

## **FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION**

**October 13, 2004**

**8:05 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 4, 2004; given to the Register News for information; posted on the municipal bulletin board.

### **ROLL CALL**

Present: 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; Russell Trice, Township Water and Sewer Engineer; William John Kearns, Jr., Township Solicitor; Joy Weiler, Township Clerk

### **PUBLIC COMMENT**

Bill Bott, 64 Riverbank Drive and Environmental Commission member, stated that there was an offensive odor and after doing some investigating he believes it was coming from Garelick Farms.

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

Assistant Administrator Sahol reported that NJ DEP fined Garelick Farms due to complaints received by the Police Department and residents of the township. He explained that an aerator pump, which maintains bacterial levels within their treatment facility, went bad. This caused the bacteria to stagnate, which produced the odor. It will continue to smell until the bacteria are back to the correct level. The odor is getting less.

Mayor Muchowski asked if the DEP gave any indication of how long the pump was broken? He would like to know if there was an issue that they were not addressing that allowed the situation to occur. Assistant Administrator Sahol stated that they indicated that it took some for the bacteria to die, so the problem could have gone unknown.

Assistant Administrator Sahol explained that NJ DEP looks at each incidence of a resident complaint as a separate violation, if the complaint is verified. Therefore, if more than one resident logs a complaint with the Police Department or Burlington County and they contact NJ DEP it is logged in as one complaint, so residents should also contact NJ DEP.

Mayor Muchowski stated that DEP sometimes makes it difficult to validate a complaint. He would like to meet with the DEP to put a plan in place to make it easier for the residents.

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Council Member Sandusky suggested that the Police Department advise any resident that calls to also call NJ DEP. Mayor Muchowski stated that due to the various sources of odors, the Committee on Landfill Matters is trying to streamline the process so residents will only have to call into one reporting service and they would notify the appropriate party.

### **TOWNSHIP WATER AND SEWER ENGINEER**

#### **Roma Bank Performance Bond Reduction**

Russell Trice, Township Water and Sewer Engineer, will prepare a report before next week's meeting.

#### **Well No. 2: Current Estimate No. 3 (Final)**

Mr. Trice reviewed and recommended Current Estimate No. 3 (Final). A Resolution will be approved at next week's meeting.

#### **Tall Pines Development: Water and Sewer**

Council President Fratinardo asked if any members of the public had questions for Mr. Trice, Township Water and Sewer Engineer?

Paul Fletcher, 11 Evergreen, stated that at the last meeting one of the homeowners asked that the easement be moved from their property. Mr. Fletcher asked if Mr. Trice has looked into moving the easement? Mr. Trice has looked into moving the easement and stated that it can be moved to a couple of different locations. He feels the best location would be on the left side of 30 Tall Timber Lane's property, which would be between 30 and 32 Tall Timber Lane. He explained that there is a low point and storm drain in that area, which would lower the cost of the whole job.

Mr. Trice did look at the open area between 24 and 26 Tall Timber Lane. That route is feasible but much more expensive. The line would have to run below the creek and cost approximately \$150,000 more.

Pat Williams, 30 Tall Timber Lane, asked that the location be identified more specifically. Mr. Trice stated that the easement would be on the property lines of 30 and 32 Tall Timber Lane.

Mr. Trice also looked at the left side of 32 Tall Timber Lane's property for placement of the easement. The property owner's well is in the front of the property in the left corner right where the line would need to be run. He also has a lot more trees and the property runs uphill, which makes the project more expensive.

Art Steffen, 32 Tall Timber Lane, asked how much of his property would be used for the easement? Mr. Trice stated that a majority of the easement would be on 30 Tall Timber Lane's property. It would be a 20' easement.

Stephanie Williams, 30 Tall Timber Lane, addressed Mayor and Council and her neighbors in the Tall Pines Development. She spoke of the beauty of her family's property. She would like the residents that want water and sewer to be able to connect but not does not feel that her family should have to bear the burden for all of Tall Pines. She feels that it is unfair to put the easement

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on her property when there are other options. She asked that the location of the easement not be a monetary decision.

Ken Jones, 1 Evergreen Lane, stated that once the lines were installed, the area would be restored and there would be no beauty loss. Ms. Williams stated that she would lose trees that would not be able to be replaced.

Mr. Fletcher questioned an open area next to 28 Tall Timber Lane. Mayor Muchowski stated that is the area that would increase the cost approximately \$150,000. Mr. Trice explained that there is an existing storm sewer pipe there and would not be large enough to install a water line and a sewer line. At the end of the drainage pipe is wetlands, which makes it more problematic.

Bill Luckenbill, 15 Tall Timber Lane, asked for clarification on developer reimbursement? Mr. Trice explained that is a reimbursement to Toll Brothers, when they built Birch Hollow they installed oversized sewer lines from the treatment plant to Birch Hollow so future development could connect to the sewer. Because they oversized the lines they are due a reimbursement if a connection is made.

Mr. Luckenbill lives in the area that cannot connect at this time but was advised that eventually he would be able to. He asked when that would happen? Council President Fratinardo cannot give an exact answer but hopes it would be within the next five years. Mayor Muchowski stated that since he cannot connect at this time, he would not be assessed at this time.

Mr. Luckenbill feels that the neighborhood is being divided by not installing water and sewer through the whole development. Mayor Muchowski explained that the neighborhood came to Council asking for water and sewer and the opportunity has presented itself now that the new school will be running a line from Route 130. This would be the most cost effective way to begin the process. The township does not have the financial wherewithal to complete the project at one time. He stated that the Township is looking into every avenue to make sure that eventually every resident will have the ability to connect but cannot say when that would happen.

Mr. Luckenbill expressed his concern over how much more the assessment will be five years from now.

Ms. Williams stated that at the present time she does not need to access public water and sewer and asked if there was a resident that wants to connect that would be willing to have the easement placed on their property?

Administrator Brook explained that the main issue when dealing with a gravity sewer line is elevation. He reviewed the neighborhood on the tax map and pointed out the only options for a gravity system.

Bart Shrader, 46 Tall Timber Lane, stated that he has ground water issues and asked if the introduction of the water and sewer lines would have an effect on his property? Mr. Trice stated that it would not.

Mr. Steffen questioned the cost of the project. He feels that the total the school would pay and the total the residents of the development would pay is disproportioned. Mayor Muchowski

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explained that the Township Engineer/School Board Engineer determined what it would have cost the school to run a municipally approved system to service the school's property. That is the amount the school will be paying. Council Member Garganio stated if the project is approved, the Township would also pay for 1/3<sup>rd</sup> of the project.

Mr. Steffen asked when a decision will be made? Mayor Muchowski stated that a decision may be made next week. He reported that the Township received 36 responses with 50% yes and 50% no.

Mr. Jones stated that he mailed in his response but would like to change his vote. Administrator Brook has not yet received his survey but noted his response.

Mayor Muchowski explained the deadlines with DEP that have to be met in order for the school to have the lines in working order when they open.

Council Member Sandusky stated that through talking with the residents of Tall Pines he knows one of the concerns is water and sewer and feels that opportunity is knocking on their front door but it will be at a cost to the residents. Council Member Sandusky asked that before he votes on the project, Mr. Trice go back to the development and look at the placement of the easement and meet with the young couple that is concerned about their property.

Ms. Williams questioned the constraints placed on them by having the easement on their property? Mr. Trice explained that they could not put up any structures; they could do some plantings but nothing too large with a lot of roots.

Mr. Shrader asked how much the Township would have to pay if the project for Tall Pines does not happen? Council Member Garganio stated that the school would pay the full amount to run their line and the Township will not have to pay anything.

Mr. Fletcher asked if there was a potential for the residents that would not have the ability to hook in right away to be assessed now in anticipation of connecting in the future? Mayor Muchowski has asked the same question; the prospect will be researched but he does not believe it would be feasible because it is based on the market value assessment before and after. Discussion followed regarding the assessment process and the appeal process.

Mr. Jones asked if the assessment was based on the water and sewer running in front of the property or along the side? He explained that he lives on the corner of Tall Timber Lane and Evergreen Lane. The front of his house faces Evergreen Lane. If the lines run down Tall Timber Lane and he hooks in from the side, would he be assessed since the lines are not in front of his property? Mr. Trice believes if he has the ability to connect to the line he would be assessed.

Mr. Fletcher asked if the project for the development is not approved would the school own the line that is put in and charge for future connections? Council President Fratinardo explained that future connection would not be possible because the size of the line the school would install would be too small.

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Ms. Williams asked how much monetary consideration would be given for the easement? Mayor Muchowski explained that number would be determined through an appraisal process and could not give an answer this evening.

Mayor Muchowski thanked the residents for coming out and participating in the discussion.

RECESS: 9:20 PM

MEETING RESUMED: 9:25 PM

**Well No. 4: Emergency Repairs**

Township Council acknowledged the need for Emergency repairs for Well No. 4 and authorized Administrator Brook and Mr. Trice to move forward with emergency repairs. Administrator Brook will follow up with the necessary emergency appropriations Resolution.

**TOWNSHIP ENGINEER**

**Status Report: Preserve at Brookside – Performance Bond**

Dan Guzzi, Township Engineer, reported that the contractor is making slow but steady progress. He believes the remaining punchlist items will be complete in the next week or two. They can then go from a Performance Bond to a Maintenance Bond.

**Roma Bank: Performance Bond**

Mr. Guzzi reviewed and recommended a bond reduction for Roma Bank. A Resolution will be approved at next week's meeting.

**Whitesell: Soil Removal Permit**

Mr. Guzzi reported that there is a soil removal permit application for 15,000 yards of fill Whitesell is looking to take to a site in Burlington City. He reviewed the application fee, performance bond and escrow. Assistant Administrator Sahol is looking into possible locations in the township.

Discussion followed regarding the township's Ordinance regarding fill being taken out of the township, which states approval must be sought before fill is removed.

Administrator Brook stated that the EPA is willing to test the fill and have it brought to the Roebling Steel Mill site for their use but not to stockpile for future alternative uses. Council Member Garganio suggested using it for the slag pile.

Council Member Garganio would like the Ordinance amended to read that the township has first option to use the fill. Solicitor Kearns does not believe that is possible but will look into it.

Administrator Brook will contact Whitesell to see if the township waives the fee, if they will give the soil to the township?

**Public Works Building: Current Estimate No. 11**

Mr. Guzzi reviewed and recommended Current Estimate No. 11. A Resolution will be approved at next week's meeting.

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### **Front Street Businesses**

Mayor Muchowski and Assistant Administrator Sahol have made numerous efforts to contact the one business owner that has not signed the hold harmless agreement to begin the beautification project at the Front Street businesses. This is holding the project up. Council Vice President Ryan suggested sending the business owner a letter, carbon copy the other business owners, stating that he is holding the project up and if he does not respond within a specific time period, the project will be canceled. Council Members in agreement that Assistant Administrator Sahol draft a letter.

### **QUILT**

Mayor Muchowski stated that Steve Mognancki is happy with the amount for the purchase of the quilt his daughter made. He also agrees that the hallway is the best place to display it.

### **ASSISTANT ADMINISTRATOR**

#### **Hydrant Locations**

Assistant Administrator Sahol reviewed the letter from Ed Kensler, Fire Chief, regarding hydrant locations, as prioritized for the country areas of the township. Report will be maintained in the event the municipality is able to extend water into those areas in the future.

#### **Utility Lighting**

Assistant Administrator Sahol reported that the soccer league has their note to move forward with PSE&G. They are going to extend one utility pole length paralleling the side of the municipal building bringing the service down underground out to the soccer fields. They are looking into having volunteers to get the trenching done.

Administrator Brook stated that he spoke with the Township Auditor regarding acquiring a tax-exempt number for the recreation groups. It may take some time to get a number and he could not give any guarantees.

#### **Parking Restrictions: County Roads**

Assistant Administrator Sahol spoke with a representative of the County Engineers office regarding parking on county roads. With the new school to be built on Cedar Lane, the County suggests prohibiting parking on the shoulder of county roadways.

Discussion followed regarding problems with trucks parking on Cedar Lane by the WAWA and damaging the pavement.

Mayor Muchowski reported that WAWA is proposing 27 truck-parking slots behind their property. Council does not want this area to turn into a truck stop. Solicitor Kearns stated that the Planning Board could place a restriction on them limiting truck parking to 15 minutes. Enforcement could be an issue.

Mr. Guzzi stated that the Zoning Board has approved the subdivision for the parcel behind WAWA but they have not met all of the conditions yet for the purpose of expanding the WAWA in the future.

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Council in agreement for Solicitor Kearns to work with the Planning Board Solicitor and Mr. Guzzi on preparing an Ordinance setting limits on what is a truck stop.

**US HOME: SOIL REMOVAL APPLICATION**

Administrator Brook reported that US Home informed him that they need to remove soil. He advised them of what they need to do but has not heard back from them.

**ADJOURNMENT**

10:05 PM Motion made by Garganio; seconded by Ryan to adjourn to Closed Session. Roll call vote – all ayes.

Respectfully submitted,

JOY M. WEILER  
Township Clerk

/mab