

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

February 13, 2008

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 6, 2008; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Bruce Garganio, Dennis O'Hara, Sean Ryan, Jerry Sandusky, Frank Baldorossi

Also Present: Mayor William Berry; 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

PUBLIC COMMENT

Don Kaminski, 10 McCay Drive, asked if there would be benches in the new gazebo at the Clark T. Carey Memorial EMS Volunteers Park? Assistant Administrator Sahol stated that benches will be installed. He explained that the gazebo at Roebing Park is a music pavilion, which is why it does not have benches.

Bill Bott, 64 Riverbank Drive, stated that the berm in between Ready Pac and the new development on Olive Street is not high enough. The residents in the new development will get the bright lights and truck noise from Ready Pac.

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

TOWNSHIP WATER AND SEWER ENGINEER

1100 John Gault Way: Release Performance Bond

Russell Trice, Township Water and Sewer Engineer, reviewed and recommended the release of the Water and Sewer Performance Bond. He explained that a Maintenance Bond is not required because Whitesell will privately own and maintain the water and sewer lines. A Resolution will be prepared for next week's meeting.

280 Daniels Way: Release Performance Bond

Mr. Trice reviewed and recommended the release of the Water and Sewer Performance Bond. He explained that a Maintenance Bond is not required because Whitesell will privately own and maintain the water and sewer lines. A Resolution will be prepared for next week's meeting.

Well No. 6 Project Review: Stothoff Contractor

Mr. Trice stated that the contractor has still not received a new well pump motor. He installed a used motor, which no one was comfortable with. The electrician would not wire up his equipment to the used motor. The contractor was told by David Lebak, Water and Sewer Superintendent, not to install

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a used motor on the pump but did it anyway. Mr. Trice met with Administrator Brook, Solicitor Kearns and Mr. Lebak to discuss what they were going to do. They are going to meet with the contractor, well driller and well pump supplier next week, who seems to be the major problem on this job. They will ask them to provide the information showing when the pump was ordered by the well driller, when it was released by the general contractor and the same for the motor. The shop drawings were released the end of June 2007 and Mr. Trice does not understand why they still do not have a motor. He suspects that the well driller did not order the motor.

There was also discussion that no one saw the well pump. The well driller showed up on site without notifying the township or general contractor and installed the well pump. A Florence Township Water and Sewer employee happened to be driving by and saw them working there. When Mr. Lebak arrived on site, the well pump was already installed down into the well. When Mr. Lebak asked about the pump such as the make and other technical questions, the well drillers could not answer any of his questions. Mr. Trice has not been able to confirm that what was ordered is what was installed. He stated that the pump does appear to be new. Mr. Trice explained that the shop drawing requires that the manufacturer do a performance test of the pump in the factory after it is built. He received a test report showing the performance criteria and the serial number; the serial number on the report does match the serial number on the pump. The only visible part is the pump head on top of the concrete foundation; the actual pump is 160 feet below ground. They are going to advise the well driller to pull the pump out so he can see it and confirm what was installed. Mr. Trice explained that he is supposed to inspect everything that goes in and the contract states that if something is installed without being seen, he has the right to ask them to pull it out. It may take a day to pull the pump and a day to reinstall. Mr. Trice will also ask at the meeting for a detailed schedule for every item that has to be finished.

Council Member Garganio asked about liquidated damages? Solicitor Kearns would prefer to have that discussion in Closed Session.

Mr. Trice stated that the well driller does have a new motor that he could put on temporarily, not the one that was ordered and not as good, but it is a brand new motor. It is something to consider because once the motor is installed the well could be tested and DEP could start their testing to approve the well. Before deciding he will see how long it will take the motor that was specified to come in.

Water and Sewer Inquiry: Whitesell

Mr. Trice explained that Whitesell is constructing two (2) buildings in Burlington Township that they are requesting Florence Township provide water and sewer for. Assistant Administrator Sahol provided a map showing the buildings and township borderline. Mr. Trice explained Burlington Township does not have sewer in that specific area; there is some on the other side of the creek that Whitesell looked into but said it was not feasible to get the sewer under the creek. Mr. Trice, after talking to Administrator Brook and Mr. Lebak, stated that he does not see a problem taking their wastewater in. There is excess capacity in the township's treatment plant. It would be going to a pump station that is already built on the Burlington Township side. Council Member Garganio asked if there was a projected use for the building and what kind of water they would be using? Mr. Trice stated that it is a warehouse that would not be a big user.

Mr. Trice stated that Whitesell has two (2) wells on the property that have allocations associated with them and they implied that if Florence Township was interested in those wells, they would

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discuss them. Meaning, if they were worth something, the township could look into acquiring the water allocation associated with those wells. Mr. Trice does not know about the water quality coming out of those wells or what they would produce, but it is worth looking into. Council Member Garganio feels it is worth investigating.

Mr. Trice explained that if Council has no objection, he could talk to Whitesell more seriously. He explained that to provide sewer to Burlington Township, the Wastewater Management Plan has to be amended and Whitesell knows and agrees that they would have to pay the township to have the amendment done.

Council Member Sandusky and Council Member Ryan expressed concern if in the future the use of the building changes and the water and sewer use increases. Mr. Trice stated that an agreement would be drawn up and the township can add any restrictions they wish. They may want to word it that the township would be under no obligation to provide any more capacity then the amount agreed to.

Mr. Trice discussed connection fees. Since the buildings are in Burlington Township, the township can charge whatever connection fees they want, which would be in the agreement.

Council Vice President O'Hara asked if there was a tenant lined up? Mr. Trice does not believe so.

Council in agreement for Mr. Trice to investigate further, including the two (2) wells, and report back.

Council Vice President O'Hara asked Mr. Trice if he could document for the governing body what the current capacity is? Mr. Trice will provide a report.

Well No. 6: Current Estimate No. 7

HOLD

YACHT CLUB LEASE RENEWAL

Joy Weiler, Township Clerk, stated that the Yacht Club has provided their insurance, a report on the boat dock, activities they have had and their membership and board members.

Council Member Sandusky understands that they make their building available to non-profit organizations such as: the Boy Scouts, Girl Scouts, Garden Club and Historical Society when needed and asked if they ever ask? Mr. King, present this evening, from the Yacht Club stated if they ever ask, the building is made available. He has an insurance card for the Girl Scouts.

Council President Baldorossi asked if the dock would be installed this summer? Mr. King stated that it has been purchased and certainly hopes so.

It was on the MOTION of Sandusky, seconded by Ryan to approve the lease with the Yacht Club. Roll call vote – all ayes.

First reading of the Ordinance will be on next week's Agenda for approval along with the Resolution.

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Council Vice President O'Hara stated that the Florence Historical Society has come before the governing body requesting space to display their artifacts and asked Mr. King if a display could be created at the Yacht Club building? Mr. King stated that they are looking for their items to be secure.

TOWNSHIP ENGINEER

Reduce Bond: Olive Street Senior Housing (Legacy at Meadowcroft) and Berm

Dan Guzzi, Township Engineer, reviewed and recommends the Bond Reduction. This reduction represents work that has been completed and accepted. This was HELD last month based on discussions in respect to the berm.

Mr. Guzzi stated that the berm is very close to the approved plans by the Planning Board. There is still some work to do to bring it up. Administrator Brook will be discussing the installation of a fence with the developer, which could possibly require an amended site plan before the Planning Board.

Council Member Garganio stated that the developer did not do what was presented to Council, the berm does not work and he is not comfortable releasing anything until this gets worked out.

Since action would not be taken this evening, the Bond Reduction will be HELD and Mr. Guzzi will try to get some answers before next week's meeting.

Greenbriar Stormwater Management

Mr. Guzzi sent a letter to Justine Bloch, Lennar, dated January 31, 2008 outlining deficiencies, again, in the latest as built plans including spot checks that Mr. Guzzi had done for things that did not make sense. There were a lot of typos on the as built, as well as some pipes that are the wrong size. For the most part, the errors seem to be in the as built themselves. He is expecting another set of as built from the developer's engineer.

Council Member Garganio verified that Mr. Guzzi's time is being billed to the developer? Mr. Guzzi stated that it is.

Mr. Guzzi updated the punch list. In fairness to the developer, the weather has not been cooperative but as soon as the weather breaks, they need to get back to work resolving the outstanding issues. He stated that they still have not begun to address the trees.

In response to Council Vice President O'Hara, Mr. Guzzi explained that the as built indicate a pipe size that is different from the design plans, so he went out and checked and found that the pipe size installed in the ground is correct but incorrect on the as built. There are a couple of pipes in the ground that are the wrong size. For the most part, it is the as built that are incorrect and inaccurate.

TOWNSHIP SOLICITOR

Referendum Question: Farmland Preservation

Solicitor Kearns provided a memo outlining the procedure for a referendum setting up a trust fund for Open Space and Recreation. He explained that if the governing body would like to get it on the ballot in November, it has to be to the County by the beginning of September (60 days in advance).

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If the governing body would like to proceed, Solicitor Kearns suggests getting it done by June. Council Member Garganio would like to start out with a penny.

Council Member Garganio asked that Assistant Administrator Sahol get the map together showing the land that could be bought for Farmland Preservation for further discussion at next month's Worksession.

Council Vice President O'Hara discussed Historic Preservation, which is one of the purposes under the statute. He stated that there are some historic buildings in the municipality and asked if someone were to buy a piece of property that had an historic building on it and wanted to level the building and do something else, is there anything in the Ordinances to prevent that? Solicitor Kearns will have to review the Ordinances.

Economic Development Advisory Board: Draft Ordinance

Solicitor Kearns prepared an Ordinance based on last week's discussion.

Council Vice President O'Hara asked Solicitor Kearns to expand on the statement "To perform such other acts as are reasonably related to and designed to carry out the purposes and objectives of the committee"? Solicitor Kearns explained that if it is related to Economic Development, they can do it, but in the other section they cannot spend money or do things without complying with all the requirements of the township and getting approval for spending money within the limit of appropriation by Mayor and Council. Solicitor Kearns stated that it is catch all language because you cannot anticipate every single thing. Council Vice President O'Hara would not want the Economic Development Committee going out randomly and speaking with developers; that is what the Mayor and Council are here for. Solicitor Kearns stated that their job is to advise Mayor and Council. Solicitor Kearns will add "as authorized by the Mayor and Council" to the end of the above statement.

Council Vice President O'Hara verified that the members will all have one-year terms. Solicitor Kearns stated that they will all be one-year terms.

Mayor Berry asked, as discussed previously, if a clerical person was being provided for the Economic Development Committee? Solicitor Kearns stated that it is in the Ordinance that administrative support will be provided through the Township Administrator.

Ordinance, as revised, will be on next week's Agenda for first reading.

DRAFT: ASSET MONETIZATION (NJ TURNPIKE FEES) IMPACT ON LOCAL ROADS

Clerk Weiler stated that a letter went out to Governor Corzine this past Friday. She asked, on behalf of Administrator Brook, if Mayor and Council would like to hold off on discussion until a response is received? Council Member Ryan would like a timeline set up in case a response is not received in a reasonable period of time. Council Vice President O'Hara and Mayor Berry agree that they would like to remain proactive and aggressive. Clerk Weiler was advised to put on next week's Agenda as Old Business.

ASSISTANT MUNICIPAL ADMINISTRATOR

Safe Streets to Schools Grant

Assistant Administrator Sahol asked if Mayor and Council are interested in the Safe Routes to School Grant opportunity through NJDOT? A few years ago, when the middle school was coming online with the younger children and more foot traffic, he, along with a field inspector from Mr. Guzzi's office, looked at some areas and did some preliminary numbers and cost estimates. This fits right in with what the State looks for. Some of the streets have sidewalks but there are gaps. These are the areas that the Police say have the most foot traffic. In addition, there are crossing guards posted along this path. It shows there is a need. Assistant Administrator Sahol stated that there is also backing from the Senior Citizen Organization.

Council Member Garganio asked if Cedar Lane to the high school could be included? Mr. Guzzi stated that Safe Streets to School does not include high school; it is for middle school and younger. Council Member Garganio asked if there were any grants that Cedar Lane would fit into? Mr. Guzzi stated that there are separate grants called Pedestrian Walkways and Bikeway Grant, which the township has applied for in the past. DOT does not offer these grants every year.

The area Assistant Administrator Sahol is recommending is Third and Fourth Streets, both east and west of the school. There are areas on these streets that the children are walking in the street. Council is in agreement to proceed. A Resolution will be prepared for next week's meeting.

Background Checks for Coaches: Recreation

Assistant Administrator Sahol looked into the mobile fingerprinting unit and it would only be available on weekdays, the individuals being fingerprinted would be scheduled every 12 minutes. He inquired about having the mobile fingerprinting unit coming to Florence Township on a Saturday. They did not say no, but stated that their technical support team would not be available and if there was a technical problem, they may have to pack up and leave and the township would be out the money that was paid for the service. Assistant Administrator Sahol stated that the Ordinance has to move forward on second reading for adoption and they have to start asking volunteers to go get fingerprinted. Council Member Garganio understands they may have to move forward with the Ordinance but would like to try going to the legislators for help. The volunteers do so much for the children without asking for anything in return.

Council Member Garganio questioned purchasing the equipment to do the fingerprinting in house. Assistant Administrator Sahol explained that if the township purchases the equipment, it can only be used for volunteer background checks; it cannot be used for criminal. The equipment costs approximately \$23,000 and Assistant Administrator Sahol looked into shared services with other municipalities and that is not allowed.

Council in agreement to do a letter campaign to the State Legislators asking for their help to make it easier for the volunteers to be fingerprinted. In the meantime, the volunteers who have already had their background check done will have their approval extended a year. Assistant Administrator Sahol stated that there are coaches whose current two year term expires March 25, 2008; so they need to have the second reading of the Ordinance and advertised so the Ordinance is in effect by then.

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Olive Street Sidewalks

In response to the offer of the developer of the new development off Olive Street to install sidewalks in front of three homes on Olive Street, Assistant Administrator Sahol reported that one resident wants the sidewalk and two residents do not. The main reason is snow removal and maintenance, such as edging. Council Member Garganio suggested asking the homeowner's association to take over the maintenance of the three sidewalks. Solicitor Kearns stated that it must be in an agreement. Assistant Administrator Sahol will look into.

Zip Code Survey

Assistant Administrator Sahol stated that the results of the zip code survey are against consolidating.

STORMWATER DRAINAGE – PUBLIC STREET

Assistant Administrator Sahol discussed concerns from different areas of the community and provided pictures for the governing body. Some of what he is seeing is residents punching holes in the curb and running their storm drains through the face of the curb into the roadway. Some are just running a pipe out to the sidewalk or curb. This is creating icy conditions on sidewalks and streets. One resident is running a pipe from their sump pump towards their neighbor's property and flooding their driveway.

Assistant Administrator Sahol stated that there is nothing under the township Ordinance and asked if the governing body was interested in looking at an Ordinance that prohibits people from creating this type of flooding and icy conditions on sidewalks and streets? If Council is interested would they want to go back retroactive on some, where there is a safety concern? Mr. Guzzi stated that it would be an amendment to the existing Stormwater Management Plan. A Draft Ordinance will be prepared for discussion at the March Worksession meeting.

ACTION

RESOLUTIONS

RESOLUTION NO. 2008-40

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE, BURLINGTON COUNTY, NEW JERSEY, EXPRESSING CONDOLENCES TO THE CITY OF KIRKWOOD, MISSOURI, ON THE TRAGIC MURDER OF TWO MEMBERS OF THE CITY COUNCIL, TWO POLICE OFFICERS, THE PUBLIC WORKS DIRECTOR AND THE SERIOUS WOUNDING OF THE MAYOR

It was on the MOTION of Sandusky, seconded by Ryan to approve Resolution No. 2008-40.

On the Question

Council Member Sandusky suggested that the Resolution be read at next week's meeting followed by a moment of silence. The Mayor and all Council Members will sign the Resolution.

Upon roll call Council voted as follows:

YEAS: Garganio, O'Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

Unanimous approval.

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APPLICATIONS

- A. RAFFLE: Penny Auction and On Premise 50/50, Florence Township Civic Association, Inc.,
March 12, 2008, 6:00PM-10:00PM, Riverfront School

It was on the MOTION of Sandusky, seconded by O'Hara to approve the above application.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: O'Hara, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

ABSTAIN: Garganio

Motion carries.

9:25 PM MOTION by Sandusky, seconded by Ryan to adjourn to Closed Session. No action will be taken following Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:25 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab