

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

January 14, 2009

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 11, 2009; 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

John D'Aquisto, 7 Yockus Lane, noted that Council will be discussing the Performance Bond for the Greenbriar development. He stated that he still has a drainage problem on the side of his house. He explained that approximately 2 ½ months ago the contractor took out a 30-foot patch of topsoil as well as the grass. They waited about 2 ½ weeks, did not do anything else, put less top soil back than they took out and put down sod. He does not believe they did anything. Mr. D'Aquisto took pictures the last time it rained but forgot them. He will forward them by email to Dan Guzzi, Township Engineer. Mr. Guzzi will look into the situation

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

TOWNSHIP WATER AND SEWER ENGINEER

Crossroads East: Deny Request for Performance Bond Reduction

Russell Trice, Township Water and Sewer Engineer, reviewed and recommends denying the Performance Bond Reduction. They are at their maximum amount, which is 30%. There is nothing that needs to be done at this time.

Dedication of Sewer Pump Station & Property: Whitesell Property

Administrator Brook explained that there is a pump station and a small basin at the end of John Galt Way. It was put together as one lot. Whitesell never requested a reduction or a release of the Performance Bond in a timely matter, so the township kept the pump station on a bond much longer than normal, with no major problems. Whitesell is working on cleaning up maintenance items, one being moving to dedicate the pump station and the ground to the town. Administrator Brook forwarded the documents to Mr. Trice for review. Solicitor Kearns will also review the documents. It is a routine item that will be accepted by Resolution. David Lebak, Director of the Water and Sewer Department, has looked it over several times and it is operating fine. The Maintenance Bond will be released in March. Whitesell has agreed to maintain the detention basin in perpetuity, unless the road was ever dedicated to the town, which is unlikely.

Florence Township Council Executive Session: 01/14/09

Haines Center

Mr. Trice explained that Whitesell has requested that Florence Township provide water and sewer to a building located in Burlington Township. This was discussed with the governing body a while ago. Whitesell is proposing to build a one million square foot building in Burlington Township; Burlington Township's water and sewer lines are not very close to the building but Florence's lines are right over the border. Council Member Garganio asked if there were open lots in Florence where they could construct the building? After reviewing the map and seeing that there are two (2) lots available (7 & 8) in Florence Township, the consensus of the governing body is to have Administrator Brook send a letter to Whitesell conveying that Mayor and Council would prefer the township's portion of the Haines Center built out but would be willing to accommodate their request once that is done. Florence Township also has the tax abatement program to offer. Mr. Trice stated that if the township were to go along with their request, a Waste Water Management Plan amendment should be done and perhaps speak with NFI because part of one of their buildings is out of the sewer service area and they will need an amendment also.

Sentinel Wells

Mr. Trice prepared a draft monitoring proposal for the sentinel wells down by the river to send to NJDEP for their review. He will report back once he hears from NJDEP. Council Member Ryan requested a copy.

Wastewater Treatment Trust Program

Council Vice President O'Hara discussed the memo from Richard Alaimo regarding Florence Township Miscellaneous Services – Federal Economic Recovery Program 2009. The memo states that Alaimo may put some suggestions together for consideration. Mr. Trice stated that they have been looking at potential projects for all of their clients. The one he thinks of for Florence Township is Tall Pines water and sewer. He knows that the township only has the engineering budgeted for this year and construction is down the road. He is not sure if Tall Pines would qualify. The program is basically infrastructure work. He explained that NJDEP has \$270 million for water and sewer projects, which is administered through the Wastewater Treatment Trust Program. Mr. Trice has heard that this money is only good for rehabilitation work and others have said it is good for new work. He will be meeting with NJDEP tomorrow and will verify. He noted that it is not grant money; it is still a loan and would acquire debt service. President Elect Obama's plan may be different; no one knows yet.

TOWNSHIP ENGINEER

Greenbriar Horizon: Release Performance Bond Request for Sections 2, 3, 4 and 5

Dan Guzzi, Township Engineer, stated that this will be held till next week; the punch list is still being finalized.

Mayor Berry asked if Mr. D'Aquisto's drainage issue will have an impact on the request? Mr. Guzzi will look into the matter.

Cream-O-Land: Deny Performance Bond Release

Mr. Guzzi reviewed and recommends denying the Performance Bond release. They have not constructed the storm water management basin; they are aware.

Florence Township Council Executive Session: 01/14/09

Community Center: Current Estimate No. 5 and Change Order No. 2

Mr. Guzzi reviewed and recommends Change Order No. 2 and payment of Current Estimate No. 5. He explained that Change Order No. 2 deals with the asbestos abatement. A Resolution will be prepared for next week's meeting.

Road Program: Current Estimate No. 5

Mr. Guzzi reviewed and recommends payment of Current Estimate No. 5. A Resolution will be prepared for next week's meeting.

Legacy at Meadowcroft, Olive Street Senior Housing: Bond Reduction Request

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

Ready Pac

Council Member Ryan asked if the modifications regarding lights is to have them point downwards? Mr. Guzzi stated that they are in the process of changing out all of the PSE&G lighting to less glaring lights that point down.

Cedar Lane Associates: Deny Maintenance Bond Release Request

Mr. Guzzi reviewed and recommends denying the Maintenance Bond release request and notification to the bonding company. A Resolution has been prepared for this evening, which will be faxed to the bonding company and the applicant tomorrow so the municipality is protected.

Wawa

Council Member Garganio stated that the gate to keep tractor-trailers out of the parking lot is broken again. The tractor-trailers are driving through the gates. Mr. Guzzi stated that the gates are down more then they are up. Council Member Garganio asked if their engineer can be asked to redesign because the gates there do not work? Mr. Guzzi stated that they can put a different kind of gate that can not be driven through as easily.

Council Vice President O'Hara stated that at the last Economic Development Committee meeting some of the members questioned why tractor-trailers were being prohibited from parking at the Wawa. There are some tractor-trailer parking spaces and with the possibility of NFI coming to Florence Township some of the members do not feel it is right that tractor-trailers cannot stop at Wawa. Will discuss further at a later date.

Safe Streets to Transit Grant

Mr. Guzzi announced that Florence Township received a Safe Streets to Transit Grant for \$115,000. He will do some estimates and report back. Council Member Ryan commended Mr. Guzzi and Assistant Administrator Sahol for getting this grant.

ASSISTANT MUNICIPAL ADMINISTRATOR

Ambulance Services: Fees

Assistant Administrator Sahol reviewed the recommendation from the billing service company on the township's EMS fees. The township's fee schedule and is low in comparison to surrounding municipalities. They make the recommendation that the township increase their fees now to what is the normal billing and to which the insurance industry is accepting of. Council Member Garganio

Florence Township Council Executive Session: 01/14/09

asked when the fire district would be taking possession of the service? Administrator Brook stated that it will be sometime in July. Unless it is the legal obligation of the municipality to set the fees, Council Members are in agreement to leave the fees as is and let the fire district set the fees when they take over in July.

Ordinances On-Line

Assistant Administrator Sahol received a request from a resident asking that the municipality post the introduced versions of the Ordinances on-line. He can easily do that if Council is inclined to do so. Council Members are in agreement to post the Ordinances on the website.

COAH

Salt & Light Proposal

Administrator Brook explained that Salt & Light is building an affordable unit on Alden Avenue and has approached the township about making a contribution so it would be deed restricted. Salt & Light is open as to whether it would be a rental or owned. It would be a 30-year deed restriction and be added to the township's plan. Solicitor Kearns stated that Judge Bookbinder's decision stated that it had to be an affordable unit and questioned why the township would pay Salt & Light to make it an affordable unit. Solicitor Kearns will review Judge Bookbinder's decision and the Zoning Board's Resolution before moving forward.

Duffy School: Senior Housing

Administrator Brook reported that CIS will be coming in before the Planning Board in March. The question at this time is the name of the facility. Council had asked that CIS keep the Duffy name somehow. CIS came back with Heritage Village/Duffy Manor. Council Member Sandusky does not care for "village" being included; that makes him think of the Roebing Village. Mayor and Council are more comfortable with Marcella L. Duffy Manor aka Duffy Manor, leaving out Heritage Village. Council Member Garganio suggested a plaque explaining who Marcella L. Duffy was. Administrator Brook will report back to CIS.

Duffy School – Draft Zoning Ordinance

Administrator Brook stated that the property has been a school for a very long time and the zoning will have to be changed to accommodate senior housing. A Draft Ordinance will be prepared for next week or the first meeting in February.

TWO-HOUR PARKING REQUEST: 1380 HORNBERGER AVENUE

In regards to the request from Mr. Petkevis for two hour, designated striped parking spaces for his law firm, Administrator Brook will have Assistant Administrator Sahol and the Chief of Police look into and report back in February.

OEM AND DEPUTY: REAPPOINTMENT RESOLUTIONS FOR FEBRUARY 4, 2009

Resolution will be prepared for February 4, 2009 meeting.

NJ ENVIRONMENTAL INFRASTRUCTURE TRUST: ECONOMIC RECOVERY PROGRAM FOR 2009

Administrator Brook stated that this was discussed earlier in the meeting with Mr. Trice. He stated that as they get deeper into the budget it can be discussed further. No one knows what will happen

Florence Township Council Executive Session: 01/14/09

from a Federal standpoint and he does not believe there will be much available from the State other than loans.

SUPER BOWL SUNDAY REQUEST: RESOLUTION TO EXTEND TWO-HOURS

Joy Weiler, Township Clerk, explained that by the township's Ordinance, Council can pass a Resolution extending the hours on Sunday for a specific reason such as a sports events. Council Members are in agreement to pass a Resolution, which will be prepared for next week's meeting. All ABC Consumption and Club License holders in the township will be notified.

PLATINUM DEVELOPERS – CROSSROADS DEVELOPMENT: BOND TRANSFER REQUEST

Solicitor Kearns explained that a proposal was received from Platinum Developers to substitute bonds for the bonds that are held by the original developer. The original bonds cannot be released until substantial bonds are posted. Solicitor Kearns has reviewed and feels comfortable with it. A Resolution will be prepared for next week's meeting.

BACKGROUND CHECKS

Council Member Garganio stated that some questions were raised at the last softball meeting regarding the township's Background Check Ordinance. The Ordinance states that anyone over the age of 18 that is going to be in contact with children must have a background check. One of the questions raised is if a league brings in a professional, a non profit who is not charging the children but the league pays for, in a structured environment, does that person have to have a background check if coaches are there? He explained that this question came up because the softball league wants to bring in a coach from a college to run a clinic for the children for a couple of days. Solicitor Kearns stated that the language in the Ordinance states that "All adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth, and in any way assisting in a Florence Township-sponsored function participated in by children, shall submit sufficient information on forms supplied by the Florence Township Recreation Director from the New Jersey State Police, for the purpose of obtaining a criminal history background check with the State Bureau of Identification in the New Jersey State Police". Council Member Garganio asked if there was flexibility? He stated that another problem came up. The high school runs a clinic and has students working it. There are high school students that are 18 years old. Discussion followed regarding allowing flexibility when there are coaches present that have had their background check. Council Member Garganio does not believe there is risk in that. This is something the Recreation Committee can review. Council Member Ryan suggested, in this particular circumstance where the gentleman is a college coach and more than likely has a background check from that college, having flexibility in accepting outside background checks. Solicitor Kearns stated as long as the background check is substantially comparable to the township's. Assistant Administrator Sahol agrees that it is a good suggestion as long as the flexibility is only for a third party person not for a coach. He does not believe an outside background check should ever be accepted for a coach. He explained that the township is not privy to the information in an outside background check. Assistant Administrator Sahol stated that an organization comes in during the summer and runs a soccer clinic but no other coaches are present, everyone from that organization must have a background check. Mayor Berry asked Solicitor Kearns if there was a way to word what is being discussed in the Ordinance? Solicitor Kearns believes so. Council Member Garganio suggested including language that the league must notify the township if an outside person is coming in. Solicitor Kearns will work on the language and report back.

Florence Township Council Executive Session: 01/14/09

Council President Baldorossi stated that the first round of coaches who had had background checks are coming due for the upcoming spring season. Assistant Administrator Sahol stated that David Dennison, Recreation Director, has made notification to the coaches to get their background checks renewed.

ACTION

RESOLUTIONS

RESOLUTION NO. 2009-37

**DENY REQUEST FOR RELEASE OF MAINTENANCE BONDS
CEDAR LANE ASSOCIATES, BLOCK 163.02, LOTS 6 & 13.02
MAINTENANCE BONDS NO. B172661 & NO. B1033221**

It was on the MOTION of Sandusky, seconded by O'Hara to approve Resolution 2009-37.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

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

NOES: None

ABSENT: None

Unanimous approval.

MISCELLANEOUS

Council Member Ryan noted that he reviewed the letter Administrator Brook wrote to DOT that was emailed for review today. He stated that Administrator Brook did a very well written letter that covered all of the points that were discussed. He feels the letter is ready to be sent as is. Council Vice President O'Hara agrees.

9:30 PM MOTION by Garganio, seconded by O'Hara to adjourn to Closed Session. Action may follow Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:30 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab

NOTE: No action taken following the meeting.