

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

November 7, 2007

8:00 PM

CALL TO ORDER

Council President Baldorossi called the meeting to order.

SUNSHINE STATEMENT

The Opening 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 7, 2007; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: John Fratinardo, Bruce Garganio, Elizabeth Ryan, Jerry Sandusky, Frank Baldorossi

Also Present: Mayor Michael Muchowski; Richard A. Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer; Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk; William Berry, Mayor Elect; Sean Ryan, Council Member Elect; Dennis O'Hara, Council Member Elect

POLICE DEPARTMENT PROMOTIONS

- ❖ **Stephen C. Fazekas – Captain**
- ❖ **Brian Boldizar – Sergeant**
- ❖ **Mauro Correnti – Sergeant**
- ❖ **Jason Shafer – Patrol Officer**
- ❖ **Nathan Tompkins – Patrol Officer**

Joy M. Weiler, Township Clerk, administered the Oath of Office to Nathan Tompkins, Patrolman; Jason Shafer, Patrolman; Mauro Correnti, Sergeant; Brian Boldizar, Sergeant; and Stephen C. Fazakas, Captain as their families looked on.

Mayor Muchowski thanked the retired officers for attending this evening. He stated that the Florence Township Police Department has demonstrated what it takes to be professional police officers and protect this community and thanked them for all they do. Mayor Muchowski congratulated the police officers on their new assignments and promotions.

Mayor Muchowski had everyone join in and sing Happy Birthday to Captain Stephen Fazakas.

Chief Gordon Dawson stated that this is a proud day for Florence Township. He thanked the governing body for being proactive in planning earlier this year for his and Captain Joseph Gadbois's retirement at the end of the year. He stated that the new patrolmen are completing their in house training; they are doing extremely well and will be an asset to the community. There are two (2) deserving officers that were promoted to Sergeant this evening that have always done an excellent job and will continue to do so. Stephen Fazakas, who was promoted to Captain because he is deserving, has moved through the ranks from patrolman. Chief Dawson stated that he is proud to be Chief this evening. He expressed his appreciation to the off duty and retired officers present this evening. He also thanked the community for their support and outpouring tonight.

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Captain Joseph Gadbois stated that the room is filled this evening and that speaks highly of the individuals being promoted this evening. He stated that you cannot do this job without the support of your family, so this room speaks volumes about everyone's family here. Captain Gadbois introduced the retired police officers. He thanked everyone for attending this evening.

8:15PM: RECESS

8:25PM: MEETING RESUMED

PUBLIC COMMENT

Steve Mognancki, 904 Walnut Street, questioned the status of the Community Center? He heard that Waste Management appropriates money every year towards the Community Center and Congressman Chris Smith secured a grant for the Community Center. Administrator Brook stated that Waste Management does not provide the township with money each year for the Community Center; they provide \$2,000 a year towards community related projects. Administrator Brook explained that there are two (2) grants related to the Community Center; one is a \$75,000 grant from the State of New Jersey to make ADA improvements for individuals with disabilities, the other is for \$241,000 from the VA HUD.

Administrator Brook reviewed work that will be done: Front doors will be handicapped accessible, handicapped restrooms will be installed, the exterior of the building will be power washed and the concrete repainted, the windows will be redone, the interior will be repainted, work will be done in the basement, there will be a new kitchen facility, all carpet will be taken out and replaced, there will be rooms on the first floor for senior citizens and the second floor will be more for a meeting use. The blinds and curtains will be replaced. The porch, which has fallen into disrepair, will also be repaired. They will try to preserve the hardwood floors in the balcony and theater type seating will be installed. Assistant Administrator Sahol is working on a projector system. Administrator Brook explained that the garage bay area will be turned into ADA type restrooms, a kitchen facility, serving area and storage.

Administrator Brook explained that the plans for the building are complete; approval is needed from the State of New Jersey Historical Office of Preservation because the building has preservation status. The application is complete and will be submitted to the State of New Jersey by the end of the week. The township is clear to go to bid and will accept bids by the second week of January. A contract will be awarded by the first week of February. Formal notice will be given that the building will be closed for the length of the repairs.

Administrator Brook stated that the project is behind, and accepts responsibility, but work will begin by early next year. Mr. Mognancki requested a progress report. Administrator Brook will provide and offered for Mr. Mognancki to come in and review the plans.

After the project goes out to bid, Mayor Muchowski offered to have a representative of the township come to the Senior Citizen Meetings to make a presentation and field questions.

Mayor Muchowski explained that the township will have to create a policy on how the facility can or cannot be used. Also cost and management of the site has to be worked out.

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Council Member Garganio asked if it was possible for the Senior Citizen Groups to use the office in the front for a gathering place until renovations begin? Administrator Brook stated that the office could be set up, on a limited basis, for use if the groups desired.

All residents having an opportunity to be heard, MOTION by Fratinardo; seconded by Garganio to close the public portion of the meeting. All ayes - motion carried.

PUBLIC HEARING: CEDAR LANE AND PHASE I OF TALL PINES

Administrator Brook explained that this public hearing is in regards to the extension of water and sewer lines through Phase I of Tall Pines and Cedar Lane. Formal Assessment Commission meetings were held earlier in the year; the residents were invited to attend. The residents were notified of the last Assessment Commission meeting by certified mail. There was a good turn out from the residents. Mr. Allen Black was hired to do an independent appraisal of all of the properties that are impacted by the water and sewer assessment. Through the appraisal process, Mr. Black comes up with a value based on the increase of the value of the property by having public water and sewer. That value is \$5,000 for water and \$10,000 for sewer. When the Assessment Commission met, they took the residents through the analysis and methodology in depth. The meetings were well attended, the residents had many questions that were addressed and answered. The residents asked for a 15-year payment plan instead of a 10-year plan. The Assessment Commission did decide to recommend to the governing body that they consider doing a 15-year payment plan with an interest rate of approximately 4.25%. The payment would begin March 15, 2008 and continues one (1) payment a year for the next 14 years.

The next step in the process, now that the Assessment Commission has finalized its recommendation, is to hold a formal Public Hearing on adopting and approving the Assessment Commission's recommendations, which the residents were notified of. Once the Public Hearing is held a Resolution needs to be voted on and then the assessment would be finalized.

Council President Baldorossi opened the meeting up for Public Hearing.

Nothing at this time.

All residents having an opportunity to be heard, MOTION by Fratinardo; seconded by Sandusky to close the public hearing. All ayes - motion carried.

RESOLUTION NO. 2007-185

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE
ACCEPTING AND ADOPTING THE REPORT OF THE FLORENCE TOWNSHIP
ASSESSMENT COMMISSION ON THE WATER AND SEWER EXTENSIONS
FOR PHASE 1 OF THE TALL PINES DEVELOPMENT AND CEDAR LANE**

It was on the MOTION of Sandusky, seconded by Fratinardo that Resolution No. 2007-185 be approved.

On the Question

Mayor Muchowski stated that the residents did attend the Assessment Commission meetings. The residents had very thorough questions and were given thorough answers. He feels that the residents were comfortable with the methodology and terms of the agreement.

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Upon roll call Council voted as follows:

YEAS: Fratinardo, Garganio, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

TOWNSHIP WATER AND SEWER ENGINEER

Release Greenbriar Water & Sewer Bonds

Russell Trice, Township Water and Sewer Engineer, reviewed and recommends release of the Performance Bond. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Legacy at Meadowcroft: Reduce Performance Bond

Mr. Trice reviewed and recommends that the Performance Bond be reduced. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Well No. 6: Current Estimate #4

Mr. Trice stated that last month the contractor had provided an updated schedule with a completion date of mid to late November. Now the contractor states that the generator and well pump will not be delivered in time to meet that schedule and the new completion date is mid December, provided he receives those two pieces of equipment. Mr. Trice wrote a letter to the contractor advising them that they could be assessed for liquidated damages.

The contractor advised Mr. Trice that the well pump was ordered in the beginning of June after approval was given in May. Mayor Muchowski would like to see the order form for the well pump and for them to tell the township what he has done to secure a pump to fulfill his contractual obligation. Administrator Brook will request a written response from the contractor for the status of the job and the intended completion date and notice of liquidated damages.

Mr. Trice explained that Current Estimate #4 is for the month of September. The contractor has completed another month's worth of work that he has not been paid for; that will be paid in December. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Aerator

Administrator Brook stated that the aerator is complete. He reviewed the figures thoroughly with David Lebak, Water & Sewer Director and asked if Council would like to consider this evening or wait until the December meeting? Council prefers to wait until the December meeting.

TOWNSHIP ENGINEER

Legacy at Meadowcroft: Reduce Performance Bond

Dan Guzzi, Township Engineer, reviewed and recommends reduction of the Performance Bond. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

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Council Vice President Fratinardo asked if work has begun on the recreation facility? Mr. Guzzi will request a detailed schedule and report back.

Council Member Garganio questioned the status of the berm? Mr. Guzzi has made numerous requests for the as built of the berm without success. The contractor indicates that there may be a problem with some areas being a little low. Council Member Garganio asked about listening to the tapes to see exactly what the developer represented; he believes they represented that it would be much higher. Administrator Brook will look at the minutes.

Greenbriar

Mr. Guzzi stated that he met with Greenbriar to discuss the final punch list and schedule. They discussed each item line by line. Justin Bloch of Lennar requested to walk the site again to go over the punch list, which will take place next week. Assistant Administrator Sahol will walk the site with them to go over the trees, which there are some issues with.

Mayor Muchowski discussed the trees and questioned what constitutes a deficient tree? In the developer's opinion it's either alive or dead. Even if a tree has a scar in it but its alive it's acceptable to the developer. Mayor Muchowski feels there should be a standard of what is an acceptable tree.

Council Member Garganio asked if the Township Engineer's time with punch list items was billed through escrow? Mr. Guzzi stated that it is. Council Member Garganio asked if Assistant Administrator Sahol's time walking and checking on 400 trees is billed through escrow? Administrator Brook responded that it is not. Council Member Garganio stated that Assistant Administrator Sahol has been out there many times and Lennar should be paying for the use of the administrative staff. Administrator Brook stated that an Ordinance would have to be in place. A Draft Ordinance will be prepared.

Park Project

Mr. Guzzi stated that the final punch list has been prepared for the Park Project. Administrator Brook requested to discuss in Closed Session.

ASSISTANT MUNICIPAL ADMINISTRATOR

Pipe Bids

Assistant Administrator Sahol received and reviewed with David Lebak, Water & Sewer Director, the bids for ductile pipe and fittings. Everything is in order. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Delaware Avenue Parking

Assistant Administrator Sahol reported that the County began the survey last week. He has not heard back from them on their findings but does know they where onsite.

Don Kaminski, 10 McCay Drive, asked what happens next? Assistant Administrator Sahol has not received the plans from the County but will contact Mr. Kaminski as soon as he does.

Code of Conduct

Assistant Administrator Sahol stated that the Code of Conduct is a lengthy document based on public law. Many municipalities are putting the Code of Conduct in place. Mayor Muchowski

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reviewed the document and feels that some of punishments for minor infractions are harsh. Assistant Administrator Sahol and Administrator Brook explained that this is a starting point for discussion; the language can be refined. Mayor Muchowski believes a policy should be in place.

Council Member Garganio feels the first disciplinary action should be through the league not the township.

Mayor Muchowski suggested providing this draft to the league presidents and have a meeting to discuss and get their input.

Council Member Garganio asked if banning tobacco use by coaches could be included? Assistant Administrator Sahol believes that could be included.

Solicitor Kearns suggested obtaining a copy of the schools standards that they use. Mayor Elect, William Berry, stated that the school has a student handbook, nothing specific to athletic events. He explained that the New Jersey Interscholastic Athletic Association (NJSIAA) has a Code of Conduct and before each athletic event a statement is read stating a list of infractions and that any individuals breaking those infractions will be removed from the site according to NJSIAA regulations.

LIGHT RAIL RESOLUTION

Administrator Brook explained that this Resolution asks the State of New Jersey to consider assisting in funding for the development of "Quiet Zones" in municipalities. Council Member Ryan asked what is a quiet zone and why the township needs civil liability protection from accidents? Solicitor Kearns explained that the Light Rail does not blow their horns in quiet zones and civil liability is needed in case the township establishes a quiet zone and someone gets hit because the train did not sound the horn, they could come back and sue the township because they had the quiet zone established.

Administrator Brook explained that residents of Hamilton Crossing requested that the township get involved with establishing a quiet zone and stated that Council is under no obligation to adopt a Resolution. Several municipalities in the area have adopted Resolutions and the civil liability is there for protection because the horns do serve a useful purpose.

Council Member Ryan does not have a problem with the Resolution. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Mayor Muchowski's biggest complaint with the NJ Light Rail is as the train approaches the Roebling Station from Bordentown the gate goes down and stays down and while the people get off and on the train. NJ Transit was supposed to look into that. Assistant Administrator Sahol will check with NJ Transit.

FINE FOOD & SPIRITS, INC: RENEW 2007-2008 LICENSE WITH SPECIAL RULING

Hold for Closed Session.

9:20 PM MOTION by Ryan, seconded by Fratinardo to adjourn meeting. Roll call vote - all ayes.

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ADJOURNMENT

9:20 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab