

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

DECEMBER 9, 2015

8:10PM

CALL TO ORDER & FLAG SALUTE

Council President Sandusky called the meeting to order and led the Salute to the Flag.

SUNSHINE STATEMENT

The Opening Statement was read by the Township Clerk: Notice was posted on the municipal bulletin board; placed on the web-site on January 8, 2015; and advertised in the Burlington Co. Times on January 11, 2015. It was also provided to the now defunct Register News for information and sent to the Trenton Times on May 21, 2015.

ROLL CALL

Present: Paul Ostrander, David Woolston, Jerry Sandusky

Also present: Mayor Craig H. Wilkie; Richard A. Brook, Township Administrator; Thomas A. Sahol, Assistant Municipal Administrator; Kelly Grant, Esq., Township Solicitor; James Biegen, Township Engineer; Joy M. Weiler, Township Clerk

(Frank Baldorossi was absent due to a work commitment; Ted Lovenduski was absent due to illness.)

PUBLIC COMMENTS

Council President Sandusky opened the meeting to the public. Seeing no one wishing to be heard, it was the MOTION of Ostrander, seconded by Woolston to close the public comments.

BUSINESS

Township Water and Sewer Engineer: Nothing at the time.

Township Engineer

Soil Removal: Liberty Property Trust

Administrator Brook stated that the Township Engineer Biegen's firm has a conflict with Liberty and another firm was used. A letter was provided discussing the need to remove a certain amount of topsoil from the site. There was some confusion and it was discovered that there was soil being removed from the site without approval from the governing body. Once the owner was made aware of it, they ceased all operations and submitted a letter from their engineer dated November 30, 2015 acknowledging that they had already removed 3,000 cubic yards of topsoil and they need to remove an additional 12,000 cubic yards. Assistant Administrator Sahol has been communicating with Liberty. There are some municipal sites that could benefit from the topsoil. Florence Township asked for 2,500 cubic yards of topsoil. Liberty agreed. There will be no charge. The topsoil can be used for projects that will improve and help the community.

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It was the MOTION of Ostrander, seconded by Woolston to approve the removal of the topsoil.

Upon roll call, Council voted as follows:

AYES: Ostrander, Woolston, Sandusky

NOES: None

ABSENT: Baldorossi, Lovenduski

Soil Importation Permit: Griffin Pipe Property

Administrator Brook said the former Griffin Pipe property has been a Brownfield site for some time. It was owned by a company out of Chicago that operated the Griffin Pipe facility. The company did a lot of work remediating the site and working with the DEP. They reached a point that since they were out in Chicago with their operations they were very interested in moving forward and dispensing of the property. Over the past couple years there have been different companies interested in the site. There is a company called Catalyst Partners, represented by John Gillespie, who is in attendance. There have been discussions over several months. The company thinks it is a viable property to remediate, specifically the property on the river side, approximately 27 to 28 acres, a little bit more if other locations along the river are added. Florence Township thinks it can remediate the site and revitalize it to bring it back to a positive use for the community. It has sat dormant for many years and there was not a significant amount of progress made. Florence Township wants to continue to develop properties and make a positive impact for people who live in the area. Florence Township welcomes Catalyst Partners to come to town and take on this project. It is not an inexpensive undertaking and it is a significant calculated risk to take on, believing that the market will bear what they will eventually redevelop the site.

They were present to discuss what is called a Fill Importation Permit. They are working with the New Jersey Department of Environmental Protection. Essentially they attended the meeting for a Fill Importation Permit. They need to bring fill to the site to cap it. It is not unlike what was done at the Roebling Park on Riverside Avenue that is owned by Florence Township and was filled with dredge materials. Another example is the Hercules property on River Road in Burlington. That was also filled, capped and remediated for commercial and industrial standards. Now there are three large buildings being constructed there. Lastly, a good example is the Roebling Museum. The museum was capped to very similar standards. It is not to residential standards, and he doesn't know if the township would want to encourage that type of use. This would be the type of standard to have industrial, commercial and public use. The museum has people there every day. They hold car shows; there was an economic summit with Select Philadelphia. The revitalization takes properties that are run down, dormant and beat up and puts them back to a productive use. It is done all the time in the State of New Jersey. It is primarily with NJDEP oversight and control. The representative from Catalyst Partners explained it further.

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Mr. Gillespie stated that Administrator Brook provided a great outline of what Catalyst Partners would like to do. Mr. McMullen provided a brief powerpoint presentation to describe the fill material that would be approved by the NJDEP and the different levels of the governmental process that this project needs just to get to the point of remediating the site. He noted there were a number of representatives from the company on hand to answer any questions.

Mr. McMullen said he had a brief presentation showing what his company would like to do and to provide information on the rules that will need to be followed and the process. The discussion at this point is about the cleanup of the site at this point. The company is not talking about redevelopment of the site and they don't know what the future use will be. Before the site gets to that point it needs to be cleaned. The cleanup is overseen by the NJDEP. It will be done in two phases. The first is going to be removal of some of the contamination that is there. What is there is some asphalt paint in the soil and ground water and some oil releases associated with what had been on the site. The second phase, and the purpose of the Fill Importation Permit, is construction of an earthen protective cap that will raise the grade of the site up away from the residual contamination that is there. Another primary reason is that a lot of the site sits in a flood hazard area, so the grade needs to be raised.

The Fill Importation Permit is just one of several permits that will need to be acquired before the fill can actually be brought in. The DEP regulates two of the permits. The primary one is called the Material Acceptance Plan which regulates the quality of the fill that can be brought to the site. The last one is a Waterfront Development Plan which regulates all construction activities that occur near the water.

The fill for the site will come from a couple of different sources. One is a Class B NJDEP approved recycling center. It is a facility that takes things like brick, concrete, asphalt and soils and turns them into a beneficial reusable product. This can be brought to construction sites like this to be used for exactly the purposes he mentioned before.

The other source of material will be what is referred to as donor sites. They are not quarries or virgin material sites. It is fill from construction sites, usually in northern New Jersey and New York City. The procedures are governed by the Material Acceptance Plan that is reviewed by the DEP.

The first step is to receive an application from a potential donor site, a site that needs to get rid of material it has. The donor would need to provide information about its site. That information is bundled into a package and sent to the review engineer. It is a professional engineer licensed in the State of New Jersey. He looks at the package and looks at what other information may be needed. This could include environmental history. He will physically look at the site. There may also be additional testing of the site. He is looking to make sure the soil from the donor site meets the standards that the DEP has set.

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Assuming that it meets all the criteria, the engineer will give a professional opinion that it meets the requirements. It then goes on to a NJDEP Program Representative, a Licensed Site Remediation Professional. This person acts as a regulator on behalf of the NJDEP. All of this has to happen before the first truckload leaves the donor site.

At this point the material can be transported to the site. There is a series of additional checks. The trucks are weighed and there are manifests that are kept for every truckload. The material will be screened with handheld detectors before it enters the site. There is also a visual inspection of the material. At that point the material is deemed acceptable and is brought on site and used to create the protective cap.

The materials will primarily come from construction sites in New York City and northern New Jersey, where the material needs to be removed and taken somewhere else. It is not coming from contaminated or brownfield sites. It won't be virgin clean material coming from a quarry, but it is going to meet all of the standards of the NJDEP. There are chemical and geotechnical standards. It is all going to be inorganic, geotechnically-stable material that will be suitable for constructing whatever will eventually be on the site. The surface will be stabilized according to the Soil Erosion Plan and will be revegetated.

The contractor doing the work is Impact Environmental. They are very experienced and have been in business for twenty-five years. They have two offices in New Jersey and one in New York. They have significant assets in terms of equipment and also have significant insurance. They are a fully integrated company and will be doing the site investigation and remediation work.

Council Member Ostrander asked how many feet of fill will need to be used? Mr. McMullen said right now the estimate is about 450,000 cubic yards. There is a plan that the Township Engineer has been reviewing that shows what the estimated final grades are. The plan is to bring the site up above the flood plain and create as level a path as possible. The site looks flat but there some fairly significant areas of relief especially in the center that are being corrected with the grading plan.

Council President Sandusky asked if there will be certain times that the trucks will be brought in and a set time for them to be off the site? Mr. McMullen said yes, there would be specific hours. He said the company will work with the township to set up the regulations.

Council President Sandusky said in other places he has seen a wash stop for trucks that are dirty. He noted the property owner will be responsible for keeping the road clean during the project. Mr. McMullen said there will be a wheel wash station and there is a method to make sure the trucks are not tracking dirt in and out of the site. If it becomes a problem, it would be addressed.

Council Member Ostrander asked if the trucks would be entering from Dulty's Lane. Mr. McMullen said yes, they will be using the DOT truck route.

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Council Vice President Woolston said he would like to see a mandatory start time because he would not like to see stacking at the site. Mr. McMullen said he is happy to work with the township. He did not come prepared with particular hours.

Administrator Brook said the Florence Township works with contractors while projects are going on. He used the Liberty project as an example. They agreed to not work on Sundays. He said the town is willing to work with anyone working on projects in town. He asked that the property owner do the same.

Administrator Brook thanked Mayor Wilkie, Council Vice President Woolston and Council President Sandusky for all of their hard work serving on the subcommittee. Township Engineer Biegen also worked with the company.

Administrator Brook said a letter was sent to the residents living in that area to invite them to attend this meeting. The fact that most people aren't here and he didn't receive any calls showed that they would like to see the site remediated. It is seen as a positive step forward. Those residents used to have to deal with the ash that would come from the site and cover everything. Now it is to a point where there is a vision and the site will be remediated. It will be put back to a positive use for Florence Township.

At this time Council President Sandusky opened the meeting to the public.

Fred Scheetz, 12 Church Street, asked what the site will be used for? Mr. McMullen said it is too early to tell but it will not be residential. There are a few different possibilities.

Mr. Scheetz questioned the quality of fill from the areas that were mentioned. Mr. McMullen said it is all sampled and manifested. There are procedures in place.

Administrator Brook said this is a process the NJDEP encourages municipalities to get involved in as a way of reclaiming brownfield sites. Florence Township owns the Roebling Steel Mill site. At that site now is a park that was filled with dredge materials and capped. This was part of the reclamation and revitalization of a property that was going nowhere. It is all under the guidance and oversight of the NJDEP. The owner has no end user. They took a risk but believe the market will yield the development of the site. It will be fruitful not only for the company but also the community.

Council President Sandusky said Florence Township is very fortunate that someone has come this fast to remediate this property. The Roebling Steel Mill took many, many years and it is still not done. This project will be much faster. It is a positive thing for Florence Township. The subcommittee asked a lot of questions of the property owner and was very thorough. He said what is best for the residents of the township always comes first. The Mayor and all of Council are very committed to the municipality.

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Mr. Scheetz asked if the property owner would be coming to Council again. Mayor Wilkie explained the capping is the first phase. There still needs to be a redevelopment plan put in place. This is the first piece of the redevelopment of that part of the community.

Administrator Brook said if Council was ready to proceed, there needed to be a MOTION on record to approve the Fill Importation Permit that was submitted on December 8, 2015. It contains the information that was presented tonight. Township Engineer Biegen has been working with the property owner and is comfortable with what was submitted. The motion would incorporate not only the application but also Township Engineer Biegen's letter dated December 1, 2015. It does include the permit fee. More importantly it includes the items that were discussed this evening to maintain the balance of remediation of the site and quality of life for the people in the community.

It was the **MOTION** of Woolston; seconded by Ostrander to approve the **Fill Importation Permit** with the above mentioned information incorporated.

Upon roll call Council voted as follows:

YEAS: Ostrander, Wolston, Sandusky

NOES: None

ABSENT: Baldorossi, Lovenduski

Motion carried.

Mr. Gillespie said he would e-mail a copy of the powerpoint presentation used this evening. The Mayor and Council thanked him.

At this time there was a brief recess.

Council President Sandusky said he was glad to see Assistant Administrator Sahol was back.

Assistant Township Administrator

Assistant Administrator Sahol said he had nothing for this evening. He was glad to be back.

Administrator Brook said he had an item to address that was brought to his attention today. It was discussed in the past. Every now and then the issue comes up where neighbors might not get along and they file a complaint. Sometimes the issue of basketball nets with stands comes up. The last time this was discussed several years ago, the Council at the time took a common sense, reasonable approach. They said they didn't want to get overly restrictive. They understood that parents liked having their children playing close to home. He remembers when he was younger playing ball in the street and moving when the cars came. Sometimes today's generation does not necessarily do that and it creates some difficulty. However, the decision at that point in time was that as long as the base of the basketball net was not in the street, it was okay. They decided that if there were problems after that they would revisit the subject.

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Recently two issues arose. Some people have complained about their neighbors. One complaint is about a basketball net that is between the curb and the sidewalk and the neighbor is playing basketball in the street. It has been there for several years. There were also complaints from Birch Hollow. There are several there. Before the winter time, Florence Township inspectors asked anyone who has a basketball net in the street to move it to the area between the curb and the sidewalk. There would be an issue if the street needed to be plowed. It is dangerous. The association at Birch Hollow has said the township wants them out of the street but the association does not want them placed between the curb and the sidewalk. He doesn't know that the association has a say because the area in question is a public right-of-way. He wanted to make the Mayor and Council aware of it because there are a couple members of the Association who have very strong feelings on this issue. The township will advise the Association it does not have a problem with the basketball bases being kept on the right of way. If it becomes a problem, he will invite the association to come and talk to Mayor and Council. It just doesn't seem reasonable to ban them altogether, as the Mayor had stated, there just needs to be common sense and courtesy.

Reverend David Boudwin from **The Fountain of Life** called with a very generous offer. There was a collection taken several months ago and they want to use the funds to do something for the police, fire and EMS. The township is working with Kevin Mullen from the Florence Township Fire Department and Florence Township Chief of Police Bunce. They will meet with Rev. Boudwin to discuss a positive use that would benefit the community. It was extremely generous and thoughtful. The township is grateful for the Fountain of Life's offer. He believes it is around \$6,000 and they are just looking for a positive use that would benefit the men and women who serve the community. There are a couple ideas and he wanted to make the Mayor and Council aware of it.

Council President Sandusky asked if the Municipal Building had a **defibrillator**. The building is very heavily used. It is something to think about. All were in agreement. Administrator Brook and Assistant Administrator Sahol agreed it was a very good idea. It was decided that the funds would be used for that.

Administrator Brook said the **Burlington Stores** did get back to him and they will be proceeding with their program to help families in the area that need assistance with **gift certificates**. The township will coordinate with the school district for distribution.

Council President Sandusky said he thought the Mayor should deliver the certificates since he conceived of the idea to have some good relationships between businesses and the community. Mayor Wilkie said he would like to keep it anonymous.

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ACTION

- **Resolution No. 2015-253**
Approving Fair Share Housing Plan Summary and Narrative

Administrator Brook explained this was the COAH Matrix and a report that was prepared by the township's COAH planner, MaryBeth Lonergan, of Clark Caton Hintz. The township is involved in making submissions to the court concerning its COAH plan. The administration needs Council's affirmation of the plan. It will also be submitted to the Planning Board for its review and similar affirmation next Thursday.

- **Resolution No. 2015-254**
Supporting the Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown

It was the MOTION of Woolston; seconded by Ostrander to approve Resolution No. 2015-253 and Resolution No. 2015-254.

Upon roll call, Council voted as follows:

AYES: Ostrander, Woolston, Sandusky

NOES: None

ABSENT: Baldorossi, Lovenduski

Motion carried.

PUBLIC COMMENT

Seeing no one wishing to be heard, it was the MOTION of Ostrander; seconded by Woolston to close the public comments. All ayes.

8:51 PM MOTION by Ostrander; seconded by Lovenduski to adjourn. Roll call vote – all ayes. Motion carried.

ADJOURNMENT

8:51 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC

Township Clerk

/aek