

Florence, New Jersey
May 20, 2009

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 Council President Baldorossi at 8:00 PM. President Baldorossi led the Salute to the Flag.

The following statement was read by the Township Clerk: "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. Notice was posted on the Municipal Bulletin Board."

Upon roll call the following were found to be present:

Bruce Garganio
Dennis O'Hara
Sean Ryan
Jerry Sandusky
Frank Baldorossi

Also present:

Mayor William Berry; Richard Brook, Township Administrator; Thomas Sahol, Assistant Municipal Administrator, Dante Guzzi, Township Engineer; William John Kearns, Jr., Township Solicitor; Joy M. Weiler, Township Clerk

MINUTES

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

Executive Session	April 8, 2009
Closed Session	April 8, 2009
Special Budget Session	April 21, 2009

FINANCIAL CORRESPONDENCE

It was on the MOTION of O'Hara; seconded by Sandusky to receive and file the Chief of Police report and the Court Administrator's report for April. Roll call vote – all ayes. Motion carried.

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

REGULAR CORRESPONDENCE

Nothing at this time.

APPLICATIONS

Nothing at this time.

PUBLIC COMMENTS

Richard Lotter, 3 Walnut Court, thanked the township for cleaning up the railroad track area on Olive Street.

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Mr. Lotter asked if there was a grant to put sidewalks in along Route 130? Council Member Ryan stated that there is a Resolution on the Agenda this evening for a grant application to run sidewalk on Route 130S from the HAPCO property on the corner of Cedar Lane to the Whitesell property. Mr. Lotter heard that the Planning Board elected not to have sidewalks installed along Route 130 in front of NFI, whose application was approved Monday evening. Council Member Ryan stated that is correct. Mr. Lotter asked why? Solicitor Kearns stated that the Planning Board is an independent body. Council Vice President O'Hara stated that Council just discussed the need for sidewalks along Route 130 for safety; it was Council's belief that there should be sidewalks along Route 130.

Council Member Ryan, Council Representative to the Planning Board, can only speak for himself not for the other members of the Planning Board. He believes the Environmental Commission worked very hard and Council was emphatic in their Resolution that was sent to the Planning and Zoning Boards listing the long list of reasons why they believed it was important for the long term vision for the community. Sidewalks promote safety on the Route 130 corridor.

Council Member Sandusky asked if the decision by the Planning Board to waive sidewalks was unanimous? Council Member Ryan explained that this was for final approval for NFI. Fortunately during preliminary approval their legal representation was willing to defer the final decision until this past Monday's Planning Board meeting to give council the opportunity to discuss their long term vision. The only sticking point for NFI was the sidewalks. During the application, one of the first things NFI presented was approximately ¼ of the property where they were willing to install sidewalks. They had a list of arguments as to why not to install sidewalks. One of those arguments was they felt sidewalks were not safe, which Council Member Ryan believes he did a good job in dispelling that argument with all of the facts that were researched through Council, the Chief of Police and the Environmental Commission. NFI's attorney represented that if the applicant were forced to install sidewalks, they want to turn the sidewalks over to the township from a responsibility standpoint. The Planning Board Solicitor informed the applicant that would be a decision for the Township Council. The applicant noted that there was the property that would not be developed at this time and they did not want to make any modifications to that property at this time. NFI also mentioned the "round about" they had to build. They did not believe that it would be safe to put sidewalks near the "round about". Council Member Ryan informed them that pedestrian safety along a corridor does not have to be along the frontage of a site; it can also be through the site if it can be provided in a safe manner. The last argument from NFI was for the far right hand side of the site where they indicated there were wetlands in the area and they did not want to have to go before DEP for approval. They have already gone to DEP for approvals for other facets of their application, which leads Council Member Ryan to believe that they never intended to put sidewalks in and they were going to ask for the waiver. To answer Council Member Sandusky's question, Council Member Ryan stated that a MOTION was made at the Planning Board to eliminate the sidewalks on the entire site, even the sidewalks that NFI was willing to install, the vote was five (5) to one (1) and Council Member Ryan was the only individual who voted no for the sidewalk issue. He did vote yes for the application. He supports Council.

Mr. Lotter feels it was an unfortunate decision even though he understands that sidewalks would be installed intermittingly, but eventually it would all come together. He feels that the developer should be responsible for installing sidewalk so the taxpayers do not have to fund it in the future. Council Member Ryan stated that everyone agrees that sidewalks are not going to be installed along the Route 130 corridor instantaneously. He stated that the Resolution on the Agenda this evening is a step in the right direction if this grant application is successful. NFI's property may have to be another grant application in the future.

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Mayor Berry's concern is a pedestrian starting out on sidewalk not knowing that there was no sidewalk at the end, and being forced to walk on the roadway. If sidewalks were done collectively, he would feel more comfortable.

Joseph Csik, 45 E. Fifth Street, stated that there are already sidewalks that go nowhere, such as Fifth Street and Pine Street. Mayor Berry understands that but Fifth Street and Pine Street are not high speedways.

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

RESOLUTIONS

RESOLUTION NO. 2009-117

**AUTHORIZE THE MAYOR TO SIGN THE SUBGRANT
AGREEMENT FOR THE 2009 MUNICIPAL ALLIANCE GRANT AWARD**

RESOLUTION 2009-118

**TO JOIN NEW JERSEY SUSTAINABLE ENERGY
JOINT MEETING**

RESOLUTION NO. 2009-119

**RELEASE MAINTENANCE BOND FOR
CEDAR LANE ASSOCIATES
ROUTE 130 & CEDAR LANE
Maintenance Bond No. 103321**

NOTE: Also conditioned upon payment of any and all escrow money due.

RESOLUTION NO. 2009-120

**APPROVE PERFORMANCE BOND RELEASE
FOR SECTION 4 FOR
GREENBRIAR HORIZON
LENNAR
PERFORMANCE BOND NO. 08719337**

NOTE: Conditioned upon payment of any and all escrow money due.

RESOLUTION NO. 2009-121

**APPROVE CURRENT ESTIMATE NO. 6 FOR
2008 ROAD PROGRAM
AMERICAN ASPHALT COMPANY
116 MAIN STREET
W. COLLINGSWOOD, NJ 08059**

RESOLUTION NO. 2009-122

**APPROVE CURRENT ESTIMATE NO. 8
COMMUNITY CENTER
EAGLE CONSTRUCTION SERVICES
1624 JACKSONVILLE ROAD
BURLINGTON, NJ 08016**

RESOLUTION NO. 2009-123

**AUTHORIZE AGREEMENT BETWEEN THE TOWNSHIP
OF FLORENCE AND THE US DEPARTMENT OF AGRICULTURE
FOR CONTROL OF TURKEY BUZZARDS**

RESOLUTION NO. 2009-124

**AUTHORIZE THE ASSISTANT MUNICIPAL ADMINISTRATOR AND/OR THE
TOWNSHIP ENGINEER TO MAKE AN APPLICATION FOR THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION - CENTERS OF PLACE GRANT**

RESOLUTION NO. 2009-125

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE SAFE STREETS TO TRANSIT 2010 PROJECT**

RESOLUTION NO. 2009-126

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE BIKEWAY 2010 PROJECT**

RESOLUTION NO. 2009-127

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE BROAD STREET PROJECT**

Deleted: ¶

RESOLUTION NO. 2009-128

**RESCIND RESOLUTION NO. 2009-43 IN ORDER TO CLARIFY BONDS THAT THE
TOWNSHIP IS ACCEPTING
APPROVE THE AGREEMENT BETWEEN
K. HOVNANIAN AT FLORENCE I, L.L.C.
PLATINUM DEVELOPERS AT FLORENCE I, L.L.C.
AND
THE TOWNSHIP OF FLORENCE**

RESOLUTION NO. 2009-129

**APPROVE THE PUBLIC DISPLAY OF FIREWORKS
FOR FLORENCE TOWNSHIP'S PATRIOTIC CELEBRATION DAY**

RESOLUTION NO. 2009-130

DISPOSE OF ABANDONED PROPERTY

It was on the MOTION of Garganio, seconded by O'Hara to approve Resolution No. 2009-117 through 2009-130.

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.

RESOLUTION NO. 2009-131

**APPROVE RELEASE OF SITE PERFORMANCE BOND
SHOPPES @ MALLARD CREEK**

Bond No. B98808-016522

NOTE: Conditioned upon any and all escrow funds paid.

It was on the MOTION of Sandusky, seconded by Ryan to approve Resolution No. 2009-131.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Garganio, Ryan, Sandusky, Baldorossi

NOES: None

ABSENT: None

ABSTAIN: O'Hara

Motion carries.

RESOLUTION NO. 2009-132

**AMEND WATER TOWER #1 CELLULAR LEASE AGREEMENT
ON PUBLIC PROPERTY, CEDAR LANE WATER TOWER**

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Joy Weiler, Township Clerk, stated that Assistant Administrator Sahol prepared a memo for Council and asked if Council would consider acting on Resolution No. 2009-132 this evening? Assistant Administrator Sahol explained that the existing lease is still in place; this is an amendment to add \$175 per month for the installation of a small antenna on an existing leg.

It was on the MOTION of Sandusky, seconded by Ryan to approve Resolution No. 2009-132.

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.

ORDINANCES

**ORDINANCE NO. 2009-11
(1st Reading)**

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE VACATING THE PUBLIC INTEREST IN A CERTAIN FIFTEEN (15) FEET WIDE ALLEY RUNNING BETWEEN FIFTH STREET AND THIRD STREET AND TO PROVIDE THAT THE VACATED AREA SHALL BE INCORPORATED INTO THE ABUTTING PROPERTIES, LOCATED IN THE TOWNSHIP OF FLORENCE, BURLINGTON COUNTY, NEW JERSEY

It was on the MOTION of O'Hara, seconded by Ryan to approve Ordinance 2009-11 on first reading and set adoption for June 3, 2009.

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.

**ORDINANCE NO. 2009-12
(1st Reading)**

AN ORDINANCE OF THE TOWNSHIP OF FLORENCE AMENDING THE CODE OF THE TOWNSHIP OF FLORENCE TO REPEAL ORDINANCE 2006-01 AND TO DELETE THE PROVISIONS IN THE FLORENCE TOWNSHIP CODE ENTITLED "SEX OFFENDER-FREE ZONE"

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Solicitor Kearns explained that this Ordinance is a result of a New Jersey Supreme Court decision several weeks ago that held that municipalities do not have the authority to adopt Ordinances regulating where sex offenders can reside; that can only be done by the legislature as part of "Megan's Law". Florence Township adopted such an Ordinance several years ago and now it is necessary to take it off the books; otherwise the township would be exposed to liability.

Council Vice President O'Hara asked if there was adequate protection from Megan's Law? Solicitor Kearns does not believe so, but the legislature is being asked to make changes; there is a statewide effort going on to do that. The township has no choice because the court has ruled that municipalities do not have the authority to adopt the Ordinance.

Council Member Ryan asked what position, legally, would a municipality find itself in if they do not act on repealing the Ordinance? Solicitor Kearns explained that the municipality could be sued over an invalid Ordinance. From a liability standpoint, Solicitor Kearns believes it has to be taken off the books.

Council Member Garganio asked if a new Ordinance could be adopted that would fit the legality? Solicitor Kearns stated no; it says that Megan's Law is a comprehensive plan adopted by the legislature statewide that addresses sex offenders comprehensively and municipalities do not have the power to adopt an Ordinance on it. The answer is to contact the township's legislators and ask them to deal with residency restrictions on a statewide uniform basis. Solicitor Kearns stated that the New Jersey League of Municipalities has already contacted the legislature to ask about its residency restrictions.

Council Member Garganio asked what ability does Megan's Law give for residency requirements? Solicitor Kearns stated that it gives nothing for where an offender can reside; it requires that an offender report where they reside.

After further discussion, it was decided that a letter will go out on behalf of Mayor and Council expressing their concerns to the township's representatives. Solicitor Kearns will give Administrator Brook a copy of the letter the New Jersey League of Municipalities sent out.

It was on the MOTION of O'Hara, seconded by Sandusky to approve Ordinance 2009-12 on first reading and set adoption for June 3, 2009.

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.

REPORTS

Committees, Boards and Officers

- Nothing at this time.

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Mayor

- Nothing at this time.

Administrator

- Administrator Brook provided a memo from a **Woodlawn Avenue resident requesting to sell pretzels and water at the Woodlawn Field** during recreation activities. Her daughter is deaf and the **proceeds would go to activities for deaf children**. Solicitor Kearns stated that if the organization that she is raising the funds for backed her, it could be treated the same as the Girl Scouts. Council President Baldorossi believes she may need a background check. Administrator Brook will get more information, such as the name of the organization she is raising funds for, and report back. If permission were granted, Council Member Garganio would like to receive a yearly report of where the money is going.
- Administrator Brook attended a meeting earlier today regarding the **closure of I-295**, which will run from the Willingboro exit to the Route 130 exit. In 2010 they will close the northbound side and create four lanes on the southbound side (two going south, two going north). They will work for approximately 60 days from June to August. In the year 2011 they will do the same thing on the southbound side. They will also repair, rebuild or repave every ramp in between. Administrator Brook stated that the biggest issue is the detours. This was a preliminary meeting and there will be much more coordinating that needs to be done regarding detours; DOT will work with the local police department. There will be another meeting in the fall. Administrator Brook will report back following that meeting.

Council Member Garganio asked if DOT could re-evaluate the truck stop signs that direct trucks off I-295 in Florence to Route 130 then back to Bordentown? He believes it makes more sense for the trucks to get off in Bordentown. Administrator Brook will look into.

- Council Member Ryan stated that he met with Chief Fazekas along with Council Member Sandusky and Administrator Brook to review the plan that was discussed last year (May 14, 2008 Council Meeting) regarding the **cramped working space in the Police Department**. There was the short-term solution for the two (2) patrolwomen in the department to get them out of the trailer and into a permanent facility. It is time to do that. The plan is very similar with a few modifications. Chief Fazekas took them on a tour of the old squad building; he offered to take any other member of the governing body on a tour at any time. There is an abundance of equipment in the building that is under utilized or not utilized at all. One of the things that was discussed was to evaluate and sell the equipment to help fund the project. The project would be done over time, in house as much as possible; there may be a few areas where they would need a professional.

Council Member Sandusky stated that they have to get the patrolwomen out of the trailer; they have been in that trailer for too long. The patrolwoman would be moved into the main building at the municipal complex. The detectives would be moved to the old squad building. Council Members are in agreement to move forward with the project.

- Administrator Brook, along with Mayor Berry, met with a **representative from Verizon** that will be the township's contact person from now on. It is good to have a contact when a problem arises. She would like to come in and meet Council in June or July; she would like to introduce herself, discuss Verizon and the issue with the business property tax.

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- Administrator Brook stated that Solicitor Kearns submitted **Joy Weiler, Florence Township Clerk's**, name to General Code for the Municipal Clerks 2009 Honor Roll. In his nomination, Solicitor Kearns praised Clerk Weiler for her extraordinary professionalism, her courtesy and helpful manner to citizens, co-workers and the professional staff. Administrator Brook could not agree more; she is the best that he has worked with.

Assistant Municipal Administrator

- Nothing at this time.

Township Solicitor

- Nothing at this time.

Township Engineer

- Dan Guzzi, Township Engineer, stated that he will be receiving **Road Program bid results** next week. He should have results to review for the first meeting in June.

UNFINISHED BUSINESS

Council Vice President O'Hara asked Assistant Administrator Sahol if the owner of River Rock was cooperative when advised that they had too many temporary signs out? Assistant Administrator Sahol stated that the owner understood.

Council Member Garganio requested that the **Sign Ordinance** be reviewed at a future Worksession.

Council Member Sandusky stated that the Free Yard Sale Day was held this past weekend; there are still signs hanging up. He stated that it needs to be made mandatory to take down the signs. He asked that Public Works take the signs down.

Council Vice President O'Hara stated that the Ordinance needs to be reviewed for temporary signs, such as banners. The township could require a fee for businesses to hang them.

NEW BUSINESS

Council Member Ryan discussed the letter in the packet regarding the **HAPCO property on the corner of Route 130 and Hornberger Avenue**. Administrator Brook stated that DEP is on top of it. They are currently operating. Council Member Ryan asked if the township has any jurisdiction? Administrator Brook believes that jurisdiction lies with DEP. Council Member Ryan asked if DEP will keep the township informed? Administrator Brook and Solicitor Kearns stated that DEP is good about keeping municipalities informed.

BOARD OF HEALTH

Council Member Sandusky asked if the owner of the **former Bradley Fence property** came in to the township to make arrangements to demolish the unsafe building? Administrator Brook stated that he has not come in yet. A formal letter will be going out advising him, since he has not come in, the township will proceed with their legal option of demolishing the building.

MISCELLANEOUS

Council Vice President O'Hara wished everyone a Happy **Memorial Day**. He asked if there were any services scheduled? Clerk Weiler stated that the following ceremonies will be held:

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- 9:00AM, Friday, Florence Township Memorial High School
- 9:00AM, Monday, start at the VFW then proceed to the Roebling Circle and then to the cemeteries
- 11:00AM, Monday, Circle at Fifth and Oak Streets

They are hoping that all three organizations: Florence Legion, Roebling VFW and Roebling Legion will participate.

9:00 PM MOTION by O'Hara, seconded by Ryan to adjourn to Closed Session. Roll call vote - all ayes.

ADJOURNMENT

9:00 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab