

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

April 9, 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

Bill Bott, 64 Riverbank Drive, discussed item C on the Agenda (Referendum Question: Preservation). He is all for Farmland Preservation but when the township is faced with aid cuts from the State, the School Board Budget being defeated and the eventual increase in the water and sewer rates, he does not feel that the timing is right to ask the residents to vote on an increase in taxes.

Council Member Garganio explained that the municipality has not increased the tax rate in at least ten years. They have tried not to raise the tax rate because of the School Budget. This is one item that, in the long term, is helpful for the school because it prevents future development that will impact the school and the town as well. He explained that it is being put out there for a public vote and if the residents do not want, it they can vote it down.

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

TOWNSHIP WATER AND SEWER ENGINEER

Well #6: Current Estimate No. 7

Russell Trice, Township Water and Sewer Engineer, reported that the new motor was installed yesterday and the electrician wired it. The well has not been started up yet because township personnel have to be onsite. A Water and Sewer employee will be onsite tomorrow to start the well up. NJDEP has taken the samples that were needed. The permit from NJDEP should be received within the next month.

Mr. Trice reviewed Current Estimate No. 7, which is for period ending December 31, 2007. If payment of Current Estimate No. 7 (approximately \$50,000) is made there will be approximately \$50,000 left in the contract. A brief discussion took place regarding liquidated damages. The contractor was 200 days late on the contract, so at \$1,500 per day they owe the township \$300,000. Administrator Brook recommended that he write a letter to B&H reminding them that at the meeting

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with Mayor Berry, Council Member Garganio, Solicitor Kearns, representatives of Alaimo and himself that Solicitor Kearns asked them for a letter outlining the reasons why the contract had run late, which has not been received. At that point he will advise them that Mayor and Council will make a consideration at the May 14th meeting, with Mr. Trice present, in Closed Session and discuss liquidated damages.

It was decided that the Resolution for Current Estimate No. 7 will be TABLED.

Mr. Trice stated that Alaimo Associates has exceeded the township's budget due to the problem with the contractor and is out \$24,000. Solicitor Kearns stated that if the township receives liquidated damages, some of that money can be used to pay some or all of the additional costs to Alaimo Associates. Council Member Garganio feels that the Alaimo deserves to be refunded.

Will be discussed further at May's Worksession in Closed Session; any final decision will be done in Open Session on the record.

Water Allocation Permit Application

Mr. Trice is preparing the Water Allocation Permit Application to send to NJDEP, and should be completed within a month.

Griffin Pipe Application

Mr. Trice is meeting with David Lebak, Water and Sewer Superintendent, tomorrow to discuss and review the data. He explained that Griffin Pipe would like to start discharging almost all of their wastewater into the township's system because they are changing the plant process and will not be able to recycle the water like they used to. Council Vice President O'Hara asked where Griffin Pipe is discharging now? Mr. Trice explained that they have almost no discharge because they recycle everything almost 100%. Mr. Trice explained that this stems from new air pollution requirements in their plant; there are more stringent requirements to remove mercury. Administrator Brook stated that this is being looked at very cautiously. Mr. Trice will report back to Mayor and Council.

Burlington Township Composting Facility

Mr. Trice will also be discussing and reviewing the Burlington Township Composting Facility with Mr. Lebak and will report back to Mayor and Council.

TOWNSHIP ENGINEER

Wawa: Request for Release of Performance Bond (Held from 3/12/08)

Dan Guzzi, Township Engineer, stated that the request for Release of the Performance Bond was held last month due to outstanding punch list items. There are still outstanding punch list items. There is a 90-day window from the date of the request, which was February 29th. Since the township has another month, request will be HELD until next month's Worksession. Mr. Guzzi will advise them that it is being held until next month due to outstanding punch list items.

Council Member Ryan asked if the broken gate is on the punch list? Mr. Guzzi stated that the broken gate has been replaced several times. Administrator Brook stated that it was replaced last week.

Council Member Ryan asked if there has been any response in regards to the tractor-trailer usage in that parking lot? Administrator Brook contacted Wawa's attorney, Tim Prime, last week and emailed

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some pictures to him and advised him that it is their last opportunity. Administrator Brook advised Mr. Prime that they have until the end of this week or he will be contacting Wawa's corporate office in writing that they will be going against Wawa's site plan approval.

Sutton Heights: Maintenance Bond (Held from 3/12/08)

Mr. Guzzi stated that this was also held from last month due to outstanding punch list items. He received a letter from them this past Monday stating that they completed all of the punch list items. Mr. Guzzi stated that there is one (1) additional punch list item that they have not completed and that involves two (2) dead trees that have to be replaced. He has had several discussions with them regarding replacing the trees and for some reason they are very reluctant to replace those two (2) trees. Mr. Guzzi stated that it can either be HELD, if there is enough time, or move to deny. The trees are back by the basin area.

Roebing Firehouse: Review Bids

Mr. Guzzi provided copies of the bids received for the main project and a letter for a related job, which is to remove a small area of asbestos. The bids came in fairly tight, there were 14 bids ranging from a little over \$700,000 to a high of almost \$1.3 million. Mr. Guzzi reviewed the price of the three lowest bids and the alternates. Council Member Sandusky questioned the work ethics of the bidders? Mr. Guzzi has worked with a number of the bidders. The two low bidders are not the best but not the worst, more middle of the road. Mr. Guzzi stated that if the contractor is qualified, their bids are low and not deficient, the township is obliged to go with.

Administrator Brook stated that they are looking to award in May but the Bond Ordinance will have to be amended before the contract can be awarded. Included in the bid specifications is an alternate that is actually a deduction if Mayor and Council decide not to have the theater seats installed and go with folding chairs instead. Administrator Brook stated that a decision has to be made on the theater seating.

The need for contingent money in the Bond Ordinance was discussed. Mr. Guzzi stated that they try to anticipate the unknown especially with a building of this age; there is always the chance of finding something unexpected that has to be taken care of.

Mr. Guzzi stated that an environmental test was completed on the building and retested, which is how the asbestos was found.

Council in agreement to have the theater seating installed.

Administrator Brook will begin work on amending the Bond Ordinance for May; the contract will be awarded at the same meeting.

Greenbriar Bonds: Reduce Performance Bonds Sections 1, 2 & 5

Mr. Guzzi stated that this Bond Reduction is for sections 1, 2 & 5, which are unrelated to a majority of the punch list items. These sections do not include the basin or section of road that was paved without approval. The work for this reduction was completed quite some time ago. Mr. Guzzi stated that the amount of the reduction leaves plenty of money to cover the outstanding work.

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Assistant Administrator Sahol stated that work is moving along on the tree issue at Greenbriar. Mr. Guzzi also stated that there is progress on the other outstanding punch list items since Justin Bloch left Lennar.

Mr. Guzzi and Administrator Brook advised Mayor and Council that they have to act within 90 days of the request. Mr. Guzzi reiterated that the Bond Reduction is unrelated to the majority of the punch list items. They are still maintaining a substantial amount of money after the reduction. Mr. Guzzi recommends reducing the bonds. A Resolution will be prepared for next week's meeting.

2008 Road Program – Overview

Mr. Guzzi stated that everything that Council decided is included, plus six (6) alleys that are currently alternates. He reminded Council that the township received a \$150,000 grant for Second Avenue and \$130,000 grant for Sixth Street and Pine Street. The number Mr. Guzzi provided for Second Avenue also includes water main replacement from Main Street down to Riverside Avenue up to Third Avenue.

Council Vice President O'Hara asked about Walnut Court? Mr. Guzzi stated that Walnut Court is where Mr. Lotter, the gentleman who has come before Mayor and Council due to standing water in the road in front of his house. He explained that there are a couple of different options. Just do the intersection it is \$30,000; the entire length is \$85,000.

Council Member Garganio asked about Marter Park? Mr. Guzzi explained that is to repave all of the paved driving and parking surfaces. He broke it out between old and new. Alternate No. 1 for Marter Park is in case they run into any problems with the materials in the existing parking lot. The existing parking lot is in bad shape, in case they need stone under the paving.

Mr. Guzzi stated that anything could be changed to an alternate or eliminated with the exception of the grant areas; they have to spend the entire grant money.

Council President Baldorossi believed that Seventh Avenue and Hornberger Avenue where it is ponding was going to be included, but he does not see it in the cost estimate. Mr. Guzzi stated that it was surveyed and it is an oversight that it was not included in the cost estimate. Mr. Guzzi will correct.

Council Member Garganio asked how much is in the budget for the Road Program? Administrator Brook stated that in the Ordinance there is a \$130,000 grant for Pine and E. Sixth Street and a \$150,000 grant for Second Avenue. In the overall Ordinance, that was originally done in 2007, there is \$830,000, which is noticeably short to award a job that encompasses everything. He took into account charging off all of the water for Second Avenue and \$30,000 to the Marter Park job. He suggested doing only four (4) alleys opposed to six (6).

Council Member Garganio stated that it seems like a large number to do the front lot of Marter Park, he thought it was just going to be capped. Mr. Guzzi explained that he figured a full depth reconstruction of the front lot and an overlay of the entire thing. If the existing lot is overlaid, it will just fall apart. Council Member Garganio asked how old the parking lot is? Administrator Brook believes it is 16 – 18 years old. Mr. Guzzi explained that he tried to be conservative with the numbers and he built the contingencies in to be sure there was enough money. Council Member Garganio feels the road program needs to be slashed; the numbers are just too high. Administrator

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Brook stated that the township should definitely move forward with the grant work; the State will not let that money sit too long. Mr. Guzzi stated that the grant work must be awarded by September. The grant money is for Pine Street from E. Third Street to E. Fifth Street, E. Sixth from Broad Street to Chestnut Street, Second Avenue from Hornberger Avenue to Riverside Avenue. He stated that the Water & Sewer Department is doing as much of the water and sewer work as they can to minimize costs. The water main work on Second Avenue is from Main Street to Riverside Avenue.

Council Member Sandusky asked if the millings from the asphalt removals could be reused in town? Mr. Guzzi stated that some of the millings can be recycled and will stay in town. Some of the millings mix in with soil and it is tough to recycle. Council Member Sandusky asked if the millings would be good for a Florence alley? Mr. Guzzi stated that is a possibility. Council Member Sandusky asked Mr. Guzzi to look into.

Council Member Garganio asked how much money they are short? Administrator Brook stated if they did the whole thing but only four (4) alleys they are short in the \$700,000 range. Mr. Guzzi suggested taking some of the roads and bidding as alternates, and then if the numbers come in good, they can do it.

Council Member Ryan asked if there have been issues with the water main on Second Avenue? Administrator Brook stated that a lot of the mains in the Village were scrubbed, where a machine was used to clean the inside of the mains. The mains are at a point in Roebbling where they are not falling apart but if you are going to pave a road, with the age of the mains, it makes sense to replace the main and the line that runs to the curb. Then you are in good shape for another 50 – 70 years. It would be inappropriate for him to advise not to replace the main. They would only be doing the water main from Main Street to Riverside Avenue because the water main from Hornberger Avenue to Main Street was replaced several years ago because Council received a grant. Replacing the mains makes a marked improvement for the residents.

Council Member Garganio requested a breakdown of all the projects. Administrator Brook will email it and also provide a hard copy.

Administrator Brook stated with the Pine Street job, since it is in close proximity to the school, should be completed over the summer months. It is a delicate timing job.

Council Vice President O'Hara asked what is involved when doing a Roebbling alley? Mr. Guzzi stated that it would be graded and stoned. Council President Baldorossi stated that they are trying to do alleys where row homes back up to row homes and there has been discussion of having the trash picked up in front of the half double homes.

Council Member Sandusky stated that the trash truck is tearing up the end of the alley on Riverside Avenue between Fourth and Fifth Avenues. Council President Baldorossi suggested applying milling from Second Avenue to the end of the alleys where the trucks are exiting to keep the mud from coming out into the street. Mr. Guzzi stated that installing concrete aprons at the end and extending into the alleys helps.

Administrator Brook will provide a report by Friday.

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Council Member Ryan asked if there is a report that indicates which roads that are proposed on the road program are in worse shape? Administrator Brook explained that most times the Council Members will go look at the roads on the list. He also stated that you can see more by walking a road opposed to driving.

TOWNSHIP SOLICITOR

Referendum Question: Preservation

Solicitor Kearns does not have the Draft Ordinance at this time. He will try to provide by the end of the week. There is plenty of time to get it on the ballot.

ASSISTANT MUNICIPAL ADMINISTRATOR

Delaware River Heritage Trail – Front Street Proposal

Assistant Administrator Sahol received a request from the County asking that the governing body consider eliminating the angled parking in the area along the business district on Front Street from Johnson's General Store to Rocco's Pizzeria and the area around the Parker House. Assistant Administrator Sahol does not believe it is a good idea and recommends that the governing body deny the request.

Community Development Block Grant

Assistant Administrator Sahol reviewed the advantages of staying with the Community Development Block Grant (CBDG) opposed to going with Small Cities Grant at the State level. The awards under Small Cities are larger but not guaranteed, CBDG you are guaranteed the funds. He explained that all of the funding trickles down from the Federal Government. The awards are larger at the State level but you may only get one award every 5 years; the County administered aid awards are smaller but given every 2 years. Council Members are in agreement to stay with CBDG. A Resolution authorizing the township to execute an agreement with Burlington County for cooperative participation in the Community Development Act of 1974 will be prepared for next week.

Gypsy Moth Program – Update

Assistant Administrator Sahol reported that the State has awarded the contract; the township has signed the acceptance letter of the State's award to the aerial company. The time frame for start up is still May 1st. The notification letters that are required to be sent to the residents are prepared and ready to be mailed on April 18th. The legal ad and block ads have been prepared for the Burlington County Times and The Register News.

Assistant Administrator Sahol obtained a cost estimate from Delaware Valley Spray, which is approximately \$400 per property, if residents were to contract them privately. There is a small window of opportunity for them to begin that starts about May 15th. It is a different chemical than the State uses and it is applied from the ground. Delaware Valley Spray indicated that if the residents are interested, he will start taking a reservation list because he is being inundated with requests for service. Administrator Brook asked if the governing body would like them to notify residents in the impacted areas that aside from the aerial spraying there is another option. If the residents are interested, the township does not send them to one company. In talking to Tabernacle's Township Administrator, Administrator Brook stated that many of the residents used private companies and it was extremely successful. He noted that Pemberton Township will not be spraying this year so the

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demand for private companies to spray will be high. Council in agreement to notify the residents that there is another option available in addition to the aerial spray. Council Vice President O'Hara noted that there is a kit that he bought and will be using that his neighbor used last year. Assistant Administrator Sahol stated that could also be noted to the residents. He will also see if NJ Department of Agriculture has any suggestions on home remedies.

Council Member Garganio asked if the spray is a long-term solution or does it have to be done every year? Assistant Administrator Sahol believes it has to be done every year. Even if all the gypsy moths are killed, they could come back to the same tree the following year.

GAS AGREEMENT WITH SCHOOL (EXPIRES IN JUNE)

Administrator Brook stated that this is a standard agreement that is done every year. A draft will be sent to the School Board and Fire Department.

Council Member Garganio asked if the township has a fluctuating gas rate through the year as the price of gas goes up? Administrator Brook explained that the township never takes a loss on gas. The School Board and Fire Department pay what the township expends.

ASSET MONETIZATION – REVIEW DRAFT RESPONSE

At the governing body's request, Administrator Brook provided a draft letter under the Mayor's name on behalf of Mayor and Council covering the township's concerns regarding Asset Monetization. The governing body believes it is a good letter, straight and to the point, and authorized Administrator Brook to mail it out as is.

REZONING REQUEST: 2071 ROUTE 130

Administrator Brook received a rezoning request from a gentleman who bought the Stanley Neuman property, 2071 Route 130. He stated that the zoning line cuts right through the building. Solicitor Kearns stated that some municipalities have provisions that provide that zoning district boundary lines shall follow lot lines and that the applicable zone shall but that which abuts the street and if it abuts two (2) streets it goes by the major street.

Discussion followed regarding approval received in the 1990's. Council Member Garganio remembers that due to the size of the church and the parking needed for church members, the back part of the building cannot be occupied. Mr. Guzzi agrees that a CO cannot be issued for the back part of the building until the church vacates the front of the building. Solicitor Kearns advised that the parking is a separate issue from the lot line.

Administrator Brook stated that the new owner wants to put a new tenant in the building and he advised him that he would have to go back before the Planning Board for an amended approval. They have to deal with the parking issue. If the issue is favorably resolved, he can then request that the zoning be looked at. Administrator Brook advised Tom Layou, Construction Code Official, not to issue any CO's for any new tenants until the Planning Board has its review. Council Member Ryan asked what the proposed use would be? Administrator Brook stated medical massage type therapy.

Council Member Sandusky stated that Garelick Farms is continually parking trailers on the unimproved property on Cumberland Farms Lane across from the church. He asked if that was allowed? Administrator Brook will speak with the manager of Garelick Farms.

TAX ASSESSOR AND TAX COLLECTOR DUTIES

Administrator Brook explained that the State is pushing that all Tax Assessor and Tax Collecting duties be done by the County. The Association of Collectors and Assessors circulated a Resolution opposing it; Administrator Brook feels it is a good idea to pass the Resolution. He doesn't believe senior citizens should have to go to the County to pay their taxes. Council Member Ryan asked if the township would still hold a reserve for uncollected taxes? Administrator Brook explained that the township has to pay the school, the County and the Fire District if the money is not collected, that is what the reserve is for; he is leery that some of those funds will be kept at the County. Solicitor Kearns stated that if the County ends up collecting taxes, the township will get a check from them and will not receive the interest revenue. Council Members are in agreement to pass a Resolution opposing Tax Assessor and Tax Collector duties being transferred to the County.

ROEBLING GARDEN CLUB

Administrator Brook stated that the president of the Roebling Garden Club was very upset the other day. The Roebling Garden Club would like to set up at the Roebling Historical Society's Occasion in the Park but the president of the Historical Society wants to charge the Garden Club. Administrator Brook spoke to the president of the Roebling Historical Society who asked that the president of the Roebling Garden Club call her, which she did. It did not go well. Administrator Brook does not agree that the Roebling Garden Club should be charged; they try to make money to give back to the community. Mayor Berry has a message to call the President of the Roebling Historical Society and will speak to her regarding the matter.

K9 UNIT

Council Member Sandusky spoke to Commissioner James Lynch of Bordentown City who informed him that they have a K9 Unit. After the dog passed the course Pet Smart has been very active in providing free food and vaccines. The dog has made 52 arrests. Administrator Brook stated that the Chief of Police is preparing a report for Mayor and Council. He will advise Chief Fazekas of the information regarding Pet Smart. Council Member Sandusky suggested that Chief Fazekas contact Commissioner Lynch. Solicitor Kearns noted that he may also want to contact Willingboro, which has three (3) K9 units.

ENVIRONMENTAL COMMISSION

Bill Bott, Environmental Commission Member, asked if the Environmental Commission could write and send a letter to the landfill requesting that a representative attend their meeting. Mayor and Council gave their approval.

10:05 PM MOTION by Sandusky, seconded by O'Hara to adjourn to Closed Session. Roll call vote - all ayes.

ADJOURNMENT

10:05 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab