2013.

### **ROLL CALL**

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 Administrator; Kelly Grant, Esq., Township Solicitor

Note: The Township Clerk absent/on vacation.

### **PUBLIC COMMENTS**

Council President Sandusky opened the meeting to the public.

Don Kamienski, 10 McCay Drive, asked how the township pays for recycling collection. Mayor Wilkie explained that Burlington County requires participation in the recycling program. There is no charge for recycling collection. There is a positive impact, if there is a high percentage of participation because the township can receive more grant money.

A Motion was made by Ostrander; seconded by Lovenduski to close the public comments. Roll call vote – all ayes.

### **BUSINESS**

#### **ABC Licenses: Dr. Lou's Place and The Roebing Pub**

Administrator Brook explained that every year the Police Department is asked to do a report for Mayor and Council pertaining to every liquor license in the community. It is a standard requirement in most municipalities. The ultimate goal is to make sure businesses and residents coexist together. One way to be sure there are no problems with a license is to review the number of incidents. If there is a problem perceived the owner can be put on notice and action can be taken. Mayor and Council prefer to invite the owners of establishments with high numbers of incidents to discuss the issues. In this case The Roebing Pub and Dr. Lou's Place were called in to respond to the report prepared by Police Chief Alvin Scully. The goal is to have peace, harmony and a cooperative relationship. The township will not tolerate a significant number of incidents involving a liquor license. It will do what is best for the community even if that means there has to be confrontation with the owner.

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That is not the goal, but there were incidents that require attention. An example was a person being caught driving drunk after they left an establishment. No one should be leaving an establishment drunk; the results can be tragic. The highest number of calls were Dr. Lou's Place and The Roebing Pub. Dr. Lou's Place had 19 calls, including: assaults, disorderly conduct, noise, disputes, theft and DWI. Last year the establishment's owner, Lou Pica, was asked to come before Mayor & Council to discuss his establishment. There were parameters put in place at that time, including a requirement for better security. Administrator Brook would like to give Mr. Pica an opportunity to answer to the report. A suspension of the license is not recommended at this time, but the improvement from last year was not what Mayor and Council were hoping to see and if it continues, in all likelihood there will be a recommendation for suspension.

Chief Scully said one DWI involved both of the establishments and it could not be determined where the patron drank the most. The person drove onto the railroad tracks and had an accident right in front of a Police Officer and was highly intoxicated. He asked Mr. Pica what he had been done since last year? Mr. Pica said he implemented a security plan and does not allow patrons to loiter outside. He turned the door around and tried to move the smokers to the front of the building but the customers don't want to stand there. He said he can't afford to have a security person all night long. Mr. Pica said he did everything that was requested by Council last year. He said whenever he is having a "good night" the police have a strong presence and it scares his customers away. He learned of the DWI incident and spoke to his bartenders again about serving intoxicated patrons. It causes trouble to not serve people. He claims the neighbors are going out of their way to call the police and there are axes to grind against him.

Administrator Brook said the issue is not about profits or axes to grind; it is about the quality of life in the neighborhood and the establishment's impact on that quality. If the incidents continue through 2013 the license will be recommended for suspension. This meeting was to avoid that.

Mr. Pica said he is finding out about all the incidents now; he was not aware. He said he would like someone to call him when things happen. He feels that drugs and people coming off the train are part of the problem.

Chief Scully said he wants the bar to be successful and he understands the problems. His officers are present to prevent the problems. The numbers need to be minimized and Mr. Pica needs to figure out what he needs to do to prevent these problems. If a patron is acting bizarre, the police should be contacted.

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Chief Scully told Mr. Pica there were also drinks served after closing time. Mr. Pica said that was a lie, but Chief Scully said the reports were made by his officers who witnessed the offenses. Mr. Pica said it might have been an empty bottle behind the bar. Chief Scully said that this will not be tolerated and summons will be issued against any establishment serving after hours.

Chief Scully recommended that last call be at 1:30 a.m. and urged Mayor and Council to make this a condition. Mr. Pica said this will hit his bottom line and said it will be hard for him to do. Council President Sandusky asked Mr. Pica what time he would like to stop serving alcohol? He said he stops at 1:45 a.m. His customers leave between 1:55 a.m. and 2:00 a.m. Council President Sandusky confirmed that Roebing Pub has last call at 1:30 a.m. and he feels it should be the same at both establishments.

Administrator Brook said there were two incidents documented by police officers of people drinking after 2:00 a.m. From now on citations will be issued. There has to be a way for a liquor license and the neighborhood to co-exist. The town has called him in to discuss his license twice and Administrator Brook did not believe Mayor and Council would want to go through it a third time. He recommended that if there is no improvement, action should be taken. The Chief does not mind if the police are called when you see something happening. The DWI incidents are a great concern. It will not be tolerated.

Mr. Pica he said he wants a call when something happens, so he can review his security tapes to see who is tending bar. He was not aware of many of the incidents and if he had been called he could have kicked the person out. He wants to cooperate but he wished that he got calls for the incidents. Administrator Brook said the Chief is not going to call every single time there is an incident; it is the responsibility of a business owner to be aware. If something is serious, the Chief would call at his discretion. Administrator Brook recommended getting together again in six months to review the situation and see if there has been improvement.

Mayor Wilkie noted that the same restrictions are in place along with a last call time of 1:30 a.m. A review in six months is a courtesy. It cannot be required, but Mr. Pica agreed to come back. Also, there was discussion regarding the earlier last call. Administrator Brook is not sure if it can be a condition but Mayor and Council ask that it be moved to 1:30 a.m.

Administrator Brook said The Roebing Pub had 27 calls including: assaults, disorderly conduct, noise, disputes, criminal mischief, theft, alarms and a DWI. This was a significant increase from 2012 when there were 7 incidents.

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Chief Scully said the main reason for this meeting is the increase in calls. He has seen improvement over the past months. There has been drinking after hours at the Pub. There was also a problem with a patron breaking a window at the Pub and other windows elsewhere. He saw thirty people on the corner outside the bar around 2:00 a.m. A crowd that large is going to make noise, even if there is no fighting. The Chief offered to do a walk through if there are problems getting patrons to move along. There will be citations issued if there is drinking after hours.

Stefan Borota, part owner of Wesley's, The Roebling Pub, said there are security cameras and there is security staff on the weekends. Chief Scully recommended getting cameras for the outside of the establishment. He recommended the same conditions as are on Dr. Lou's Place. Mr. Borota asked about the disorderly complaints. The Chief explained that most of them stemmed from large groups of people congregating outside the bar. There is a lot of yelling and foul language.

Council President Sandusky recommended the calls are made when there is an idea that something will happen, not after something starts. He used another establishment as an example explaining that the owner calls for a walk through when there appears that a problem could erupt. Chief Scully recommended the same restrictions as those imposed on Dr. Lou's Place. They are to have security patrolling the inside and outside of the establishment on weekends and video surveillance inside and outside. Mr. Borota said he would welcome officers to walk through at any time. Chief Scully would like people to be flagged even if they are not driving.

Council President Sandusky confirmed that Mr. Borota understood the recommendations. He invited Mr. Borota to return in six months for a follow up. Mr. Borota expressed a willingness to work with the town and agreed to the review in six months. Mayor Wilkie and Administrator Brook agreed they would like him to return. Administrator Brook said the township wants to avoid confrontation and work with business owners. It is viewed as positive for the establishment to call police to keep problems from occurring. The DWI is not acceptable.

Mayor Wilkie confirmed with Mr. Borota that he has different bouncers now because Mayor Wilkie heard that there were problems with the former bouncers.

#### **Township Water and Sewer Engineer**

Administrator Brook said he was glad Mayor and Council had a chance to **tour the Water and Sewer Plant** and meet with the Director of Water and Sewer, David Lebak.

At this time, Administrator Brook asked if there were any questions about the Chief of Police's Report regarding the **ABC renewals**. He didn't want the Chief to have to wait through the meeting. All agreed the only issues were those addressed earlier in the meeting.

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Council President Sandusky said the tour of the Water & Sewer facility was very interesting and informative. There were many improvements and increased efficiency. Administrator Brook praised the employees for their hard work and commented that Director Lebak is extremely dedicated. There is no emergency that is too small for him to address. Council President Sandusky relayed information regarding some of the cost savings the department realizes.

Administrator Brook said Director Lebak keeps an eye on work done in town and if he sees a resident being taken advantage of because of price gouging, he will approach the homeowner and the company to resolve the issues. A \$400 job should not cost a senior \$1,000. Director Lebak offers to video lines for residents he thinks are being swindled.

### **Township Engineer**

Administrator Brook explained the Township Engineer, James Biegen, will be at the next meeting to discuss the Road Program Estimates.

### **Performance Site Bond: Platinum, Manor at Crossroads**

Administrator Brook said this is Phase I. A report was provided from Engineer Dan Guzzi dated April 9, 2013. The developer went directly to the engineer and did not follow Municipal Land Use Law regarding bond release procedures. Engineer Guzzi's office was diligent in determining if all the open punch list items were taken care of. The township required Platinum to submit a formal request under Municipal Land Use Law so the official timeline could begin. Engineer Guzzi confirmed there are no items under the Phase I performance bond that need to be addressed. There are drainage issues but the issues are not related to the bond. Engineer Guzzi recommended release. Administrator Brook said the Homeowner's Association is being kept informed of everything that is happening.

Motion by Woolston; seconded by Ostrander to accept the recommendation of the Township Engineer to release the Performance Bond for Platinum Developers, Phase I, Manor at Crossroads. Roll call vote – all ayes. Motion carried.

### **Road Program: Review**

Administrator Brook referred to the 2013-2014 Roads List. Engineer Biegen will use the list to prepare rough estimates for the project costs. A grant was provided for work on Boulevard. Engineer Biegen and Assistant Administrator Sahol will discuss the specifics of the project and provide an estimate to prepare a bond ordinance. Before the project is put out to bid, a presentation will be made to Mayor and Council outlining the project.

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Administrator Brook advised if there were streets Mayor and Council felt should be included to contact him.

Administrator Brook said that the Environmental Protection Agency will be coming to Roebing to hold an informational session regarding the work being done in the Mill area. Residents will be able to ask questions. The EPA is willing to come at 6:00 p.m. and stay until 8:00 p.m. The Council Meeting could be held there but the meeting would need to be properly advertised and the recording system could be a challenge.

Council all agreed to hold the Council Meeting after the EPA meeting. One of the issues to be discussed by the EPA is the slag area. Administrator Brook said if the funding all goes through the project would be done in 2014.

### **Bond Reduction: Florence Family Dental, PC**

Administrator Brook said that Engineer Biegen supplied a report dated May 2, 2013 that recommended the bond be reduced. The site looks very nice and it is quite an improvement.

It was the Motion of Baldorossi, seconded by Lovenduski to approve the reduction of the bond. All ayes – motion carried.

### **Assistant Administrator**

#### **NFI/Subaru – Community Garden**

Assistant Administrator Sahol said NFI made a commitment with Subaru to provide a community garden in Florence Township. The property the Township acquired last June near Cedar Lane was inspected and looks to be a good choice. Residents would be able to use a certain parcel of the land to plant a garden. There was discussion of a cooperative farm stand. It is a work in progress and there are many good ideas being discussed. NFI is interested in making an entry way. The bike path will also be in the area.

#### **Clothing Bins**

The Assistant Administrator provided a memo and a draft of an ordinance from the State of New Jersey. There are requirements to be incorporated into the local ordinances. He said the clothing bins are being placed illegally. The statute said the bins cannot be placed within 100 yards of a site where there is stored or dispensed fuel. The most recent bins to appear are near gas stations. Planet Aid is one of the bigger companies. There was also an unknown company from Northern New Jersey that only has an answering machine and never responds to inquiries. Assistant Administrator Sahol asked that the Township Attorney review the ordinance and make the necessary changes. He feels there needs to be Zoning Officer approval for placements of clothing bins.

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### **Golf Balls in Parks**

Tony Pastore, President of the Soccer Association, told Assistant Administrator Sahol there were 81 golf balls left in the soccer fields at Marter Park. This area is where people play and there is also mowing of the fields. His fear is that someone will be hit by one of these balls and cause serious damage or harm to someone there. There have also been problems at other parks with the balls and people causing ruts in the ground from driving or putting. It is time to look at the ordinance and give the police the ability to enforce local ordinances. Mayor Wilkie would also like signage posted to educate the public.

### **RV Lot Standards**

Currently there is a deficiency in the ordinance. It needs to be changed to deny people the ability to sleep in any vehicle while it is parked in the South Street Lot. A penalty needs to be set. All were in agreement. Assistant Administrator Sahol requested the attorney look at the ordinance and make the needed changes.

The upgrades performed at the lot last year look good, the lot just requires the normal maintenance and care.

### **Garden Club Request**

Assistant Administrator said Judy King from the Florence Garden Club is requesting to move some plants from the house at Second and Spring Streets that the township acquired. There is some mature plant material that she would like to preserve and transplant to other areas.

### **Field Use Priority**

The Assistant Administrator provided a memo regarding field use priority. The field hockey program has been so successful that it needs a place to call home. There have been conflicts with the soccer program with both programs trying to coexist at the Riverfront School soccer field. The Recreation Committee discussed the issue at its meeting Monday and recommends designating the flat field at Veteran's Park as priority use to the field hockey program.

### **On-Line Payments**

Assistant Administrator Sahol said the on-line tax payment system for taxes and water and sewer is up and running. The local papers aided the township in getting the word out, and every major mailing from the township will include information about the service. The on-line payment use is increasing.

### **Resident Inquiry – Sewer Connection**

Assistant Administrator Sahol distributed an aerial photograph of a house on Old York Road that backs up to Fillipponi Court. The resident has municipal water because it is run on his side of Old York Road but he does not have municipal sewer. He touches municipal property on the rear and the side of his lot. He would like to create a pump station on his property on an easement the township would convey to him so he could hook up to the sewer.

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The resident would incur all of the costs. Administrator Brook explained there would be specific language in the deed to be filed that the liability would lie with the homeowner. He will try to put a flag on the deed so any new owners would be aware of the situation.

It was the Motion of Baldorossi, seconded by Woolston to approve the sewer connection. Roll call vote – all ayes.

### **Recreation – Football Program**

The Football Association is trying to revive participation to what it once was. Kids are going to different areas and the weight classes are harder to fill. Fred Dunphy, the President of the Association, is trying to make sure every child has the opportunity to play. Right now he is having trouble with one weight class that does not have enough kids to field a team. They will have to sit out and watch the other kids play. These teams all play externally, Mr. Dunphy would like the Municipality to allow him to draft from two adjoining communities that are having the same problem in the same weight class. Florence would be the organization that would be in charge of the team. The other two communities are the Northern Burlington area and Bordentown Township. Non-resident participants would have to, at a minimum, pay the registration fee and also a fee to cover Florence Township expenses. There is no exact number right now, but it is important to ensure that the township does not incur any expense. The plan is only for football right now. There are other shared services with these communities. The Recreation Committee supports the idea. Council Vice President Woolston would like to only reach out to communities that Florence has shared services agreements with. He is afraid if it is expanded to too many communities, it will become out of control.

Mayor Wilkie asked Assistant Administrator Sahol to reach out to the recreation departments of the communities to discuss the idea. Council Member Lovenduski asked why it is being limited to football? Council Vice President Woolston explained that in the future it may expand to other programs, but this is a trial to see how well it works. Council Member Lovenduski said some procedure must be put in place to guarantee the return of the football equipment. The equipment is very expensive and if it is not returned the township must replace it. Council members discussed some ideas to ensure the equipment is returned. Council President Sandusky recommended that the township move forward with the shared service for football, and if later on another sport needs to find more players, they could approach the Recreation Committee to discuss a similar arrangement. Assistant Administrator Sahol said the Recreation Committee will keep an eye on how the agreement works and report back to Council. The teams will be made up predominantly of Florence residents. Assistant Administrator Sahol was directed to draft an agreement.

### **Township Administrator**

Administrator Brook explained that there will be a Shared Services Agreement with Bordentown Township on the next agenda.

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It is the agreement to share animal control services due to the upcoming retirement of John Groze. It will save money for both towns.

There will also be a resolution on the next agenda regarding the Burlington Coat Factory. There was a subdivision that broke up a large property into three sites. The one in the back will be developed for the new headquarters and there are two parcels in the front. The township has moved forward and created a redevelopment plan for the parcel referred to as parcel B. The plan needs to be referred to the Planning Board for comments and recommendations. Then it will be returned to the governing body. The plan has a clear recommendation for a business type hotel with a minimum of 100 rooms and for a stand-alone restaurant or a restaurant that could be connected to the building. There will be an ordinance introduced in June and adopted in July. The Redevelopment Plan is going to the Planning Board this month. It is very good for the highway and the continuation of the revitalization of the Route 130 Corridor and areas along the highway that are in desperate need of work.

There will also be a resolution for the next meeting dealing with the awarding of an appraisal for property located on Hornberger Avenue next to the Diocese of Trenton property. The application for a senior housing project is on hold. The township and the church have been discussing the potential of the municipality to purchase the piece of property that was being subdivided off. The parcel would be used for open space. The township did a request for a proposal for the appraisal. One bid was received from Lee Rohm for \$2,950.00. Another was received from Sockler Realty Services in the amount of \$4,250.00. The recommendation is to award the contract next week to Mr. Rohm. Once the appraisal is done, it will be provided to Mayor and Council to hopefully open up discussions regarding the potential purchase.

Administrator Brook said the two **liquor licenses** discussed this evening will be separate resolutions on the agenda when they are approved.

He said there has been much in the news lately about the **Council on Affordable Housing (COAH)**. The state is trying to seize affordable housing money from municipalities. Florence Township is not losing any funds. Any funds in question by the state are already committed and the paperwork showing this will be sent to COAH.

Administrator Brook discussed working with Burlington County to accept their leachate at the Water and Sewer plant. There will be an ordinance schedule created. The county has been going through the DEP process to get the proper approvals and a fee will be determined.

### Public Comments

Richard Lotter, 3 Walnut Court, said a couple years ago it was decided that kids from different municipalities would not be able to play on Florence teams. He does not have a problem with what was proposed tonight, except he wants the other kids to pay to come here.

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Council Vice President Woolston said there will be a resident fee and a non-resident fee.

9:36 PM MOTION by Ostrander; seconded by Lovenduski to adjourn. Roll call vote – all ayes.

**ADJOURNMENT**

9:36 PM: Meeting adjourned.

Respectfully submitted,

RICHARD A. BROOK  
Township Administrator;  
Deputy Township Clerk

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