

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

February 17, 2010

7:30 PM

CALL TO ORDER

Council President O'Hara 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 February 14, 2010; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Sean Ryan, Jerry Sandusky, David Woolston, Dennis O'Hara

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

Council President O'Hara noted that Council Vice President Baldorossi's father was taken to the hospital earlier this evening; Council Vice President Baldorossi would not be attending the meeting.

PUBLIC COMMENT

Don Kamienski, 10 McCay Drive, is a boat owner and sees that the boat dock is on the Agenda for discussion. He asked if he would be able to comment during the discussion? Council President O'Hara stated that they would allow Mr. Kamienski to comment along with any other member of the public that would like to speak.

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

TOWNSHIP WATER AND SEWER ENGINEER

Belt Filter Press

Russell Trice, Township Water and Sewer Engineer, stated that the design work is complete, plans and specifications should be ready to advertise for bids next week.

Draft Water Allocation Permit

Mr. Trice provided copies of the Draft Water Allocation Permit from NJDEP. The initial application was submitted in May 2008. He stated that NJDEP did not give the township the allocation they requested. The township's present allocation is 78.4 million gallons a month and 648 million gallons a year; the request was for 95 million gallons a month and 788 million gallons a year. In the Draft Allocation Permit, NJDEP recommends 79 million gallons per month and 708 million gallons a year, which keeps the monthly allocation at what it is now but increases the yearly allocation. Mr. Trice explained that NJDEP has a new way of calculating what the township's allocation should be and how much should be granted in a new allocation. What NJDEP did in Florence Township's case was take what the township requested in additional allocation (16 million gallons per month) and instead of adding it to the existing allocation, they added it to the township's peak monthly usage in the past five years to get the new monthly allocation and the peak yearly usage in the past five years

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to get the new yearly allocation. In the township's case the peak monthly usage was August 2008 with 60 million gallons a month, so NJDEP added the 16 million gallons per month additional requested allocation and came up with 76 million gallons per month, which they compared to the township's present allocation of 78 million gallons per month. They stated that Florence Township already has more allocation then they need and will not grant any more monthly allocation. For the yearly allocation the peak allocation was 2008 at 577 million gallons, which NJDEP added the additional requested number to, and came up with the new number of 707 million gallons per year.

Administrator Brook asked if NJDEP is willing to consider the Roebling Steel Plant? Assistant Administrator Sahol spoke with Ovidiu Petriman, Senior Geologist with the Bureau of Water Allocation at NJDEP regarding allocation for the Roebling Steel Mill; Mr. Petriman advised that he is receptive if the municipality can demonstrate a true need above and beyond the allocation they have given the township.

Mr. Trice stated that the township has until March 15th to respond to the Draft Permit.

Mr. Trice explained that the township normally applies every two – four years. If the township exceeds the permitted allocation, the township gets fined. He also noted that NJDEP will only consider developments that have Planning Board approval.

Council Member Ryan asked if the township was in a position, based on the revised allocation, to accommodate if Whitesell where to build out another million square feet? Mr. Trice stated yes, as long as it is warehousing.

Council Member Woolston stated that the Craft Stewart development is not included in the application. Mr. Trice will look into and noted that it may have been included in the previous application.

Council Member Ryan requested that the list of Planning Board approvals on this application be compared to the list prepared for NJDOT; he believes there were more developments on the list for NJDOT. Mr. trice stated that this list is two years old.

Administrator Brook stated that there was discussion of showing NJDEP the Memorandum of Understanding (MOU) for the Roebling Steel Mill, which may help in getting additional allocation. He noted that the township is outside of the critical area, not by much but the State does punish municipalities if they go over their allocation.

TOWNSHIP ENGINEER

Boat Dock

Dan Guzzi, Township Engineer, provided construction cost estimates for the boat dock replacement. There are three (3) sections to the cost estimate. The first is a strict replacement of the floating docks and the pilings for support. It also includes extra sections. The second estimate is a dock relocation to the opposite side of the ramp. The dock would go straight out instead of having a bend, which may help with some of the debris that washes on the ramp. The third estimate is for installing a diversion wall or bulk head wall that would extend out up stream from the ramp to contain or divert debris from the ramp. The cost to realign the ramp to face down river would be significant. Mr. Guzzi stated that they would not do all three (3); the dock replacement has to be done; the other two (2) are options to block or divert the debris. Mr. Guzzi stated that permits are needed but are

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obtainable because he is maintaining the distance before having to rewrite the permit. Because pilings are being replaced, there is a notification process but not a detailed or complicated permit process.

In response to questions from Council, Mr. Guzzi stated that the diversion wall does not go out further than the yacht club's pier, so it should not need lights; it should not have any impact on the yacht club.

Council Member Ryan asked Mr. Guzzi which option would reduce the amount of man hours the most put in to clear the debris? Mr. Guzzi stated that the relocation or the diversion wall will similarly reduce the amount of debris. The problem with the relocation is that the material will get caught behind the dock area and will be difficult to get to the debris to remove it. If the dock is left in its present location and the diversion wall is installed, the debris will be trapped and as the tides come in and out it will self clean; there will be periods of time, especially after storms, where the debris will get trapped and eventually move on. Using the dock as a debris catcher will put extra stress on the dock. Mr. Guzzi believes the best option is to leave the dock in its present location and install a diversion wall.

Don Kamienski, 10 McCay Drive, questioned the time frame for either the replacement and relocation or the replacement and diversion wall? Mr. Guzzi stated that the goal is to have the replacement in for next season.

Mr. Kaminski asked if the diversion wall will hold up to logs and large pieces of ice? Mr. Guzzi stated that it is a substantial wall and will be adequate.

Jack Marter, 2003 Bustleton Road, asked what side of the Yacht Club's pier the diversion wall would be installed? Mr. Guzzi stated it would be installed on the ramp side. Mr. Marter expressed concern that if the diversion wall is installed in between the township boat ramp and the Yacht Club's pier, it will cause the debris to back up onto the Yacht Club's pier. Mr. Guzzi explained that it will be installed at an angle so the debris will hit and wash out. Mr. Guzzi will look at installing the diversion on the other side of the Yacht Club's pier but believes it would be too far away from the ramp to be effective. Mr. Guzzi stated that this is not a final design; there is room for input.

Council Member Woolston asked how much it will cost to repair the existing floating docks for this year? Administrator Brook stated that Public Works Department fixes the docks in house; he will get the numbers from last year from Rich Pendle, Public Works Superintendent. Council Member Woolston asked if it would be feasible to start replacing the dock a section at a time now? Mr. Guzzi stated that can be done; the pilings would have to be replaced. It could be a cost savings and may not have to go out to bid.

Charlie Bauer, 517 Wilbur Henry Drive, stated that he has been out on the river for 60 years and has seen the icebergs and logs that float down from Trenton. He expressed concern as to whether the diversion wall would work. He believes it will be very difficult to clear the debris if it gets stuck behind the diversion wall; at least now the Public works Department can get the debris out with a backhoe and front-end loader.

Mr. Guzzi will look into replacing the dock a section at a time and report back.

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Council President O'Hara asked about the timing so not to interfere with the boaters? Mr. Guzzi stated that ideally the new pilings will go in early next spring before the dock goes in.

2010 Road Program

Mr. Guzzi provided a list of roads and alleys for consideration. The township received a grant for Broad Street. The grant will not cover the entire length of Broad Street, but should get most of it; Council could do one (1) block as an alternate. Mr. Guzzi believes they will get good numbers.

Mr. Guzzi reviewed other roads that have been discussed over the past several years but not repaired.

With the uncertainty of these economic times, Council Member Ryan suggested Broad Street as the base bid and everything else as an alternate. Mr. Guzzi explained that it is not prudent to list all of the roads as alternates; the township would be paying for a lot of engineering. Mr. Guzzi suggests Broad Street as the base bid and a few roads and alleys in need as alternates. Mr. Guzzi stated that there are some alleys and roads on the list that have been engineered.

Council President O'Hara asked if any damage was caused to the alleys that have already been done by the trash trucks trying to get down them after the snowstorms? Administrator Brook stated that the alleys that have been done are holding up well.

Council Member Ryan suggested looking at the roads and alleys that have already been engineered as alternates. Council Members agree. Mr. Guzzi will provide a list of roads and alleys that have been engineered.

Council President O'Hara questioned the sidewalk replacements on the list and asked how severe they are? Mr. Guzzi stated that he looked at them in regards to a request from Council Vice President Baldorossi and they are in bad shape. He stated that sidewalks are not typically done in a road program. Administrator Brook stated that in the budget they will be slowly looking at sidewalks with tree problems. There is some money in the budget for sidewalks. He believes the Public Works Department can handle sidewalks from a skill standpoint.

Administrator Brook would like a consensus on roads and alleys by the first meeting in March to be able to go out to bid.

Community Center: Current Estimate No. 9 (Final) and Change Order No. 3

Mr. Guzzi reviewed and recommended approval of the Change Order and payment of the Current Estimate. A Resolution has been prepared for the Regular Session following this evening's Executive Session.

Mayor Berry asked if there was an estimate as to when the building will be ready? Administrator Brook stated that when they go over the budget they will discuss the Community Center as far as man power, volunteers and an anticipated date.

In honor of the many Mayors that have been in office during the time that the Roebling Fire House was an active fire department, Council Member Sandusky suggested an official opening of the Community Center, such as a Mayor's Ball.

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Council Member Sandusky requested another tour of the Community Center.

Drainage Basin: Near 37 Creekwood Drive

Mr. Guzzi stated that there have been problems over the years with this basin backing up and overflowing into the yard at 37 Creekwood Drive. It is an issue of the design. He prepared a plan to eliminate the head wall adjacent to the property and replace it with additional piping and inlets so it will not overflow into the yard. The estimate is a little over \$20,000. He stated that he could get quotes or include in the Road Program.

Administrator Brook explained that the basin was designed in the 1980's and the company has gone bankrupt. The basin could not handle the last rainstorm last December. He stated that the Public Works Department is there two – three times a month to clear it out. It cannot handle heavy rain.

Mr. Guzzi suggested getting quotes outside of the Road Program. Council Members in agreement.

ASSISTANT MUNICIPAL ADMINISTRATOR

Recreation: Request for Waiver

Assistant Administrator Sahol asked that the request for the waiver be TABLED. He needs to meet with David Dennison, Recreation Director, so they can address some points that are coming up. Gary Olaff, Head Coach of the West Jersey Witches Travel Softball Team, was present at the meeting and wished to discuss the topic. Assistant Administrator Sahol spoke with Mr. Olaff and believes he has a concern. Assistant Administrator Sahol feels strongly that they need to address, not just the policy, but some of the other issues that are coming up with the additional requests that are being made. Council Member Ryan thought that the Recreation Committee addressed the Recreation Policy. Assistant Administrator Sahol stated that the Recreation Committee did address the policy; he is referring to some of the additional requests. The timing of the requests are a concern as well as the timing of these facility usage applications that are before us. Assistant Administrator Sahol does not believe approval of the application is in the best interest of the municipality as it stands as far as the date. There is a later date where the facilities may be better prepared.

Gary Olaff, 205 E. Eighth Street, stated that he submitted an application for field use in November 2009 for practice times March through June plus a tournament in May. Mr. Olaff's team does not meet the 50% residency and 50% coach requirement and is looking for a waiver to be approved by Council to apply for the tournament and practice times. The tournament is on May 22nd and 23rd. Mr. Olaff is also requesting use of the batting cages, if they are available.

Mr. Olaff offered to help do work on Woodlawn field to improve it for use.

Assistant Administrator Sahol stated that Council grants the waiver for the residency participation requirement but the request still has to go through the Recreation Department.

Assistant Administrator Sahol explained that Council is being asked to accept 39% township resident participation rate of children and 20% township resident participation rate of the coaches versus the 50% that is required by the policy. Only Council can grant the waiver if there is just cause. If Council were to grant the waiver, it goes to the Recreation Department to check scheduling. Assistant Administrator Sahol expressed concern that there is a financial impact to the municipality when tournaments are hosted and it was understood that there may come a time when the governing body will ask for reimbursement of expenses from the outside organization.

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Council Member Sandusky asked Mr. Olaff what he has done to bring his team roster up to the 50% residency requirement? Mr. Olaff stated that his team was already made up before the policy went into effect. Council Member Sandusky stated that there will have to come a time when he meets the residency requirement. Mr. Olaff stated that a very low percentage of girls continue with travel softball once they reach high school, plus it costs approximately \$1,200 for a girl to participate, which some families may not be able to afford.

Council President O'Hara asked Assistant Administrator Sahol for his recommendation. Assistant Administrator Sahol stated that the township's recreation program and recreation facilities are here for the benefit of the Florence Township residents. He believes that the leagues, the work that the municipality does and cost the municipality bears is for the benefit of the residents. It is unfortunate that Mr. Olaff has five (5) residents from the community and the other eight (8) are not. He does not know if Mr. Olaff has reached out to the other communities where the girls are coming from but does not believe that Florence Township has to be the only home for every program because of the prime fields that the volunteers and staff have worked on. Assistant Administrator Sahol believes that a good faith effort of 50% should have been had and that burdening the township's facilities is not in the township's best interest. Assistant Administrator Sahol stated that Mr. Olaff mentioned the idea of developing the Woodlawn field, which may need to be developed sooner than later by the municipality or through the volunteer programs because it is needed for recreation. Assistant Administrator Sahol believes there should be a higher percentage of players from Florence Township before a waiver is granted.

Mr. Olaff stated that when he submitted the field use application in August for tryouts, he was not encouraged by Florence Township to seek a certain percentage of Florence Township residents. He stated that the township residents he does have play in the township recreation program and all-star games. Mr. Olaff is willing to do whatever he can to relieve the township of any financial responsibility and not to cause an impact on the recreation programs. He is also willing to donate time and resources to improve any of the fields. He is prepared to reestablish a working relationship with Florence Township Girls Softball if they so chose.

Council President O'Hara asked Mr. Olaff, if this gets approved by Council this evening, what will happen if it goes to recreation and there is a conflict with any of the recreation programs for the dates he has established? Mr. Olaff stated that if there is a conflict with the date, he would not have access to the field.

Administrator Brook asked if the West Jersey Witches utilize other fields other than Florence Township fields? Mr. Olaff stated that they only use Florence Township fields. Administrator Brook asked Mr. Olaff if he understands that the 50% requirement is becoming more and more important, that he is in a bind for this spring but the requirement will be critical in the fall and 2011. Mr. Olaff stated that he understands that. Administrator Brook believes that it was known that it would take some time for the West Jersey Witches to reach 50% residency participation. He explained that the primary cost to the municipality for tournaments is for the Public Works Department and the Police Department. Administrator Brook stated that Council could consider approving the tournament as long as Mr. Olaff is able to work things out with Assistant Administrator Sahol and Mr. Dennison. He advised Mr. Olaff that if he were to continually come back to Council with less than 50%, it is unlikely that it would be approved. Council President O'Hara agrees that this is a transitional period; the policy was only enacted a few months ago. Administrator Brook noted that it would be fair if

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the West Jersey Witches were to rotate their use of fields between communities where they have other players on their roster. He does not believe it is an unreasonable request for the tournament as long as it is coordinated through the Chief of Police and through Assistant Administrator Sahol with the Public Works Department.

Council Member Sandusky agrees to approve May 22, 2010 and May 23, 2010. Mr. Olaff will have to work the other usages out with Recreation.

Council President O'Hara asked for a MOTION based on Council Member Sandusky's statement.

It was on the MOTION of Sandusky, seconded by Woolston to approve the West Jersey Witches Tournament on May 22, 2010 and May 23, 2010 and they are to work the other dates out with Recreation.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval.

Radio Frequency Read Water Meters

Assistant Administrator Sahol reviewed the bids received with David Lebak, Water & Sewer Superintendent. There is one bid with the right technology, same technology and vendor currently being used. Assistant Administrator Sahol recommends awarding the bid and stated that Solicitor Kearns reviewed the legal documents. He explained that this sets the cost per meter for the next two years.

Gold Star Mothers

Assistant Administrator Sahol reached out to the Gold Star Mothers and they believe having gold stars added to the street signs that are named after fallen veterans is a wonderful idea. They showed Assistant Administrator Sahol which star to use for a true honor. Once the snow clears he will be meeting with Rich Pendel, Public Works Superintendent, on how best to apply to the existing sign or modify the sign. He wanted to report that it is moving along.

Council Member Sandusky noted that there will be a day in September set aside for the Gold Star Mothers (those who have lost a son or daughter in the Armed Services). The stars will be installed on the signs that day.

Sidewalks

Council Member Ryan stated that this has been an ongoing discussion. He noted that Ordinance No. 2009-08 was drafted in response to discussions at the Environmental Commission and based on discussions and development applications that were heard before the Planning Board. He stated that there have been articles in the newspaper recently regarding the dangers due to lack of sidewalks on the Route 130 corridor. There have been multiple conversations with the Chief of Police and they

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have looked at injuries and fatalities along Route 130 in the past. One of the biggest issues seems to be that there are no sidewalks on Route 130. Council Member Ryan believes it would be reasonable to try to provide a separation between foot traffic and vehicle traffic on Route 130 and sidewalks would be the mechanism to do that. The Draft Ordinance, that was never completely decided on, makes it an obligation of the developer coming into the community to put sidewalk in place. Council Member Ryan stated that two (2) opportunities to have sidewalks installed on Route 130 by developers that had pending applications before the Planning Board were lost last year. He believes the one remaining issue on this Ordinance was trying to come to a consensus on the dollar amount that would trigger the obligation, from a permit standpoint, in which a sidewalk would have to be installed on any street, specifically on the Route 130 corridor. Council Member Ryan's only other concern this evening is when developers come in seeking a waiver to install sidewalks on Route 130. He would like a mechanism in place to make sidewalks mandatory on Route 130.

Council Member Woolston expressed concern of having sidewalks installed on Route 130 in front of NFI's property where there is a high-speed entrance. Then there is 200' where sidewalk could be installed but then there is another owner's property with no sidewalk, then NFI's property again, but that section is wetlands. Council Member Ryan stated that 75% of that property could have had sidewalk installed to enhance the safety of Route 130, opposed to 25% which posed a bigger hurdle for the developer to obtain approvals.

Council President O'Hara stated that Ordinance 2009-08 reflects agreement by the Council Members last year; Council Member Woolston is a new member. Overwhelming evidence and reports back up their decision. He has heard the argument of installing sidewalks to nowhere but they have to start somewhere otherwise it will never happen. Council President O'Hara would like to move forward with this Ordinance.

Administrator Brook asked if Council is looking to require sidewalks township wide or on Route 130? Council Member Ryan would like to focus on the Route 130 corridor. He would like to see if there is a way to implement the requirement into developments that have already been approved.

Solicitor Kearns will speak with the Construction Code Official regarding a reasonable dollar amount from a permit standpoint and revise the draft Ordinance. He will have for next month's Worksession.

NJ HOUSING AND MORTGAGE FINANCE AGENCY: AGREEMENT RENEWAL

Administrator Brook explained that the State requires municipalities to have a third party administrator when it comes to Council on Affordable Housing (COAH). Florence currently has a third party administrator agreement with Housing Affordability Service (HAS), which is part of the NJ Housing and Mortgage Finance Agency (HMFA). He will be meeting with them regarding renewing the same agreement. A Resolution will be prepared for the March meeting.

CRAFT'S CREEK

Administrator Brook discussed posting signs along Craft's Creek recommending that the fish not be consumed. He stated that he has checked with various agencies at the State and County level and they informed him that it is not their responsibility. Administrator Brook stated that signs can be prepared in house. After further discussion, Council Members are in agreement to have signs posted recommending that the fish not be consumed.

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BURLINGTON COUNTY RIVER ROUTE CORRIDOR REPRESENTATIVE APPOINTMENT

It was on the MOTION of Sandusky, seconded by Ryan to appoint **Pete Darata** as Florence Township's Burlington County River Route Corridor Representative.

On the Question

Nothing at this time.

Upon roll call Council voted as follows

YEAS: Ryan, Sandusky, Woolston, O'Hara

NOES: None

ABSENT: Baldorossi

Unanimous approval.

9:50PM MOTION by Ryan, seconded by Woolston to adjourn to Regular Session. Roll call vote - all ayes.

ADJOURNMENT

9:50PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC

Township Clerk

/mab