

Florence, New Jersey
October 19, 2005

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

The following statement was read: "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, 2005 and January 16, 2005; 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:

John Fratinardo, President
Frank Baldorossi (Late)
Bruce Garganio
Elizabeth Ryan
Jerry Sandusky

Also present:

Mayor Michael Muchowski; Richard Brook, Township Administrator; Thomas Sahol, Assistant Administrator; Dante Guzzi, Township Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

PRESENTATION: JOHN PURAKOVICS, SUPERINTENDENT OF PUBLIC WORKS – RETIREMENT

Mayor Muchowski presented Mr. Purakovics with a clock in honor of his retirement.

On behalf of the township employees, Valerie Sweeney, presented Mr. Purakovics with a gift and expressed how much he will be missed.

Mayor Muchowski praised Mr. Purakovics for his years of service and dedication to the community. He wished him well in his retirement.

Council President Fratinardo presented Mrs. Purakovics with flowers.

Mr. Purakovics thanked everyone for attending this evening and for the kind words. He will miss everyone.

Council President Fratinardo called for a brief recess for a small reception with cake and coffee held in the front conference room.

8:10 PM: RECESS

8:20 PM: MEETING RESUMED

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MINUTES

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

Regular Session September 21, 2005 and October 5, 2005
Closed Session September 21, 2005

FINANCIAL CORRESPONDENCE

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

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

REGULAR CORRESPONDENCE

None at this time.

APPLICATIONS

None at this time.

PUBLIC COMMENTS

Bart Shrader, 46 Tall Timber Lane, expressed his dissatisfaction with the minutes; he feels that pertinent facts are left out.

Mr. Shrader asked why the lines are being run 400’ past the school and asked if anyone else will be tapping in? Mayor Muchowski stated ultimately they are looking to add fire protection in the area. He also stated that part of the line is not part of Florence Township’s contract; it is part of the School Board’s contract. Mr. Shrader read in the newspaper that the school is paying for the line to run 400’ past their property up to the corner and asked again if anyone would be tapping into the line. He believes that he was told no one else could tap into the line. Mayor Muchowski does not believe he was told no one could tap into the water line. Mr. Shrader stated that the residents were told that the school was running the line up Route 130 and no one could connect to it. Council Member Garganio explained that before the township approached the school regarding installing a line that the Tall Pines residents could hook into, the school was going to install a high-pressure line leaving their building, sized just for the school, that no one else would have been able to connect to.

Council Member Garganio explained that the whole country area of the township can be water serviced but the zoning behind Mr. Shrader’s development does not allow for sewer. He discussed the concern of a lack of fire protection in the country area and the fire that destroyed a home last year. Hoses had to be run for miles. If the school runs the water line past the school to the corner, the township can run the line further and install a fire hydrant to protect the homes in that area. He also stated that if the line runs past a property, the owner will be assessed just like the Tall Pines residents.

Mr. Schrader stated that the cost of the project is being divided among the residents of the Tall Pines development. Mayor Muchowski stated that is not the case. He explained that

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the total project cost would exceed \$2,000,000 in two (2) phases. Mr. Shrader does not agree with the figures and believes the total bid cost was \$900,000. Administrator Brook stated that he believes the actual award for Phase I was \$1,278,000 but will double check. Mr. Shrader stated that is not the amount the newspaper reported. Administrator Brook stated that the newspaper also made an error in reporting 400'; it is actually between 300' and 320'.

Council Member Garganio explained to Mr. Shrader that the project cost is not being divided among the residents. Once each phase of the project is complete there will be an assessment. Administrator Brook stated that the estimate figures provided to the residents are a fair range and the odds are slim to none that they will exceed that range.

Mr. Shrader questioned the length of the assessment payment plan? Administrator Brook explained that the municipality has the option of a repayment schedule of up to twenty years. Most assessments are scheduled over a ten-year period. One of the problems with a twenty-year assessment is the additional interest that the homeowner has to pay. The goal is to keep the assessment as low as possible. This job will not come close to breaking even. Administrator Brook offered to provide the numbers in writing to Mr. Shrader. There will be no profit or increase in revenue.

Council Member Garganio explained that the assessment is not based on the amount borrowed or spent, it is based on what the improvement to the property is worth. Administrator Brook agreed that there is no correlation to the cost of the job and cannot by State statute. It is solely related to the increase of value to the property. An independent appraiser has to be hired, public hearings are held with notice of these hearings provided by certified mail.

Mr. Shrader questioned last year's revenue of \$2,000,000 in the Water and Sewer utility? Council Member Garganio explained that there are times when the money builds up, but it goes right back out into the system. He reviewed different projects that are currently being worked on and projects that have been completed.

Mayor Muchowski reviewed how this project came to be. The residents of the Tall Pines development approached Mayor and Council and asked for water and sewer. The township responded that they were not financially capable of installing water and sewer. Then the referendum for the new school was passed. The school has to run water and sewer to run the facility. The school has to spend a certain amount of money. The residents revisited Mayor and Council, Mayor and Council revisited the topic and a decision was made to move forward and take the opportunity to capitalize on the infrastructure improvement that the school must install. All the legal proceedings that are necessary for a proper assessment will be performed. The entire burden is not being shifted to the residents of Tall Pines.

Mr. Shrader stated that the residents asked for and needed water and sewer but it got here because the school needed it. Mayor Muchowski stated that is a correct statement. Without the school coming in and creating capital it was a project at that point in time that was beyond the township's financial capability. The school was spending the money on a line so Council made a decision to utilize those funds in a more cost effective

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manner to bring water and sewer through the development to allow what Mayor and Council thought the residents wanted to occur. The township took the painstaking detail of trying to inform the residents of every potential cost involved so they could make an informative vote. There were meetings, letters and hand drops; all aspects and costs were fully explained. A majority of the residents voted that they wanted the township to provide water and sewer. Mayor Muchowski asked Mr. Shrader if he felt that was accurate? Mr. Shrader responded that it was accurate but asked if Mayor Muchowski understood why he feels deceived. Mayor Muchowski answered no he does not and asked Mr. Shrader to explain the deception? Mr. Shrader stated that the entire development was asked to vote on whether or not they wanted water and sewer even though the lines were not going through the whole development. Mayor Muchowski stated that a diagram was provided showing where the lines were going and who had the ability to connect. Council Member Garganio explained that the whole development was asked to vote because there is going to be a Phase II. It would not have made sense to survey half of the development, install lines and then survey the other half. If the second half came back with a no vote only half of the development would have water and sewer.

Dave Rapciewicz, 16 Tall Timber Lane, asked when Mayor and Council anticipate Phase II to begin and asked how much more it will cost? Council President Fratinardo responded to the cost of Phase II and explained that it is done by assessment. If the project costs more, it does not mean that the resident will pay more. The homeowner will be assessed the value of the improvement to their property. Mr. Rapciewicz questioned if the assessments to the properties in the development will be different? Administrator Brook believes that all of the assessments in Phase I will be the same but explained that if there is a property owner that has a lot that has the potential of being subdivided, they will be assessed more.

In response to Mr. Rapciewicz's question regarding when Phase II will begin, Council President Fratinardo cannot give a guarantee but hopes that it will be completed within two years. Mr. Rapciewicz expressed concern of the burden that will be placed on him if his system fails within a month or so after the lines being installed; he will have to finance a new system but will still be charged the assessment when the lines are installed. Mayor Muchowski explained that there are residents that do not want water and sewer that still have to pay the assessment. The residents are not being forced to connect. A decision had to be made, a vote was taken among the residents of the development and a majority wanted water and sewer. Mr. Rapciewicz understands that but asked why the project was not being completed all at once? Council Vice President Ryan stated that the township does not have the money to complete the project in one phase.

Council Member Garganio explained that the township does not have any authority over the school project; it is approved on the State level. Mr. Shrader questioned why then does Council go over the school budget? Council President Fratinardo stated that the school budget is voted on by the voters; if the budget is voted down, then Council goes over it. Otherwise Council has no say in the school budget. Council Member Garganio explained that the new school construction was a separate vote and once the voters approved it, that money cannot be touched. Mr. Shrader asked what happens if the school receives grants towards construction. Council Member Garganio stated that he honestly

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does not know but added that if the school goes over the amount that was approved, they have to go back out for voter approval.

Wayne Kurlander, 38 Tall Timber Lane, is happy to hear that the chances of the assessment exceeding the estimate are slim to none. He has seen different ranges and asked what the current estimate for the assessment was? Administrator Brook stated that the estimate for the assessment has always been the same numbers; water is between \$5,000 and \$7,000, sewer is between \$10,000 and \$12,000. Mayor Muchowski explained that there are other cost factors such as connections fees, decommissioning the septic system, plumbing costs and so on. That may be why Mr. Kurlander has heard different cost amounts.

Mr. Kurlander asked if the assessment was a market value assessment? Mayor Muchowski stated that it is a market value assessment. Council Member Garganio stated that there is an appeal process.

Mr. Kurlander asked if a permit was required to tie in and if so what is the permit fee? Administrator Brook stated that a permit is required but will have to look up the amount and reply in writing.

Mr. Kurlander has done research where similar work has been done and has not come across anything that states that the assessment repayment must be over a ten-year period. Administrator Brook explained that it does not have to be a ten-year repayment period; the law gives the municipality the ability to go up to twenty-years. With a ten-year repayment the homeowners would pay less interest. Council Member Garganio asked if the municipality has the ability to allow the homeowners to choose either a ten or twenty year payback? Administrator Brook will have to get a legal opinion. The possibility of having the homeowner choose their repayment schedule will be researched.

Mayor Muchowski asked Mr. Kurlander to forward copies of his research to the township.

Administrator Brook stated that most private utilities mandate a connection but the municipality is not mandating a connection.

Mr. Kurlander questioned two different options in arriving at an assessment. First being the market value approach, second is the curb foot approach. Mayor Muchowski stated that the curb foot assessment, which takes the cost of the project divided by the frontage and then the homeowners bear the entire cost, can no longer be done in New Jersey.

Steve Mognancki, 904 Walnut Street, questioned no trespassing signs on a road he believed was taken over by the township. Mayor Muchowski stated that the Turnpike Access Road was taken over by the township, not the road Mr. Mognancki referenced.

Mr. Mognancki asked if the area around the Veterans Memorial could be cleaned up for Veteran's Day? Mayor Muchowski stated that it would be cleaned up.

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Mr. Shrader asked if the homeowner could make the connection? Administrator Brook believes that the homeowner can do most of the work but he believes that there is some provision in the law where a plumber is needed at a certain point. Administrator Brook will look into and report back to Mr. Shrader.

Mr. Shrader stated that there are water problems in the Tall Pines development and the contractor will be digging down 15 to 16'. He asked if there were any precautions lined up if there are any problems. Administrator Brook stated that the contractor has hit a high water table and clay. The Water and Sewer Engineer is keeping documentation and pictures and if they find any thing unusual they will alert the township immediately. The Township Engineer will also be on site to do an inspection.

Dave Tindall, 36 Tall Timber Lane, complained that the contractor refused to move their vehicles so he could get his vehicle off his property, and they use foul language. Administrator Brook will get Mr. Tindall's phone number and have the Water and Sewer Engineer contact him. The engineer will then speak with the contractor.

Mr. Shrader stated that the backhoe broke the curb across the street from him and asked if the curbs will be replaced? Administrator Brook stated that new curbs are not included in the contract but if the contractor broke the curb they will be required to repair it. He stated that before and after videos are done for this project.

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. 2005-196

REFUND TAX OVERPAYMENTS

RESOLUTION NO. 2005-197

**AUTHORIZE RELEASE OF PERFORMANCE BONDS
ECKERD PHARMACY
*Conditional***

RESOLUTION NO. 2005-198

**AWARD CONTRACT FOR WELL NO. 3 REDEVELOPMENT
A.C. SCHULTES, INC., 664 SOUTH EVERGREEN AVE.
WOODBURY HEIGHTS, NJ 08096**

RESOLUTION NO. 2005-199

**SET POLICY FOR WELCOME SIGNS
POSTED ON HORNBERGER AVENUE**

RESOLUTION NO. 2005-200

**CONFIRM APPROVED MOTION OF OCTOBER 5, 2005:
AUTHORIZE RELEASE OF PERFORMANCE BOND FOR
ECKERD PHARMACY**

Conditional

It was on the MOTION of Ryan, seconded by Sandusky that Resolutions 2005-196 through 2005-200 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinaro

NOES: None

ABSENT: None

Motion carries.

ORDINANCES

ORDINANCE NO. 2005-23

(2nd Reading)

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
PROVIDING FOR THE ADOPTION OF BEST
MANAGEMENT PRACTICES FOR THE
MANAGEMENT OF STORMWATER AND PROVIDING
FOR DESIGN AND PERFORMANCE STANDARDS FOR
STORMWATER MANAGEMENT PLANS**

It was on the MOTION of Sandusky, seconded by Ryan to approve Ordinance No. 2005-23 on second reading for adoption.

Public Comment

Council President Fratinaro opened the meeting to the public for comments at this time.

Bart Schrader, 46 Tall Timber Lane, questioned when the first reading was held and if there was a copy of the Ordinance available? Council President Fratinaro stated that first reading was held at 10/5's meeting, a copy is posted on the municipal bulletin board and

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was advertised in the paper as is required by law. He explained that this Ordinance is in regards to the new State regulations for Stowmwater Management.

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: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo

NOES: None

ABSENT: None

Unanimous approval.

**ORDINANCE NO. 2005-25
(1st Reading)**

**AN ORDINANCE FIXING THE COMPENSATION OF
CERTAIN OFFICIALS AND EMPLOYEES OF THE
TOWNSHIP OF FLORENCE
(CWA Union Contract)**

**ORDINANCE NO. 2005-26
(1st Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
AMENDING CHAPTER 91 (ZONING) OF THE CODE
OF THE TOWNSHIP OF FLORENCE TO ESTABLISH
REQUIREMENTS FOR FENCES LOCATED ON NON-
RESIDENTIAL PROPERTIES**

It was on the MOTION of Garganio, seconded by Sandusky to approve Ordinance No. 2005-25 and 2005-26 on first reading and set adoption for Ordinance No. 2005-25 on November 9, 2005 and Ordinance No. 2005-26 on November 2, 2005.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo

NOES: None

ABSENT: None

Unanimous approval.

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REPORTS

Committees, Boards and Officers

- Nothing at this time.

Mayor Muchowski

- Nothing at this time.

Administrator

- Administrator Brook asked if everyone received the draft of the school letter and if there were any changes or comments before he moves forward? Council in agreement for Administrator Brook to move forward.
- Administrator Brook stated that an Ordinance was adopted recently that addressed the hours of construction. It does not address contractors working inside. He asked if Council would allow him to work with Solicitor Kearns on an Ordinance that deals with contractors working inside a building so long as the noise does not move over to the neighbor's property. If you read the current Ordinance literally you could argue that if a contractor is working at 6:00AM inside a home not bothering anybody that they are beyond the bounds. Council Members agree that contractors should be able to work inside a building, as long it does not disturb neighbors. Administrator Brook will have for a November meeting.

Assistant Administrator

- Nothing at this time.

Township Solicitor

- Nothing at this time.

Township Engineer

- Nothing at this time.

UNFINISHED BUSINESS

Council Member Garganio questioned the **progress** of the **park project**? Dan Guzzi, Township Engineer, responded that he is waiting for soil erosion permits for the work at the three (3) parks and the route for the walking path through Marter Park has to be finalized. Construction should begin in the spring and explained that the opportunity to begin this August or September was missed.

Council Member Garganio spoke with several Hamilton Avenue residents who stated that the water main is dead-ended. They are having problems with water pressure. He asked Assistant Administrator Sahol to speak with Dave Lebak, Water and Sewer Superintendent.

NEW BUSINESS

Council Vice President Ryan expressed interest in the invitation from Edward Kensler, Township Fire Chief, to **tour** the **new fire station**. Mayor and Council Members also interested. A tour will be set up on an evening before a Council Meeting.

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Council Member Baldorossi was approached by some residents that reported cars are **parking on Nyikita field** on Saturday mornings. Emergency and maintenance vehicles are the only vehicles permitted on the field. Assistant Administrator Sahol will speak with the field hockey coach.

Council Member Sandusky has seen residents walking in the streets and has questioned them as to why; he has been told that it is due to the **sidewalks** lifting by the tree roots. He asked if there was a program available to help replace sidewalks? Mr. Guzzi will look into but explained that most sidewalk grants are for new sidewalks. Mayor Muchowski stated that some municipalities require the homeowner, on a CO transfer, to repair or replace sidewalk. During a resale inspection that is one of the items looked at. Council Member Sandusky stated that new homes may have a problem getting homeowners insurance due to lifted sidewalks.

Mayor Muchowski stated that Dan Guzzi may be out of town for the November 9th meeting and asked that Mr. Guzzi's topics be added to the November 2nd Agenda.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Council Member Garganio discussed **parking** in the **cul-de-sacs**. He feels that Council should look into a way to make parking more efficient for the residents. Administrator Brook has spoken to Chief Dawson who stated that there is a parking problem in numerous cul-de-sacs throughout the township. Every cul-de-sac in the township received notices regarding parking. Council Member Garganio suggested striping some spots, if the State allows that.

Council Member Garganio also asked if someone could review the possibility of adding 10 or 15 spots for the Morris Court development. Administrator Brook suggested that Mr. Guzzi review the two basins to see if they are still needed. Administrator Brook will have it researched and report back.

9:40 PM MOTION by Sandusky, seconded by Ryan to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

9:40 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab