

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

January 10, 2007

8:00 PM

CALL TO ORDER

Council President Baldorossi 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 7, 2007; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Bruce Garganio (Late), Elizabeth Ryan, Jerry Sandusky, Frank Baldorossi

Also Present: Mayor Michael Muchowski (Late); 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

John Longo, 36-4 Florence Tollgate, provided a copy of a Resolution passed by Florence Tollgate Condominium Association. He stated that the Resolution reads that it is in accordance with Florence Township's Ordinance. He also showed his Certificate of Occupancy (CCO) from 2003 and the inspector allowed two (2) occupants. He reviewed the state statute and according to the floor space of his unit it allows four (4) occupants. Mr. Longo asked if the township had passed an Ordinance that supersedes the state statute? Council Member Garganio explained that, possibly, when Florence Tollgate appeared before the Planning Board the occupancy limit was part of their approval to construct. Mr. Longo does not believe that the township can supersede a state law. Solicitor Kearns explained that the state sets a standard and a municipality can adopt a more stringent standard. He does not know if Florence Township has or not; it will have to be looked into. Mr. Longo asked if it is found that it was not done legally, would it be possible to have his CCO changed from two (2) person occupancy to four (4) person occupancy? Solicitor Kearns stated that he cannot give Mr. Longo an answer this evening; he will have to look into and speak with the Construction Code Official. Administrator Brook agrees with Council Member Garganio that it is possible that the occupancy limit was set as part of Florence Tollgate's Planning Board approval. He stated that he will provide a written response to Mr. Longo and the governing body once he has an answer. Council Member Garganio asked if Mr. Longo's deed states the number of occupants allowed? Mr. Longo stated that his deed does not address the number of occupants allowed. He explained that his deed lists his unit as a bedroom deluxe. Administrator Brook stated that Florence Tollgate has its own standards and others have tried to challenge those standards, without much success legally. Mr. Longo still does not believe that the municipality is able to pass an Ordinance that supersedes state regulations. Solicitor Kearns reiterated that it is not superseding, municipalities can adopt more stringent standards over many state regulations: the state sets minimums. Administrator Brook provided Mr. Longo with his business card. He asked that Mr. Longo call him and a meeting will be set up.

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

TOWNSHIP WATER AND SEWER ENGINEER

Update: Well No. 6

Russell Trice, Township Water and Sewer Engineer, reported that: the building, well pump, piping and electrical were advertised. Bids are due on February 2, 2007.

Current Estimate No. 2 (Final): Well No. 5

Mr. Trice reviewed and recommended payment of Current Estimate No. 2, which is the final payment. All punch list items have been completed. A Resolution will be prepared for next week's meeting.

TOWNSHIP ENGINEER

Cedar Lane Associates: Bonds

Dan Guzzi, Township Engineer, reviewed and recommended Cedar Lane Associates' request that one (1) of their bonds be reduced and one (1) bond be released. He stated that there are more bonds in place. Mayor Muchowski asked if the township could require that they clean up their property before reducing the bonds? Mr. Guzzi stated that yes the release and reduction could be contingent upon them cleaning up the area. The condition will be added to the Resolutions, which will be prepared for next week's meeting.

Beazer Homes, Woodsedge at Mallard Creek: Release Bond for Tree Planting

Mr. Guzzi reviewed and recommended releasing the Bond. The work has been complete for several years. A Resolution will be prepared for next week's meeting.

Olive Street Development

Council Member Sandusky questioned the large puddle of water in the Olive Street Development? Mr. Guzzi explained that were some conflicts with the piping and a letter has been sent to the developer. They revised the plans, which have been reviewed and approved. Council Member Sandusky asked if the water could be pumped out instead of laying there? Mr. Guzzi will contact the developer and ask them to do that.

Council Member Garganio questioned the height of the berm? He thought it would be higher. Mr. Guzzi believes that 16' is what was approved. He has not received the required as-built yet to be sure it is the correct height but every indication from the surveyor is that it is the correct height. He will know better when has receives the as-builts. Council Member Garganio does not believe the berm accomplishes the goal. Mr. Guzzi will verify the approved height.

Greenbriar

Council Member Ryan asked if there was anything new with Greenbriar? Mr. Guzzi stated that they are doing a lot of work. There is still the open issue of the paving they did without anyone knowing about it. A letter has been sent outlining the concerns. They have not responded as of yet but Administrator Brook believes they will.

PUBLIC WORKS DEPARTMENT

Seniors Assist with Fields Clean Up Program

Council Member Garganio was hoping to find money in the budget to pay seniors or high school kids to go out once or twice a month to pick up the trash in the fields. Administrator Brook stated that it may not be needed as much during the summer months when the Public Works Department has the summer help. He will try to create a program at budget time and report back. Mayor Muchowski suggested offering it as a fundraiser for the different groups in town such as the Boy Scouts. There are many groups in town that could benefit.

Council Member Sandusky has seen very small compact garbage trucks in Princeton that he believes could be useful. Mayor Muchowski saw them on the boardwalk in Atlantic City and had Assistant Administrator Sahol look into.

Council Member Ryan asked if the Municipal Judge ever suggests community service? Administrator Brook stated that he does and the township does try to take advantage of it.

TAX ABATEMENT PROGRAM

Mayor Muchowski requested a week to report back to Council on that program.

ASSISTANT ADMINISTRATOR

Zip Codes

Assistant Administrator Sahol provided a memo in the packet regarding consolidating the zip codes, except for Roebling. He asked what direction Council would like to take first: petition the Postal Service to do the survey or state to the Postal Service that the governing body feels this is the direction they would like to go? Council would like to petition the Postal Service to do the survey. Council Member Ryan asked if some PR should be done prior to the survey? Assistant Administrator Sahol believes that would be in the governing body's best interest. Finding out the residents' concerns and addressing their concerns would be best. If a resident does not respond to the survey, the response will taken as a "no." Council Member Garganio asked if a Citizens Committee was allowed and if so should one be set up? Assistant Administrator Sahol stated that the Postal Services would allow that.

Assistant Administrator Sahol explained that it would shift the Bordentown and Burlington mailing addresses to the Florence zip code, which is five (5) routes. If it came back favorable from the residents, the growth manager stated that the Florence building would have to be expanded in order to bring those routes in. In discussions with the growth manager, temporary trailers could go in the parking lot behind the post office where the mail trucks are parked but they would need a place to park those vehicles. The growth manager asked if there was any available off street municipal parking that would be available to them? There would be three (3) or four (4) postal vehicles to be accommodated. Assistant Administrator Sahol recommends the rear of the Broad Street stores. He does not believe that the postal service would move out of that building.

Assistant Administrator Sahol will begin the process and report back.

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Solicit Bids for Water Meters

Assistant Administrator Sahol reported that he is prepared to advertise for bids for water meters. A Resolution will be prepared for next week authorizing to go out to bid for water meters.

Road Program

Assistant Administrator Sahol provided pictures of potential roads and broken curbs for a future road program discussion.

SIDEWALK REPAIRS: INSPECTION

Discussion followed regarding making it a mandatory that residents be required to repair hazardous sidewalks as part of their Continued Certificate of Occupancy (CCO). A majority of the time it is a tree causing the damage.

Solicitor Kearns explained that sidewalks are public property and if the municipality knows or reasonably should have known of a dangerous condition of public property and someone did become injured the municipality has a liability. Even stating in the Ordinance that it is the homeowner's responsibility to make the repair does not remove the municipality from the liability issue. If the municipality comes up with a plan and allocates a certain amount of dollars on an annual basis, then in defense the municipality can say that they have allocated resources and can only do so much. Mr. Guzzi stated that it could be rolled into the road program or CDBG; meaning it could be included in the bid not funded through it. The township would get better prices that way. Administrator Brook asked if Council would like him to look into setting aside funding similar to what they do with the tree program? Council would like Administrator Brook to look into funding.

Assistant Administrator Sahol discussed preservation of the trees, which they are doing in Mt. Holly and Moorestown. The township had done the same on Kinsman Road, which is to curve further from the tree root to give the girth of the tree the room it needs. Mr. Guzzi stated that you run into right-of-way problems. Assistant Administrator Sahol stated that residents on Kinsman Road were willing to preserve a tree and give up some of their front yard to do so.

Administrator Brook will look to create a separate funding mechanism. He does not believe that in every instance it would mean the removal of the tree. It depends on the condition of the tree.

After further discussion, Mayor Muchowski requested that Mr. Guzzi look at: the 200 block of Fourth Avenue, Amboy Avenue, Third Street and Woodlawn from the park to Front Street and report back with an estimate of how much it would cost. Council Member Garganio asked that the needs of the trees be addressed at the same time. Mr. Guzzi will work along with the Shade Tree Committee.

INTERSECTION OF STATION ROAD AND DELAWARE AVENUE

In response to concerns raised regarding the intersection of Station Road and Delaware Avenue, Mayor Muchowski obtained accident data from the Police Department. In 2004 there was one (1) accident; none in 2005; and one (1) in 2006. Discussion followed regarding different areas of concern in the township. Administrator Brook will discuss with Police Chief Gordon Dawson.

RECREATION

Mayor Muchowski stated that years ago Little League changed their Charter to include areas of Burlington Township under Little League District Guidelines. Basketball then changed their

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guidelines to include the Little League boundaries. Mayor Muchowski rescinded that rule this year. He stated that over the years the Recreation Department extended the courtesy of allowing children that attend Life Center Academy but do not live in the community to register for Recreational Sports in the township because Life Center Academy allowed the township to utilize their soccer fields. The township has not used their facilities in years. It is not a slight to Life Center Academy but it was allowed as an accommodation because of the shared use. He would like to review the Little League Charter. There are more than enough players in Florence.

COAH: WHITESELL

Rick Cureton from Whitesell contacted Mayor Muchowski; they are very interested in discussing their COAH plan so they can begin to fulfill their obligation. Mayor Muchowski asked that Council think about open areas and what they would like to see done for further discussion.

REZONING: GRIFFIN PIPE

Council Member Garganio requested a recommendation from the Township Planner on the rezoning of the balance of Griffin Pipe's property for discussion at next month's Worksession. Administrator Brook will have the Township Planner prepare a report, present to the Planning Board and the Planning Board will follow up with a report to the governing body.

ABC HEARINGS

Council Member Ryan requested a short Closed Session next week to review and be well prepared for the ABC Hearings on January 24, 2007. Solicitor Kearns will ask Jack Vassallo, his law partner to attend. Solicitor Kearns is unable to attend the meeting on January 17, 2007. Administrator Brook will provide a packet to the governing body with the ABC License information.

STREET NAMES

Mayor Muchowski reminded everyone that next week is the street name dedication for Judge Paul R. Kramer and Chief Justice Richard J. Hughes.

Council Member Garganio stated that awhile ago there was a discussion of placing a stone or plaque with an inscription of the meaning of the street name on the streets when they are named. He requested that Assistant Administrator Sahol review and get an estimate of what it would cost.

9:25 PM MOTION by Sandusky, seconded by Ryan to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

9:25 PM: Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab