

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

March 12, 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; 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

PUBLIC COMMENT

Nothing at this time.

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.

DEPARTMENT OF AGRICULTURE: REQUEST FOR SUPPORT OF DEPARTMENT

Administrator Brook reminded the governing body that this was a request from Mr. Wainwright asking that the township either write a letter or pass a Resolution of support requesting that Governor Corzine reconsider the abolishment of the Department of Agriculture because of the important services the department provides to the people of the State of NJ. Administrator Brook provided a copy of the points from Mr. Wainwright in the governing body's packet. After a brief discussion, the governing body is in favor of passing a Resolution in support of the Department of Agriculture to be sent with a cover letter, on behalf the Mayor and Council, to the Governor's office.

THOMAS BUTLER: ABC LICENSE TRANSFER & EXPANSION – BRIDGES AT ROEBLING STATION (DISCUSS PLANS FOR EXPANSION OF SITE)

Joy Weiler, Township Clerk, introduced Thomas Butler, who is purchasing Bridges at Roebling Station. Mr. Butler was present to explain his plans for the facility.

Mr. Butler displayed a copy of his plans for the governing body to see. Mr. Butler explained that the way the facility operates now, the first floor area is a kitchen, a very large bar, tables and chairs, which is where liquor is served. The basement is for storage. The second floor is a four (4) bedroom apartment. He is proposing to remove the large bar, expand to the second floor to create another dining room and enclosing the roof deck with a glass type roof, which would serve as an office. He would like to expand on the railroad side of the building for a small café, hoping to attract business from the Riverline. This would also create a smoking area so people are not congregating at the entrance. He would like the ability to serve alcohol in the outside café area but it is not critical. Council Member Sandusky expressed concern regarding patrons eating their dinner in the outdoor

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café and then another person sitting at a table next to them smoking. Mr. Butler stated that it is an exterior area, which is the only place patrons can smoke, and unfortunately there are smokers. He noted that as you go by this restaurant and the restaurant across the street, there are patrons congregating on the sidewalk smoking. This may get them off the sidewalk into a sitting area.

Mr. Butler stated that the way the building is currently situated it can handle 126 patrons with six (6) employees. His plan will reduce the patronage in the building to 102 patrons with 6 employees. Mr. Butler recognized the parking situation but explained that if his venture is successful, he has plans to make an offer to the owner of the dirt lot on the other side of his building to buy it and turn into a parking lot.

Council Member Garganio asked what type of restaurant he would be operating? Mr. Butler stated that the area in the front on the first floor would be a pizza oven/sandwich area. He is looking to put in an upscale Italian restaurant with tablecloths and candlelight, a nice place. He believes it works well for families. He explained the layout of the building, which includes a private party room.

Council Vice President O'Hara asked how far the outside café area would extend? Mr. Butler stated that it comes out eleven feet (11') and does not come out past the property line. There is more than enough room for the sidewalk. Mayor Berry asked if there would be fencing around the café area? Mr. Butler stated that there would be fencing. Council Member Garganio expressed concern that later in the night, after the family dinnertime, rowdier crowds may congregate in the outdoor area and impact the neighborhood. Mr. Butler is willing to stop serving alcohol in that area at 10:00PM. Council Member Garganio also noted that children walk past there on their way to and from school. Council Member Sandusky stated that outdoor area has to be licensed before alcohol can be served there. He asked if the area was licensed, who would control a patron from taking a drink out there after 10:00PM? Mr. Butler stated that the bartender would control it.

Council Member Garganio asked Mr. Butler if he thought his plan would work without outside seating, at least until he is more established? Mr. Butler discussed the difficulty he is having getting financing from banks for this building. He is trying to maximize every dollar value he can out of the building so it can be appraised so he can get the financing for the project. If he cuts things out of the plans he may not get the appraisal he needs. He also wants to maximize attracting patrons from the Riverline. Mr. Butler stated that banks are hesitant at this to finance restaurants since that is the #1 failing commercial business. Council Member Sandusky likes Mr. Butler's concept, except for the outside seating. He does not mind a family having dinner in that area but believes it will attract patrons from the bar area. After further discussion, Mr. Butler stated that if alcohol cannot be served in the outside café area, that would be fine, but he does not want to do away with the area. He believes the outside café is more of a positive than a negative.

Council Vice President agrees with Council Member Sandusky regarding smoking in the café area while people are trying to eat their meal; there may be confrontations.

Council Vice President O'Hara also expressed concern regarding parking. The Ordinance states that there must be one (1) off street parking space for every (2) seats. He understands that it is an existing condition where there is not much parking. There have been applicants before the Planning Board that had to restrict the number of seats because of parking spaces. Council Vice President O'Hara worried that it would be detrimental to the overall community without the parking. He suggested working on the interior, make it enticing and serve good food; then if that is a success, it may be best

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to purchase the adjacent lot to expand on an outside café. He believes Mr. Butler is trying to do too much in a small footprint. In response to the parking issue, Mr. Butler stated that he has reduced the number of patrons to the restaurant to try to alleviate some of the parking concerns that are there now.

Council Member Sandusky reviewed the history of the corner. About 20 years ago there were a lot of problems at that corner and the other bar across the street. A lot of township money was spent to clean up those two corners. That is why there are restrictions on the present liquor license. Council Member Sandusky stated that **if** Council allowed the outside café area to be licensed, there would be restrictions on it.

Administrator Brook stated that Council would like to take a cautious approach and reiterated that there were many problems on that corner and the other across the street years ago. There is hesitation to allow outside alcohol in that particular area and they have authority over that decision. Mr. Butler can do without selling alcohol outside but does not have to give up the café appearance of the building.

Council Member Garganio stated that Mr. Butler's plan is a great plan. He has always wanted to see that facility rehabilitated and turned into a family restaurant. His only concern is the alcohol outside.

Mr. Butler stated that the Florence Township Historical Commission would like him to keep the existing stucco, the problem being that there are large cracks in the stucco that leaks. There is no way to repair the cracks and make it look like it is not a repair. He would like to do a Tuscan type design. The Florence Township Historical Commission also does not like the "A" roof, but without the "A" roof, the project will not work. That is the only way to get the mechanicals into the attic, forcing the heat and air conditioning down from the top. There is not enough square footage in the building to run the ductwork without losing a lot of floor space. The building connected to Mr. Butler will remain the same; he does not own that part of the building.

Council believes Mr. Butler would be an asset to that part of the community but there are concerns due to the past history of that area. The direction Mr. Butler is going would alleviate some of those concerns. Mr. Butler would like to be a positive to the community. In order to make his business work, he has to attract people to the building.

Mr. Butler's intent is to repave the rear of the building and incorporate one (1) handicapped parking space. The sidewalks are currently even with the doors, so the building does have barrier free access. His intent is to replace all the curbs and sidewalks in time.

There is no parking in front of the building on Hornberger Avenue on the side of Mr. Butler's building. Council Member O'Hara asked Mr. Butler how he would prohibit someone from parking there to get a quick slice of pizza? There are "No Parking" signs posted but the curb may need to be repainted yellow. Council Member Sandusky stated that he has seen delivery trucks parked there to make deliveries.

Council Member Sandusky asked Mr. Butler where the maximum occupancy figure came from? Mr. Butler stated that the figures are from the approved plans of the original design of the facility.

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Mr. Butler explained that there will be no stools at the bar; it will be a service bar where the waiters and waitresses pick up the drinks to serve at the tables. He will depend mostly on the food business. Mr. Butler stated that it is his intention to get rid of the bar atmosphere and bring it up to an upscale Italian restaurant.

Council President Baldorossi asked what the operating hours would be? Mr. Butler stated that the standard operating hours for restaurants is 10:00AM – Midnight.

Mr. Butler compared his plans for the restaurant to the Farnsworth House in Bordentown City.

Council Member Garganio expressed concern of the facility reverting back to what it was and asked if Mr. Butler would have a problem if Council restricted his liquor license to be a restaurant. Mr. Butler does not want the facility to revert back either. His intention is for a family to come and the parents are able to have a \$30 dinner while their children can have pizza.

Council Member Ryan believes if Mr. Butler provides a controlled, restaurant type environment, it is a good plan. He understands the other Council Members concern; the previous approval had a stipulation that the facility was to be 70% restaurant, 30% bar, but it has evolved into 90% bar. Due to the lack of comfort level, Council Member Ryan suggested reviewing alcohol in the outside café area on a yearly basis. Council Member Sandusky is more comfortable with someone having a drink with their dinner outside now that he knows there will be no bar there.

Council President Baldorossi also noted that with a restaurant atmosphere it is less likely that people will congregate outside to smoke. Mr. Butler stated that smoking is not allowed in the building and since the upstairs is set up for private parties, those patrons will be going outside to smoke and he does not want them congregating at the entrance. Council Vice President O'Hara agrees with Council Member Sandusky, that he would not want to be eating his dinner and have someone next to him smoking. He asked if there was any way to have a smoking area away from the seated area? Mr. Butler stated that he is running out of property. If he prohibited smoking in the seated area, they would be congregating on the sidewalk, which is what he wanted to avoid.

Mr. Butler asked that the governing body not penalize him for what past owners of the facility have done. Council Member Sandusky complemented Mr. Butler on his plans.

Council Vice President O'Hara asked what would happen to the tables during the winter months, would he bring them in? Mr. Butler stated that is possible.

Mr. Butler stated that he does have experience running a business in town and dealing with food. He ran Dee's Deli for two to three years. He stated that he will be hiring professional people to work in a professional building. It will be an upscale restaurant not a hangout for drinkers.

Council Members agree that they are willing to allow the outside seating area but no alcohol at this time. Run the business for a year and they will reconsider next year.

Council Member Garganio suggested a stipulation be put on the ABC license that the facility be a restaurant only. Council Member Garganio feels it is a good plan.

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Mr. Butler explained that he still has approvals to obtain from the Zoning Board and Historic Commission. He also has to find financing. Council Member Garganio stated that the Historic Commission is an advisory board that makes recommendations. Mr. Butler stated that he does want the building to fit in with what is there. Council Vice President O'Hara suggested Mr. Butler look into the low interest loans from Burlington County; the main contact would be Mark Remsa.

Mr. Butler is hoping to begin construction by the beginning of May and complete by mid September to mid October. Joy Weiler, Township Clerk, explained that it does not take long at the Council level; what takes time is going before the Zoning Board to get approval for the variance. She stated that the background check takes 6 – 8 weeks, which is in the process. Once clearance is received from the Police Department, it takes an additional month from Council due to the advertisement requirements.

Mr. Butler would like to know he can proceed with his plans before he signs the paperwork to purchase the building.

Council Member Ryan asked Mr. Butler if he has provided the Zoning Board members with a copy of the plans? Mr. Butler provided the copies.

Council Vice President O'Hara asked Dan Guzzi, Township and Zoning Board Engineer, if has had a chance to review the plans? Mr. Guzzi has reviewed the plans, which will be heard before the Zoning Board in two weeks. Mr. Guzzi provided a letter to Mr. Butler with his comments and they meet to go over them.

Council thanked Mr. Butler for coming in this evening.

TOWNSHIP WATER AND SEWER ENGINEER

Well #6: Current Estimate No. 7

Russell Trice, Township Water and Sewer Engineer, stated that the temporary motor was installed today for the well pump and the wiring is complete. It should be started on Friday. Once it is started the pump test will be done and the data that is needed will be collected and sent to NJDEP.

Mayor Berry asked when the new motor will be shipped? Mr. Trice stated that the date has been revised from March 7th to March 22nd.

Solicitor Kearns asked if there has been any direct contact with the manufacturer? Mr. Trice was not at the meeting, but understands that B&H was asked to supply information as to when things were ordered. Mr. Trice saw a memo from B&H to Stothoff requesting that information but as far as he knows they have not received a response.

Council Member Garganio asked if payments should be withheld until they supply the information requested of them? Mayor Berry believes so. According to Solicitor Kearns, with the calculation of the penalty for being late, the contractor owes the township for doing the job. The penalty is \$1,500 per day and a couple of weeks ago they were 173 days late. There are days where there were weather issues that they will get credit for. The contractor was asked to submit a report to Mr. Trice for legitimate deductions. Mr. Trice does not feel they should wait for the contractor to submit a report to him; he believes he should calculate a figure and submit it to them. Council Vice President O'Hara

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encourages Mr. Trice to do that. Council Member Garganio feels the contractor will respond once they receive a report of the penalty fees.

Clerk Weiler asked if a Resolution needs to be done to withhold payments? Solicitor Kearns stated that no action is necessary.

Mayor Berry wants to know why the motor was not ordered in a timely fashion and he wants it in writing. He expressed his dissatisfaction with the contractor. The project was supposed to be complete in September 2007 but the motor was not ordered until January 2008. Council Vice President O'Hara requested Mr. Trice include in his letter to the contractor that Mayor and Council have been frustrated for months with this situation and want to see some action.

Council Member Garganio stated that the delay also impacted the work that was to be done in the park area around the well. That work was put on hold; they had to do their finishing work.

Mr. Trice will work up the calculation for the penalties and get a letter out to the contractor.

Manor at Crossroads: Reduce Water and Sewer Bond

Mr. Trice reviewed and recommends reduction of the Water and Sewer Bond. A Resolution will be prepared for next week's meeting.

Wastewater Management Plan: Update

Administrator Brook stated that the State of NJ is requiring all municipalities to update their Wastewater Management Plan. This year the township will have to have Alaimo Associates submit a report to NJDEP so the township maintains its rights under the current Wastewater Management Plan. The State is tightening up on Wastewater Management Plans for all municipalities and utilities.

Mr. Trice stated that Florence Township's plan is one of the most current plans before NJDEP and may even be approved under the new regulations. Florence Township's plan is in very good shape; there may be little or no changes that have to made to it. There are less then six (6) plans in the whole State that comply at this point.

Mr. Trice explained that the Wastewater Management Plan basically defines the township's sewer service area and what areas the township is allowed to extend sanitary sewer lines. Certain areas are allowed to have sanitary sewer systems, other areas are designated for septic systems only and there may be areas that will not support any development depending on the soils and ground water. It is in the town's best interest for the township to identify the areas that may be for development or they want to see development and include those areas in the township's sewer service area. The last time the plan was completely redone and included extending the service along Route 130. Previously it only went back 1,000' on either side, which cut the lots in half. The service area line was relocated to coincide with the property line. They also added the new high school into the service area. Those changes were approved so now the township is in good shape though there may be some small changes to meet NJDEP regulations.

Mr. Trice stated that the approach NJDEP is taking now, is that they want the County to be responsible for every Wastewater Management Plan in their County. NJDEP does not want to have to deal with all of the municipalities and utility authorities submitting their own individual plans, so they put the responsibility on the County to do it. From what Mr. Trice understands the County is

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going to delegate the responsibility to the municipalities and authorities to do it because they do not have the manpower or resources to do it. He is unsure if funding will be provided to the municipalities.

Mr. Trice stated that the township has nine months from when they enact this law to comply with the new regulations. If the plan is submitted in the nine-month period, the existing plan is grandfathered until NJDEP reviews it. If the township does not submit a plan in that nine-month period, the township could be stripped of the ability to extend sewer anywhere.

Water Allocation Report

Will discuss at April's Worksession.

TOWNSHIP ENGINEER

Estates at Crossroads: Performance Bond Reduction

Dan Guzzi, Township Engineer, reviewed and recommends the Performance Bond reduction. A Resolution will be prepared for next week's meeting.

Manor at Crossroads: Performance Bond Reduction

Mr. Guzzi reviewed and recommends the Performance Bond reduction. A Resolution will be prepared for next week's meeting.

Wawa: Request for Release of Performance Bonds

Mr. Guzzi reviewed and recommends holding the request for the Performance Bond Release due to open punch list items. A copy of the punch list was provided to the contractor. Since the township will be well within the time period to respond to the request, Mr. Guzzi will review again at the April Worksession.

Sutton Heights: Maintenance Bond

Mr. Guzzi stated that the two-year Maintenance Bond is nearing expiration. He prepared a report and punch list of items that need to be addressed prior to release of the Maintenance Bond. Depending on the date of the request, they may have to put the bonding company on notice. Mr. Guzzi has a meeting with the developer this week to go over the punch list items. The developer is receptive to making the repairs. Administrator Brook asked Mr. Guzzi to notify the developer that if they are not finished by the April Worksession, the township will have to move to deny at the April 16th meeting because the bond is set to expire May 19th. Mr. Guzzi will report back at the April Worksession.

Update on Greenbriar

Mr. Guzzi reported that Justin Bloch, representative from Lennar that the township has been working with, is no longer with the company. His replacement sent a letter requesting a meeting to discuss where things stand. Mr. Guzzi is going to try to set up the meeting before next week's Council Meeting. Mr. Guzzi will notify Mayor and Council when the meeting is scheduled.

Council Member Garganio asked if there were any deadlines at this point? Mr. Guzzi stated that they have done some work to reduce the final punch list. However there are items that need to be addressed, such as the as-builts, the basin issue and community wide drainage issues. There are outstanding items that have been ignored. Council Member Garganio questioned pulling their bond

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if there is no response by next month. Before deciding, Mayor and Council are in agreement to work with the new representative of Lennar and see how that works out.

TOWNSHIP SOLICITOR

Nothing at this time.

ASSISTANT MUNICIPAL ADMINISTRATOR

Stormwater Drainage – Public Street

Assistant Administrator Sahol is still researching other communities that the township can model from.

Farmland Preservation: Available Areas Map (for Referendum Question)

Assistant Administrator Sahol requested the map from the County after the last meeting. He has not received it yet.

Administrator Brook asked if Council would like to pursue doing a Referendum concerning Farmland Preservation and Open Space Preservation? Council Member Garganio feels it is a good idea. Solicitor Kearns recommends going as broad as the statute allows, which means funds for Farmland Preservation, Recreation and Historic Preservation; Council decides how the funds are used, which allows flexibility. After a brief discussion it was decided that Solicitor Kearns will draft a referendum question for review at April's Worksession. Council can then delete what they do not want included in the question.

Auction: April 12, 2008

Assistant Administrator Sahol provided a list of items that are no longer needed by the township to be included in the upcoming auction.

Traffic Calming

Assistant Administrator Sahol provided a list of recommended locations to have the speed limit painted on the roadway in an effort to slow down traffic. With the exception of Brookside Drive, until Mayor Berry and the Chief of Police meet with the residents, Assistant Administrator Sahol would like to move forward. Council Member Ryan questioned lettering at the bend on West Front Street by Griffin Pipe. Assistant Administrator Sahol will check with Sergeant Palombi and report back.

PARKING ON SECOND AVENUE

Mayor Berry received a phone call from a resident of the 100 block of Second Avenue who has one (1) vehicle and can rarely park in the vicinity of her home. She expressed concern that there are residents abusing the number of parking spaces. She claims that one resident is utilizing four (4) parking spaces.

Mayor Berry stated that Second Avenue will be losing a parking space on each side of the Main Gate Museum. Council Member Garganio stated that Second Avenue has the best parking availability in Roebing. Mayor Berry agrees, along with Eighth Avenue, whose residents have also been before Council regarding parking.

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Mayor Berry believes the resident was asking if the township could send out a letter asking the residents to be courteous as far as the number of vehicles they are parking.

Council Member Sandusky feels that residents that bring company vehicles home and already have personal vehicles should park the company vehicle in the least available parking spaces. Restricted parking is by weight, it would be difficult to ban a company pick up truck.

Council Vice President O'Hara asked Solicitor Kearns and Mr. Guzzi if they have ever worked for another municipality with a similar problem? Mr. Guzzi stated that anytime there is a dense population there is going to be a parking problem. Some municipalities do permit parking.

After a lengthy discussion, there are really no solutions. Topic is TABLED.

SPRING FREE YARD SALE DAY: MAY 17, 2008 (RAIN DATE MAY 24, 2008)

Council in agreement to set the Free Yard Sale Day for May 17, 2008 with a rain date of May 24, 2008. Will be on next week's Agenda for official action. Council Member Sandusky requested that the residents be advised that if they post a sign they must take them down after the yard sale. Clerk Weiler will include in the advertisement.

195-FOOT TOWER ON CONRAIL PROPERTY

Council Vice President O'Hara questioned the letter regarding the 195-foot tower on Railroad Avenue. Administrator Brook received a copy of the drawing and will provide a copy to Mayor and Council in the next packet. He will respond in writing. The proposed tower would be on Conrail's property. Solicitor Kearns stated that under the Railroad Deregulation Act he is not sure to what extent the township has control over that. They are not subject to Local Zoning. Administrator Brook asked if it depended on the use? Solicitor Kearns stated that they are not subject to Local Zoning and they are not subject to NJDEP. He explained that there have been issues in other areas of New Jersey where the courts upheld that municipalities cannot enforce their Local Zoning on railroads. Administrator Brook will write to Conrail listing the negative effects it would have on the residents of the community. Council Member Garganio asked if the township has the ability to take the small piece of property? Solicitor Kearns is not sure at this time.

CONGRATULATIONS

Council Vice President O'Hara acknowledged the letter in the packet from the Burlington County Municipal Joint Insurance Fund congratulating Administrator Brook, David Lebak, Water & Sewer Superintendent and Janice Carey, Administrative Secretary, for their outstanding efforts in the Safety Program. He congratulated Administrator Brook and asked him to pass along congratulations to Mr. Lebak and Ms. Carey. Administrator Brook thanked Council Vice President O'Hara.

BUDGET

Administrator Brook will review the budget with Council Vice President O'Hara and Council Member Ryan and bring before Council at an upcoming meeting.

DUFFY SCHOOL

Administrator Brook stated that there was normally a subcommittee of the Mayor, Council President Baldorossi and Council Member Garganio. MEND went through the building today and are extremely interested. He asked if a subcommittee would like to meet with MEND? Administrator Brook will try to set up the first or second Wednesday next month.

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10:12 PM MOTION by Ryan, seconded by O'Hara to adjourn to Closed Session. No action will be taken following Closed Session. Roll call vote - all ayes.

ADJOURNMENT

10:12 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab