

Florence, New Jersey
January 19, 2005

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey.

The meeting was called to order by President Fratinardo at 8:05 PM. President Fratinardo led the Salute to the Flag.

The Township Clerk read the following 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 2, 2005 and January 16, 2005; given to the Register News for information. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

John Fratinardo, President
Frank Baldorossi
Bruce Garganio
Elizabeth Ryan
Jerry Sandusky

Also present:

Michael Muchowski, Mayor; Richard Brook, Township Administrator; Thomas Sahol, Assistant Administrator; Dante Guzzi, Township Engineer; Joy Weiler, Township Clerk

MINUTES

Sandusky made a MOTION; seconded by Ryan to approve the following minutes. Roll call vote – all ayes. Motion carried.

Regular Session	December 1, 2004
Closed Session	December 1, 2004, December 8, 2004, December 15, 2004

FINANCIAL CORRESPONDENCE

It was on the MOTION of Ryan; seconded by Baldorossi to receive and file the Court Administrator's report for December. Roll call vote – all ayes. Motion carried.

Ryan made a MOTION; seconded by Baldorossi to approve the Treasurer's Bill List. Roll call vote – all ayes. Motion carried.

REGULAR CORRESPONDENCE

None at this time.

APPLICATIONS

- A. On Premise 50/50 Raffle: St. Nicholas Byzantine Catholic Church, February 6, 2005, 1:00 PM

Florence Township Council Regular Session: 01/19/05

- B. Off Premise 50/50 Raffle: Florence Twp HS Marching Band Boosters, Roebling Firehouse, March 12, 2005, 7:00 PM – 11:00 PM

It was on the MOTION of Sandusky, seconded by Ryan 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

Motion carried.

PUBLIC COMMENTS

Nothing at this time.

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

RESOLUTIONS

RESOLUTION NO. 2005-32

**AUTHORIZE EXECUTION OF APPLICATION AND AGREEMENT
IF APPROVED FOR STATE AID TO MUNICIPALITIES OR STATE AID
TO COUNTIES AND MUNICIPALITIES UNDER THE NEW JERSEY
TRANSPORTATION TRUST FUND AUTHORITY ACT
(Railroad Avenue)**

RESOLUTION NO. 2005-33

**APPROVE PAYMENT OF CURRENT ESTIMATE NO. 14 FOR
RMS CONSTRUCTION COMPANY, 1985 DUTCH MILL ROAD,
FRANKLINVILLE, NJ 08322
NEW PUBLIC WORKS FACILITY**

RESOLUTION NO. 2005-34

**RESOLUTION REQUESTING EXTENDED SECOND ROUND
SUBSTANTIVE CERTIFICATION**

RESOLUTION NO. 2005-35

AUTHORIZE CONTRACT WITH BIU ON AN EMERGENCY, TEMPORARY BASIS TO PERFORM BUILDING SUB-CODE/INSPECTION SERVICES BUILDING INSPECTION UNDERWRITERS, INC. 513 SOUTH LENOLA ROAD, SUITE 216, MOORESTOWN, NJ, 08057

RESOLUTION NO. 2005-36

RESOLUTION OF THE TOWNSHIP OF FLORENCE WAIVING THE APPOINTMENT OF A RISK MANAGEMENT CONSULTANT AND INDEMNIFYING AND HOLDING HARMLESS THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND AS A RESULT OF ANY CLAIMS ARISING FROM SAID ACTION

RESOLUTION NO. 2005-37

AUTHORIZE THE TOWNSHIP ENGINEER TO PREPARE PLANS, SPECIFICATIONS AND SOLICIT BIDS FOR 2005 ROAD PROGRAM RAILROAD AVENUE, MAPLE AVENUE, WINTER STREET

RESOLUTION NO. 2005-38

A RESOLUTION REFUNDING TAXES TO QUALIFIED VETERAN

It was on the MOTION of Sandusky, seconded by Ryan that Resolutions 2005-32 through 2005-38 be approved.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo

NOES: None

ABSENT: None

Unanimous approval.

ORDINANCES

**ORDINANCE NO. 2005-04
(1st Reading)**

**ORDINANCE OF THE TOWNSHIP OF FLORENCE AUTHORIZING THE
EXECUTION OF A LEASE BETWEEN THE TOWNSHIP OF FLORENCE AND
THE FLORENCE TOWNSHIP YACHT CLUB REGARDING
THE LEASE OF CERTAIN MUNICIPAL LANDS**

**ORDINANCE NO. 2005-05
(1st Reading)**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

**ORDINANCE 2005-06
(1st Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING
CHAPTER 76 – FIRE PREVENTION OF THE FLORENCE CODE TO AMEND
THE APPLICABLE INSPECTION FEES TO REFLECT THE COSTS
INVOLVED IN CONDUCTING THE INSPECTIONS**

**ORDINANCE NO. 2005-07
(1st Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AUTHORIZING THE
EXECUTION OF A LEASE BETWEEN THE TOWNSHIP OF FLORENCE AND
FLORENCE AGAINST ALCOHOL AND DRUGS LEASING A CERTAIN
MUNICIPAL BUILDING**

It was on the MOTION of Garganio, seconded by Sandusky to approve Ordinance No. 2005-04 through 2005-07 on first reading and set adoption for February 2, 2005.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo

NOES: None

ABSENT: None

Unanimous approval.

Florence Township Council Regular Session: 01/19/05

**ORDINANCE NO. 2004-16
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
AMENDING CHAPTER 120 – SOIL REMOVAL AND
DEPOSIT OF THE FLORENCE TOWNSHIP CODE TO
REQUIRE THE RELOCATION OF ANY SOIL OR EARTH
REMOVED FROM A SITE WITHIN TO TOWNSHIP OF
FLORENCE TO A LOCATION WHERE IT CAN BE PUT
TO PUBLIC USE BY THE TOWNSHIP OF FLORENCE**

Joy Weiler, Township Clerk, stated that Ordinance No. 2004-16 is being **HELD** until February 16, 2005.

Mayor Muchowski noted that the fire company will have a soil situation that they will be speaking to the governing body about.

**ORDINANCE 2004-20
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE
AMENDING CHAPTER 70 OF THE FLORENCE
TOWNSHIP CODE ADOPTING A REVISION OF THE
DRUG FREE ZONE MAP AND A DRUNK-DRIVING FREE
ZONE MAP AND THE LIST OF DESIGNATED SCHOOL
CROSSINGS**

It was on the MOTION of Garganio, seconded by Ryan to approve Ordinance No. 2004-20 on second reading for adoption.

Public Comment

Council President Fratinaro opened the meeting to the public for comments at this time.

Nothing at this time.

It was on the MOTION of Sandusky, seconded by Garganio to close the public hearing. All ayes – motion carried.

On the Question

Nothing at this time.

Upon roll call Council voted as follows:

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

Unanimous approval.

**ORDINANCE NO. 2004-17
(2nd Reading)**

**AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING
CHAPTER 91 – LAND DEVELOPMENT OF THE FLORENCE TOWNSHIP
CODE TO DEFINE AND TO PROHIBIT TRUCK STOPS WITHIN ANY
ZONING DISTRICT OF THE TOWNSHIP OF FLORENCE**

Public Comment

Council President Fratinaro opened the meeting to the public for comments at this time.

Julie Williamson, attorney with the law offices of Timothy Prime, here this evening on behalf of Wawa Incorporated regarding the truck stop Ordinance. She stated that this Ordinance is in response to a parking problem for trucks at the Wawa site on Route 130 and Cedar Lane. At the same time this Ordinance is being proposed, Wawa and the Planning Board have been working together to come to a logical, reasonable solution.

The Ordinance permits (4) four truck parking spaces and on behalf of Wawa, Ms. Williamson respectively requests that the governing body increase the number of truck parking spaces to properly address the concerns of this Township and solve the problem of truck parking at the Wawa. She stated that Wawa does not want to become a truck stop, which is evident because they do not provide truck stop services. She stated that Wawa is trying to work with the Township to solve the truck-parking problem there. She noted that approximately 5 (five) miles from Florence Township's Wawa there are several facilities that truckers can utilize.

Ms. Williamson stated that the real issue is how does Wawa accommodate the trucks in a reasonable way that satisfies that the Township during the peak hours in which trucks come to the site, morning and lunch. By limiting to 4 parking spaces the Township is not addressing the problem at the Wawa and does not address whether Wawa is going to become a truck stop.

Ms. Williamson explained that Wawa would like to put in (9) nine truck parking spaces with one way in and one way out and separation from Wawa itself.

Robert Freud, Bohler Engineering, Inc., prepared the plans that were submitted to the Planning Board. He stated that the plans were revised in response to comments from the Planning Board and the police and traffic safety reports. He explained that the circulation with this proposed plan would come from Hunt Circus Drive into the truck parking area, which would have nine (9) pull through parking spaces to prevent trucks backing up; egress would be on Hunt Circus Drive. Hunt Circus Drive would be reconfigured, which the County has approved.

Florence Township Council Regular Session: 01/19/05

Ms. Williamson explained that the goal is to get the trucks, which are already coming to the site, a parking space and prevent them from parking on the surrounding roadways and other facilities. They would like to keep the trucks from bothering the community or interfering with traffic flow on the Wawa site. She does not believe that four (4) parking spaces will help to achieve their goal.

Council Member Garganio asked why truck parking was not included when Wawa first applied to the Planning Board. Irv Szeller, Wawa Incorporated, stated that when the site was originally proposed, the turnpike exit was not there and the truck traffic was not as heavy as it is now.

Mr. Szeller explained that he purchased the land behind the Wawa to alleviate the truck-parking problem and proposed a plan of twenty-seven (27) parking spaces, which they revised to nine (9) spaces in response to the Township and neighboring residents' concerns. They feel that nine (9) trucks is the highest amount that would be on the site at peak times. Wawa has also agreed to employ security personnel. He feels that Wawa is doing everything it can to accommodate their needs and the Township's needs. He does not feel that four (4) parking spaces are reasonable.

Mayor Muchowski noted that the Wawa on Route 130 in Edgewater Park is adjacent to Jevic Trucking and Federal Express and does not have as many truck parking spaces. Mr. Szeller stated that there is not as much truck traffic in Edgewater Park as in Florence and they did not have the property to provide additional truck parking spaces.

Ms. Williamson respectfully requests that this Ordinance be reviewed carefully before it is considered for passage. She also requests that this Ordinance specifically address truck stop uses; she does not believe that it does.

Mayor Muchowski asked if they were going too far in depth without the Township Solicitor present this evening? Administrator Brook advised that the governing body has the right to gather information and take it under consideration.

Discussion followed regarding the fact that Wawa was attracted to the site because the Turnpike Interchange would be opening up.

Council Member Garganio was on the Planning Board when the original Wawa plan was approved and noted that at that time it was a great plan because Wawa did not want trucks; no diesel fuel was going to be sold and no truck parking spaces. He questioned the increase in traffic between the opening of Wawa and now. He asked if there was a study done in the beginning projecting growth in traffic? Ken Fears, Traffic Consultant, explained that they requested that information from the Turnpike Authority but never received it. Therefore, they did the projections on their own to the best of their ability.

Ms. Williamson addressed the seven (7) year time frame between the initial application and today. She stated that Wawa tried to plan for an increase in traffic but could not anticipate a 42% increase in truck traffic.

Florence Township Council Regular Session: 01/19/05

Ms. Williamson respectively requests that, at the very minimum, the number of truck parking spaces be increased and more accurately craft the use portion of the Ordinance before it's considered.

It was on the MOTION of Garganio, seconded by Sandusky to close the public hearing.
All ayes – motion carried.

It was on the MOTION of Sandusky, seconded by Fratinardo to approve Ordinance No. 2004-17 on second reading for adoption.

On the Question

Mayor Muchowski stated that the Township Solicitor was unable to attend the meeting this evening. The speaker has provided the Governing Body with testimony and documentation in the form of a report from a licensed planner that incorporates some legal interpretations of other Zoning Ordinances throughout New Jersey. He asked if it was appropriate that Council have the Township Solicitor review the report as to its reference to this Ordinance? Council Member Garganio stated that the Solicitor drafted the Ordinance; there may be additional items that could be incorporated in the future to make the Ordinance stronger. He would like to approve the Ordinance this evening.

Upon roll call Council voted as follows:

YEAS: Baldorossi, Garganio, Ryan, Sandusky, Fratinardo

NOES: None

ABSENT: None

Unanimous approval.

REPORTS

Committees, Boards and Officers

- Nothing at this time.

Mayor Muchowski

- Nothing at this time.

Administrator

- Administrator Brook reported that he contacted HUD regarding the Federal Grant. He was advised that Council could request to use the grant for rehabilitation, such as for the Roebling Firehouse, as long as the purpose is for a senior center. They asked that the Township decide as soon as possible and submit the paperwork.

Assistant Administrator

- Assistant Administrator Sahol included a memo in the packet regarding which areas would be best to switch the trash collection from the alleys to the front of the houses. Mayor Muchowski stated that Administrator Brook is finalizing the bid packet and suggested for the first year of the contract trash be collected as it is now and the second year maybe change some of the locations to the front of the homes. That

Florence Township Council Regular Session: 01/19/05

would allow a year to determine the best locations to move trash collection. Maybe it could be bid as an alternate. Council Member Garganio agrees that it should be bid as an alternate. It could be a savings all the way around, on the contract price of trash collection and the cost to repair the alleys. Administrator Brook agrees that it would give the ability to improve more alleys and the alleys would last longer. Row homes would still have their trash picked up in the alleys. Administrator Brook will bid as an alternate. Administrator Brook stated that bids are going out later this month and will be out for 60 days. Council Member Baldorossi asked, once the alleys are improved, if an Ordinance will be in place prohibiting the dumping of grass clippings, leaves and other yard debris? Mayor Muchowski stated that it would.

Township Engineer

- Nothing at this time.

UNFINISHED BUSINESS

Road Program

Dan Guzzi, Township Engineer, stated that he is starting on Railroad Avenue, Maple Avenue and Winter Street at this point. Any others can be added. The application for Railroad Avenue grant was approved; follow-up paperwork has been submitted.

NEW BUSINESS

Nothing at this time.

BOARD OF HEALTH

Nothing at this time.

MISCELLANEOUS

Council Member Garganio stated that A & H Properties, development on Bustleton Road, appeared before the Planning Board and asked and were granted a one-year extension. The Water and Sewer Agreement states no water and sewer going to the development but they are in the water zone. Council Member Garganio asked when an extension is granted if it allows the ability to renegotiate the water and sewer agreement? When the Water and Sewer Agreement was first negotiated there was no place to hook into. Now that the school will be installing water lines the system could be looped through the development. Administrator Brook feels that it would be good to contact the developer. They may not have realized that the school would be installing water and sewer. It may be more cost effective for the developer to connect rather than constructing wells for each house. Administrator Brook will contact developer and report back.

9:20 PM MOTION by Ryan, seconded by Garganio to adjourn to Closed Session. Action may be taken following Closed Session. Roll call vote - all ayes.

Florence Township Council Regular Session: 01/19/05

ADJOURNMENT

9:20 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab