

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

January 11, 2006

8:00 PM

CALL TO ORDER

Council President Fratinardo called the meeting to order.

SUNSHINE STATEMENT

The Township Clerk read the Opening Statement: 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 8, 2006; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

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

Also Present: Mayor Michael Muchowski; Richard A. Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator; Dante Guzzi, Township Engineer (8:12 PM); Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy Weiler, Township Clerk

PUBLIC COMMENT

John D'Acquisto, 7 Yockus Lane, stated that he stopped in to see the Township Clerk last week to inquire about a Truth in Sales Ordinance. Mr. D'Acquisto drafted a letter regarding a stove in the clubhouse that the developer, Greenbriar, promised the residents. The developer is now renegeing and wants to put in hot plates. He provided a copy of the brochure for the clubhouse, showing a stove. The developer is saying that they will not install a stove due to the cost. Mr. D'Acquisto had a petition signed by 25 residents.

Mayor Muchowski stated that this issue came up several months ago and was discussed with the municipality, the developer and some members of the homeowners association. He asked that Administrator Brook have a week or so to look into the mater to determine if it is a violation of the Truth and Sales Ordinance. Mayor Muchowski understands the residents' concerns and assured them that it will be looked into and report back.

NOTE: 8:12 PM Dan Guzzi, Township Engineer, present at this time.

Mr. D'Acquisto stated that cabinets and a counter have been delivered to fill in the space where the stove would have been. Council Member Garganio assured Mr. D'Acquisto that if it is determined that the stove must be installed, they will have to take out the cabinets.

Council Member Garganio suggested looking at the plans the developer submitted to the Building Inspector.

Mr. D'Acquisto discussed the makeup of the Homeowners' Association Board, which is made up of three (3) members from the builder and two (2) residents.

Administrator Brook asked Mr. D'Acquisto for a copy of the brochure.

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Albert King, 35 W. Fifth Street, stated that the train was using the horn at 1:00 AM at the crossings and does not believe it is necessary at that time. He asked if there was a Noise Ordinance? Council President Fratinardo stated that there is but trains have to follow federal regulations. Assistant Administrator Sahol will look into the legal minimum and respond back to Mr. King.

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

TOWNSHIP ENGINEER

Update on High School

Dan Guzzi, Township Engineer, reported that the new school construction is on schedule, plus or minus a week. The contractor does not anticipate any problems with the scheduled opening. They are also on budget. Some alternates have not been finalized. Mayor Muchowski requested that Mr. Guzzi provide the governing body with a list of alternates from the original bid.

Stormwater Management Ordinance Review

Council Member Ryan expressed some concerns regarding this Ordinance. Solicitor Kearns will provide a report addressing those concerns in the next packet for discussion at the January 18th meeting.

Sex Offender Legislation Map (Held from 12/21/05)

Mr. Guzzi provided copies of the updated sex offender map in the packet. The circles have been expanded to 2,500' and the churches and tot lots were added. Council Member Garganio would like to include the buffer space behind Creekwood Drive and submit as is. Council Member Ryan asked Solicitor Kearns if the Ordinance would withstand challenge? Solicitor Kearns stated that what is being proposed is not significantly different from most other municipalities are doing. He does feel that there are potential legal infirmities in the Ordinance. He stated that the matter is in litigation in Cape May County and more will be known once that case is resolved. Mr. Guzzi will update the map to include the buffer area behind Creekwood Drive.

2005 Road Program: Current Estimate No. 2

Mr. Guzzi stated that with the milder weather, the contractor is moving forward.

Mr. Guzzi reported on the sinkholes above the sanitary sewer lines on Winter Street. He stated that the lines were TV'd and nothing was found. The sewer pipe is fine and does not need to be replaced. What Mr. Guzzi did find, is that the backfill from when the sewer pipe was installed had a lot of debris in it. That is what is causing the sinkholes.

Mr. Guzzi recommended payment of Current Estimate No. 2. A Resolution will be approved at next week's meeting.

Potts Mill Road

Mr. Guzzi reported on an area on Potts Mill Road that needs repair. He will get a price from the contractor of the Road Program and report back next week.

Update – Public Works Facility

Mr. Guzzi faxed an updated punch list to the contractor, RMS, directing them to provide a schedule for completion prior to this evening's meeting. They have not responded. Mr. Guzzi

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suggested putting their bonding company on notice and sending them a letter demanding a completion date. Mayor Muchowski agrees.

Tree Removal – Florence Columbus Road

Council Member Garganio asked who was removing the trees on Florence Columbus Road? Assistant Administrator Sahol responded that it is the County, as part of the road-widening program.

TOWNSHIP WATER AND SEWER ENGINEER

TWA Approvals: Craft Stewart (Held from 12/21/05)

Russell Trice, Township Water and Sewer Engineer, stated that this is being held for reasons unrelated to water and sewer. Administrator Brook explained that there were some approval issues concerning what took place at the Planning Board. It was better not to approve any other applications until that issue was resolved. Council Member Garganio asked for an update in Closed Session.

Update – Hydrogeological Testing

Mr. Trice reported that the recording devices will be installed in the wells next week. Once pumping begins, groundwater will be pump for approximately 72 hours. Groundwater must be pumped long enough so the water level in the ground is stabilized, and to know if the level drops below the landfill across the river. The hydrogeological consultant will prepare a computer model to simulate different kinds of pumping schemes.

Redevelopment: Well No. 5

Mr. Trice stated that specifications for the Redevelopment of Well No. 5 should be completed and the job advertised within two weeks. This job cannot start until the hydrogeological testing is complete.

Tall Pines Water and Sewer Update

Mr. Trice reported that the contractor finished the work but the water and sewer lines failed the final pressure test. There were a number of leaks but have been repaired. Now a bacteria test has to be completed by the township. The lines will then be ready to put into service.

Mayor Muchowski asked if the pressure at the new school is what was anticipated at the design process? Mr. Trice responded yes.

Mr. Trice explained that there was a crack in the sewer main where one of the laterals connected but has since been repaired.

Council Member Garganio questioned road restoration? Mr. Trice stated that a temporary paving restoration will have to be done and other alternatives for permanent paving restoration are being evaluated. He will report back next month.

TOWNSHIP SOLICITOR

New Law: Municipal Ordinance Violations

Solicitor Kearns reviewed legislation that was adopted a week or so ago that changed the permissible penalties for Municipal Ordinance Violations. The penalty has been raised but with a provision that if it is a zoning or housing violation the municipality must give the violator 30 days to correct violation before opposing the fine. Solicitor Kearns stated that if the governing

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body wanted to impose the higher fines, the Ordinance must be amended. Council in favor of amending current Ordinance. Solicitor Kearns will prepare for next week.

ASSISTANT ADMINISTRATOR

Walnut Court Parking Restrictions

Assistant Administrator Sahol explained that there are some problems with the trash trucks and the recycling trucks getting around the corner at Walnut Court. A letter was sent to the residents and they replied favorably provided that 50' from the starting point of the first private property heading back towards Walnut Street is used. The residents also mentioned that at the end of the street where Walnut Court meets Walnut Street, there is no controlled intersection. Assistant Administrator Sahol checked the code and it does not call either road a through street, which means that there is no stop. The residents feel that there should be a parking restriction at that end so they can exit onto Walnut Street or into Florence Tollgate property and that the intersection should be controlled. Council in agreement.

Time Capsule

Assistant Administrator Sahol verified which set of Council Minutes the governing body would like included in the Roebling Time Capsule. The governing body would like the Reorganization Minutes from the January 2005 meeting that was held in Roebling. Photos and the municipal calendars will also be included.

Background Checks

Assistant Administrator Sahol reviewed additional language to the Background Check Draft Ordinance, which will add an interim position for coaches that do not have time to get the background check completed before the season begins. This will give the volunteer that ability to coach up to 45 days while waiting for the results of the background check. Mayor Muchowski questioned junior coaches, which are high school students that help out? Assistant Administrator Sahol stated that background checks cannot be done on anyone under 18 years of age. Council Member Garganio pointed out that junior coaches should always be under supervision by the adult coaches. Letters are going out to the leagues tomorrow. The Ordinance will be ready for next week.

Council Member Ryan asked how long a season ran and expressed concern regarding allowing an interim position for 45 days? Assistant Administrator Sahol stated approximately three months. Council Member Garganio suggested adding the language that a volunteer is only allowed one (1) 45 daytime period. Mayor Muchowski suggested tying the interim period to the length of time it takes to get the results of the background check. Paperwork for background check must be submitted before coaching.

Council Member Garganio asked to see a plan showing how this will be enforced.

Coaches will have ID's and must be displayed. Language is included in the Ordinance.

SIGNS – BILLBOARDS

Mayor Muchowski received a request from Whitesell to allow them to install a billboard on their site to advertise the development of the Whitesell Center. They would like to incorporate a welcome to Florence sign on it. It would be highly visible and promote both the township and their business. The current Ordinance does not allow for that type of use. Whitesell has stated

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that they would remove the billboard once the site was completely billed out. Mayor Muchowski believes it is worth investigating. Council Member Garganio would like for it to stay a Haines Center advertising board. He does not want it rented out for other advertising. Council Member Ryan does not want to see scandalous billboards. She also asked if the governing body was looking to allow one billboard or to change the Ordinance for the whole municipality? Administrator Brook explained that they are just exploring the idea right now. He will work with Solicitor Kearns and report back to the governing body.

TOWING ORDINANCE: FEES

Administrator Brook reviewed a report from Police Chief Gordon Dawson showing a comparison of towing fees from other municipalities. He is requesting that the township increase their fees. Council in agreement to increase the towing fees.

Council Member Sandusky suggested reviewing the permit fees for Towing Licenses.

Solicitor Kearns will prepare an Ordinance.

FINE FOOD AND SPIRITS ABC LICENSE

Administrator Brook stated that he met with Edward Petkevis, attorney for Fine Food and Spirits, along with Joy Weiler, Township Clerk and Gordon Dawson, Chief of Police. They discussed the location and the size of the proposed cooler. Mr. Petkevis's client agreed to reduce the size of the cooler by 50%. The second item of discussion was the location of shelves for displaying alcohol. State law states that with this type of license alcohol can only be displayed on perimeter walls. The applicant concurred and they would comply fully and the inside shelving they have would only be used for snacks. These conditions will be committed in writing.

Council Member Sandusky asked if a date has been set for when they will open? Administrator Brook is not aware of a date for opening. Mayor Muchowski stated that they still have to go before the Planning Board.

ACTION

- A. CATERING PERMIT: C. Reed's Inc., February 4, 2006, 4:00 PM – 12:00 AM, Roebling Volunteer Fire Company No. 3, Main Street, Roebling
- B. SOCIAL AFFAIR PERMIT: St. Nicholas Byzantine Church, February 10, 2006, 6: 00 PM – 10:00 PM

It was on the MOTION of Garganio, seconded by Sandusky to approve the above applications.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo
NOES: None
ABSENT: None

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Motion carries.

ROMA BANK

Mayor Muchowski stated that Administrator Brook will be providing the governing body with a memo for discussion next week regarding site plan changes.

BEAZER – MALLARD CREEK DEVELOPMENT

In response to the township's letter notifying them that their maintenance bond would be pulled due to outstanding punch list items, Beazer sent in a request asking to extend the bond for a year so they can complete the work in the spring. A Resolution will be prepared for next week with the condition that if the work is not complete by spring or early summer the bonding company will be put on notice.

RITE AID

Administrator Brook stated that a \$25,000 cash bond was being held until Rite Aid was ready for a Certificate of Occupancy. He reported that the CO is in order and the bond is ready to be released. A Resolution will be prepared for next week's meeting.

EMERGENCY SQUAD EQUIPMENT

Administrator Brook sent a memo to the Florence Emergency Squad and the Roebing Emergency Squad advising them that they must hold on to all equipment until an inventory is completed and it is determined what is and is not needed.

9:10 PM MOTION by Garganio, seconded by Sandusky to adjourn to Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:10 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab