

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

July 18, 2007

8:00 PM

CALL TO ORDER

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

ROLL CALL

Present: John Fratinardo, Bruce Garganio (8:15PM), Jerry Sandusky, Frank Baldorossi

Also Present: Mayor Michael Muchowski (8:15PM); Richard A. Brook, Township Administrator (8:15PM); 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

NOTE: Council Member Garganio, Mayor Muchowski and Administrator Brook were in a meeting prior to the Council Meeting.

PUBLIC COMMENT

Fred Wainwright, 1091 Florence Columbus Road, noted that Farmland Preservation is on the Agenda for this evening. He wanted to be sure that the township is not paying 20% of the farm's value. Assistant Administrator Sahol explained that the township is not paying 20% of the farm's value but 20% of the value of the preservation, which is estimated; the amount the township will pay is set not to exceed \$80,000.

Don Kamienski, 10 Mc Cay Drive, was out for a walk earlier this evening and saw one of the residents from Delaware Avenue that would be impacted by the proposed change on Delaware Avenue by Station Road. He asked him if he received Assistant Administrator Sahol's letter and what he thought. The resident did receive the letter and likes the proposed change. Mr. Kamienski asked if Assistant Administrator Sahol has heard back from any other of the effected residents as to whether they like the proposal of no parking on one side and moving the double yellow line? Assistant Administrator Sahol stated that he has heard from three (3) residents and all are in favor.

Mr. Kamienski stated that he shared his diagram he gave to Council at the July 11th meeting with the property owner of the deli showing the double yellow line moved four feet opposed to two feet.

In response to Mr. Kamienski, Assistant Administrator Sahol believes the first meeting in August is adequate time for the residents to respond. He believes that if a resident had a concern he would have heard from them.

Assistant Administrator Sahol explained that the County will do a traffic study and decide on the safest way to create the striping on Delaware Avenue. Assistant Administrator Sahol will contact the County in writing if the response from the residents is in favor of the proposed change.

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

CHIEF OF POLICE

Towing Ordinance

Gordon Dawson, Chief of Police, attended this evening's meeting in order to discuss the Towing Ordinance. The towing companies that tow for the Police Department contacted him to review the Towing Ordinance; they are requesting certain adjustments. Chief Dawson stated that the township uses three (3) towing companies and they all do a good job.

Clean Up Fees: Normal vs. Excessive

The owners of the towing companies define normal as debris in the area of where the crash occurred; excessive being debris 100' or more away from where the crash occurred. They feel they should get paid extra for excessive.

Labor Fee

For removal of personal items, license plate removal, physically gain access to compartments and disconnect batteries to prevent fire.

Yard Fee

When interested parties come to inspect vehicle.

Winching Fee

Time at the scene of the accident and time at the garage when they get back from the scene to clean the equipment that they use during the winching process.

Recovery Fee

A separate fee for rollovers, off road, into a house, etc.

Vehicle Removal Fee

Time spent moving non-operable vehicles from the yard or another tow company coming to remove them from the yard.

Waiting Time

Time for waiting at the scene to tow the vehicle.

Administrative Charge

For telephone calls from the owner or police, duplicate invoices for the insurance companies, toll calls, etc.

Rate Increase

Increase in the rate.

NOTE: 8:15PM Council Member Garganio, Mayor Muchowski and Administrator Brook present.

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Chief Dawson explained that the burden falls upon the municipality under Title 40A to establish fair fees. He stated that fees vary from town to town. While looking at the requests, Chief Dawson tried to balance it with the vehicle owners in mind and the insurance companies.

Chief Dawson does not recommend the adoption of Clean Up Fees (most clean ups are not excessive and most towns include as part of the basic tow fee) or Labor Fee. In response to labor fees, Chief Dawson recommends that the following language be added to the Ordinance to protect the vehicle owners:

“The owner of any vehicle towed shall have the right to remove personal property and license plates belonging to them from the stored vehicle without charge (unless a police hold is marked on the towing form) at an agreed upon time between the towing company and the owner of the vehicle.”

Chief Dawson recommends that a Yard Fee be adopted at \$55 per hour. The insurance adjusters are the ones that normally take up about an hour of the tow operator’s time, when they are at the yard or when a lawsuit is involved, a vehicle re-constructionist will come out to inspect the vehicle. The towing operator or an employee has to be there because it is his property and he is responsible for that vehicle at that time. Chief Dawson recommends the following definition:

“A Yard Fee means when an interested person is allowed access into the storage area for purposes of inspecting vehicles or when the tow operator removes a vehicle out of the indoor/outdoor storage area so that it may be towed by another towing company.” This would also cover their request for a Vehicle Removal Fee.

Chief Dawson explained that if certain fees are not in the Ordinance, insurance companies are not going to pay them.

Chief Dawson stated that the Wincing Fees have not been increased since the Ordinance was adopted in 2001. He recommends that the fees be increased from:

Light wincher	\$35.00 to \$70.00
Medium wincher	\$50.00 to \$100.00
Heavy wincher	\$120.00 to \$200.00

Chief Dawson does not recommend that the Recovery Fee be adopted. He explained that if a vehicle is off the road on private property or goes into a house, police only under rare circumstances have the right, even after an accident, to go onto private property and order that vehicle to be removed. The private property owner has the right to have a bond posted for any damage that may be done to their property when the vehicle is being removed. Chief Dawson does not believe the township should get involved with this.

For the Waiting Fee, Chief Dawson recommends \$70 per hour for time spent beyond 20 minutes. He explained that this would not normally be billed under most accident scenes; vast majority of time the tow operator can begin to hook up to the vehicle as soon as they arrive. Occasionally EMS and Fire cause a delay, only because what seemed like a simple accident but then the condition of the accident victim may worsen and more time is needed. He explained that when there is a serious motor vehicle accident the Sergeant does not call the tow service until they will be ready for them.

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If the tow service is tied up on scene longer than a normal tow they could be missing other opportunities for towing and at the same time they cannot get any other work done.

Chief Dawson recommends the adoption of \$55 for Administrative Charge. The fee is reasonable and commonplace in the industry. It would eliminate the occasional insurance carrier that will not pay it because it is not in the code.

Chief Dawson does not recommend an increase in the basic tow rates, which were just increased last year. In other Ordinances that he checked, Florence Township is in compliance with the usual customary tow rates in the area.

Council Member Sandusky asked if background checks are done on all of the tow operators including employees? Chief Dawson stated that the primary owner/operator of the business at the time of the application has a background check done. Council Member Sandusky believes that every person that operates that vehicle for that company should have a background check. Chief Dawson stated that he will provide a background check when it is required in the Ordinance but pointed out, since the towing companies operate 24/7, 365 days a year, they have to be responsible to have someone else available. Background checks take time and if there is employee turnover it could cause a problem. Council Member Sandusky stated that the tow operator should have some sort of identification and be known by the police. Chief Dawson suggested that the responsibility be put on the applicant of the towing license and transient merchant license to provide that they have had at least a criminal history check done on their employee. He explained that if a license holder's employee did something illegal during work, the license holder could be held liable. So it is in the employer's vested interest to be sure that they have non-criminal employees.

Council Member Sandusky suggested looking at the rates in surrounding municipality's Ordinances. He feels that some of the fees the tow operators are requesting are steep. Chief Dawson researched numerous Ordinances on the New Jersey League of Municipalities website and also through the code books that are published online. He tried to find ones in this geographical area. He found varied fees, some that are lower and some that are higher. He also looked at the NJ Tower's Association website. He tried to balance from his perspective, what would be fair.

Council thanked Chief Dawson.

Crossing Guards

Administrator Brook stated that last week, in response to a handout provided by the Joint Insurance Fund, Council Member Garganio discussed Crossing Guards. The handout is a guideline not a mandate. While Chief Dawson was present at the meeting, he thought it would be good if he reviewed what is done with the crossing guards and the efforts the township puts forward to insure the safety of the crossing guards and the children.

Chief Dawson reviewed the Street Smart is Street Safe Program and there is nothing in it that they do not already do but it is good to reinforce. He explained that under Title 40A there are certain requirements for Crossing Guards and the township meets and exceeds every one of them and has since at least 1999. They are provided with all of the safety equipment needed and the equipment is checked to be sure that it is in good, presentable and easily identifiable condition. The crossing guards all know that if something is worn, dirty or damaged, it is replaced immediately. Last year the crossing guards were provided with the Triple A Safe School Training Program, that they all

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successfully completed. This summer they are scheduled for a session with the Burlington County Sheriff's Office, through a grant the sheriff's office received. If the sheriff's office is not already planning on showing the Street Smart is Street Safe video, Chief Dawson will offer the use of his copy. He feels it is a worthwhile video.

Council Member Garganio questioned yearly physicals and eye tests after a certain age. Chief Dawson stated that at this point they are only given a pre-employment physical. After viewing the video, he found that audio location skills do not fully develop in children until they are 9 or 10 years old and the video also states that you start to lose that skill at certain age. It may be a valid consideration to follow the guidelines and have physicals done, especially since there are some retired people that are crossing guards whose hearing may not be as well as it used to be and they may not be aware of it. Due to recommendations from the Department of Health, Administrator Brook stated that hearing tests are done yearly on Public Works Department employees that operate the chipper. He can look into creating a medical standard for the crossing guards and report back.

TOWNSHIP WATER AND SEWER ENGINEER

Hobora Sewer Extension Request: TWA Application

Russell Trice, Water and Sewer Engineer, recommended that Council approve Hobora's sanitary sewer extension request; everything is in order. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

Aerator Project – Update

Mr. Trice reported that the contractor sandblasted the aerator and he has inspected and has found that there is going to have to be some significant repairs to the aerator and replacement of the entire media. When the project went out to be bid, he thought he would have to replace some of the media and had allowed unit price item for replacing some of the slats and some of the supports. This was based on the inspection that was done in the late 1990's, where everything looked to be in excellent condition. He is not sure why it deteriorated so quickly but stated that it is in bad condition and not worth putting back in. Mr. Trice also reported that when the contractor was done sanding the aerator, he found a number of pinholes in some of the plates that need to be repaired and some areas need reinforcement.

Mr. Trice explained that media is redwood slats. Water is pumped up to the top of the aerator and it trickles down through these slats down to the bottom of the aerator where it drains out and air is blown in the opposite direction from the bottom to the top. The purpose is to remove carbon dioxide, which raises the pH of the water so not as much lime is needed and that saves money. These days when media is replaced, redwood slats could be used but they are a little more expensive; typically PVC trays or slats are used now.

Mr. Trice received prices for the work to be done. The price to replace the media came in very high from the contractor. He looked for other options and found another manufacturer who makes this media and with the way they make it, it is very easy to install. He suggested, instead of having the contractor install, that the township buy the media directly and have employees install it. The contractor would do the welding the installation of the tray and finish his painting.

Administrator Brook reported that the difference in the price for the media is approximately \$44,000. He also stated that David Lebak, Water and Sewer Superintendent, prefers PVC and his

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employees would be very willing to take on the job. Administrator Brook stated that an Emergency Contract for the purchase of the PVC slats would be issued. If they went through the formal bidding process, the aerator would be out of service too long. The appropriate Resolutions to move forward will be prepared for the next meeting.

Roma Bank: Performance Bonds (Deny Request for Release)

Mr. Trice did an inspection and found some items that have to be corrected. He does not recommend releasing the Performance Bond. A Resolution has been prepared for approval, to deny the request, at the Regular Session immediately following this evening's Executive Session.

Well No. 6: Current Estimate No. 1 – B & H Contracting, Inc.

Mr. Trice reviewed and recommended payment of Current Estimate No. 1. He stated that the contractor has been working, the foundation and concrete pad for the generator and well pump have been installed. At this point the contractor is on hold until the design of the roof trusses are approved. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

TOWNSHIP ENGINEER

Municipal Aid: Pedestrian Walkways or Bike Paths, Transportation Trust DOT Grant Application

Dan Guzzi, Township Engineer, stated that the grant applications are due in August. The applications are for roads, pedestrian walkways and/or bike paths.

Bike Paths

The criteria for the bike paths is to have a physical separation from the paved roadway. It would be difficult to achieve on Old York Road to Marter Park. He asked if there were any other areas the governing body would like him to look at? Mayor Muchowski suggested looking into a bikeway from the edge of the Wawa down Cedar Lane to the new high school. A bikeway could also be used as a walkway. Mayor Muchowski also suggested sharing resources with the County and the school, since it is a County road. Mr. Guzzi will look to see if a physical separation from the road is possible on Cedar Lane and work up an estimate.

Pedestrian Walkways

Various areas of sidewalks were discussed such as, infilling West and East Third Street to the Riverfront School, Oak Street to Second Street to Grove Street, sidewalk on Cedar Lane to the new high school (if a bikeway is not possible), some repairs on Hornberger Avenue and Potts Mill Road from Old York Road to Creekwood Drive. Mr. Guzzi stated that all areas could be listed on the application; the highest priority would be given for sidewalks leading to school.

Roads

Fifth Avenue and Second Avenue were discussed. Council Member Garganio discussed the damage to Second Avenue from construction of the Main Gate House by the EPA. He asked if the township could ask EPA to bring the road back to the way it was? Administrator Brook explained that any part of the road they open they have to put back to the way it was. He can ask if they would pave the road but is not sure what the answer would be. Mr. Guzzi will include Fifth Avenue and Second Avenue on the application, in the meantime Administrator Brook will reach out to the EPA.

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Mr. Guzzi will prepare the applications and contact Joy Weiler, Township Clerk, regarding Resolutions for August 1, 2007 meeting.

Roma Bank: Performance Bonds (Deny Request for Release)

Mr. Guzzi reviewed and recommends that the Performance Bond Release request be denied. A Resolution has been prepared for approval, to deny request, at the Regular Session immediately following this evening's Executive Session.

Greenbriar Update

Mr. Guzzi stated that the date for completion of the items on the last schedule Justine Bloch of Lennar provided was July 14th, which was last Saturday. Based on Mr. Guzzi's interpretation of the schedule everything on there (lawn swale area, lot trees, street trees, asphalt, concrete work and wet basin rehabilitation and finalization) should have been complete by last Friday. The only thing that is done is the concrete work, which is not really 100% done. Lennar has not met this schedule. Mr. Bloch also stated that the list would be updated every two (2) weeks; Mr. Guzzi has not received an update and is concerned with the slow progress. Mayor Muchowski suggested a subcommittee meet with Mr. Bloch before the August 1st meeting to discuss the matter. Administrator Brook explained that with the Resolution that was passed on June 20th the township can notify the bonding company or make this last effort to meet with Lennar on August 1st and inform them that if the governing body is not satisfied with the progress, the bonding company will notified. Council in agreement to meet with Mr. Bloch of Lennar one more time on August 1st at 7:00PM. Mr. Guzzi will notify Mr. Bloch by email. Mayor Muchowski and Council President Baldorossi will be on the subcommittee.

HAPCO/Amoco

Council Member Garganio questioned the status of HAPCO/Amoco? Mr. Guzzi explained that at the last meeting with HAPCO they agreed that if the project to widen the drive on Cedar Lane was not completed by a certain date in August, the drive would be closed. Mr. Guzzi stated that HAPCO has a verbal agreement with DOT that they can submit an application to widen the drive to 90' and it looks like DOT will approve it. Mr. Guzzi stated that the application should be submitted this week. Council Member Garganio asked how long it will take to get DOT approval? Mr. Guzzi explained that they have a pre-application and according to HAPCO, DOT is going to push it through. Mr. Guzzi cannot give an exact timeframe. Administrator Brook spoke with HAPCO's attorney and there is a chance of litigation that he will discuss with the governing body.

ASSISTANT MUNICIPAL ADMINISTRATOR

Zip Code Consolidation

Assistant Administrator Sahol stated that the letters regarding zip codes went out to the residents and the Burlington County Times ran a story today. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session. If approved this evening, a letter will be sent to the Growth Department to start the study process. There has been a very positive response from the residents.

Mayor Muchowski asked if the statement in the newspaper was accurate that the Post Office needed 85% of the responses back and 75% of those responses have to be in agreement to consolidate the zip codes? Assistant Administrator Sahol stated that it is an accurate statement but the Post Office will make a few attempts to get the responses back.

Gypsy Moths

Administrator Brook stated that gypsy moths are extremely prevalent and a significant issue in Burlington County. After talking to various municipalities and doing some research regarding the devastation they can cause, Administrator Brook found that the township can request that the State of NJ do a survey of the damage in the fall or early winter at no charge. The State would report back in January or February and let the township know how bad the gypsy moths are in the community and give a recommendation on the acreage that should be sprayed. There is a State Contract available at approximately \$40 an acre; Tabernacle paid over \$400,000. One issue that arose after the spring is whether the chemical they used is effective, which from what he has read has an effectiveness rate of 65%. Some municipalities are petitioning the State of NJ because the Department of Agriculture has recommended to the DEP that they use a chemical called Dimilin, which supposedly has a 96% effective rate. DEP would not approve Dimilin to be approved in 2007, therefore a lot of towns spent a massive amount of money and it did not have the impact they thought it would.

Administrator Brook stated that once gypsy moths begin to infiltrate the community they continue and will only get worse. If they are there for two to three years, the trees are gone and do not come back. The waste from the gypsy moths is also a problem.

Administrator Brook feels that the best thing to do is to have the State of NJ do the survey and investigate what the cost would be. He will report back at the end of the year for Council to make an informed decision.

Administrator Brook stated that there would be a lot to do from a public notification standpoint.

Council Member Garganio asked what they would do as a township if they starting losing street trees? Administrator Brook would bring in a private company that uses very effective chemicals.

Marter Park: Walking Paths

Assistant Administrator Sahol stated that the question has come up as to whether a five foot (5') walking path is a functional path when it comes to more then one person walking along side each other or people passing one another. Assistant Administrator Sahol and Council Member Garganio took a walk in Veteran's Park and at some parts it was uncomfortable. He had Mr. Guzzi's office do an estimate, which came in at \$25,000, for a seven foot (7') walking path in Marter Park opposed to a five foot (5') walking path, before the project starts. Administrator Brook stated that the funds are available. Council in agreement to expand the walking paths.

Veteran's Park

Administrator Brook stated that funds are also available for additional work at Veteran's Park so a fence can be properly erected around the football field.

Council Member Garganio's only concern with the plans is how close the concession stand is to the walking path for people waiting in line. Discussion followed regarding widening the walking path at that point and creating an asphalt landing at the concession stand with a differentiation. Adjustments can be made.

Council Member Sandusky would like to see some sort of cushioning put on the basketball poles. Mr. Guzzi will look into.

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Council Member Garganio stated that the grass is coming in very nicely but it is starting to take over the walking path. The weeds are starting to creep onto the path. Administrator Brook will make sure it is edged.

PARK PERMITS: INSURANCE POLICY

Joy Weiler, Township Clerk, provided a memo in Council's packet and asked if they thought it necessary to adopt an Ordinance establishing a policy on requiring an insurance certificate and setting the number of people that would trigger requiring an insurance certificate for use of the parks? Solicitor Kearns stated that whatever is done it must be uniform. Administrator Brook explained that there has been more and more interest recently in using the parks and some of them have been very large parties. Most are at Wilkie Park and the JAR Park/FAAD Building. Mayor Muchowski stated that an individual organizing an event would have the township added onto their homeowner's policy as an additional insured. He stated that is seen more often now with banquet halls. Administrator Brook and Clerk Weiler will work on a Draft Ordinance and report back.

EIGHTH AVENUE PARKING: STRIPED PARKING SPACES – UPDATE

Administrator Brook stated that initially there were plans to invite the residents to the August Worksession meeting but the resident that initiated the petition in favor of striping and one of the residents not in favor of the striping can not make it. It would work out better if the residents were invited to the September Worksession. Council in agreement to invite the Eighth Avenue residents to the September Worksession.

BURLINGTON COUNTY: FARMLAND PRESERVATION

Administrator Brook stated that a while ago Council passed a Resolution expressing interest in the Ashmore property but wanted to know exactly what the costs would be on the municipality's part, because the township does not have a preservation tax. The County sent back a report stating that the township's purchase price would be approximately \$80,000. The County is asking for a final decision from the township in form of a Resolution. The township can request that payment not be made until 2008. Council in favor of approving a Resolution on August 1, 2007.

ROEBLING MUSEUM: FIREHOUSE ROOM REQUEST

Administrator Brook stated that a request came in asking if the township would reconsider allowing the Roebling Museum Committee to use the upstairs library in the Roebling Main Street Firehouse. The letter does not give a firm timetable but just says "temporary" and asking for non-exclusive use. Council Member Garganio expressed concern that it would be exclusive use because another organization would not be able to utilize the room with the Roebling Museum Committee's belongings in the room. They will be hanging historic pictures and other things in the room. Council Member Sandusky suggested the former Roebling Rescue Squad building. After further discussion, Council does not want to allow use of the room to one (1) organization at this time.

ABC LICENSE RENEWAL 2007-2008 TERM: BRIDGES AT ROEBLING STATION WITH CONDITIONS

Joy Weiler, Township Clerk, stated that Bridges at Roebling Station has received their Tax Clearance Certificate and the application for renewal can be acted on now. She asked if Council would like to continue with the conditions that were placed on the license previously? Council would like the conditions to remain. A Resolution has been prepared for approval at the Regular Session immediately following this evening's Executive Session.

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FIRE DEPARTMENT REQUEST: NO PARKING SIGNS

Administrator Brook stated that the Fire Department is requesting no parking signs on one side of Firehouse Lane. Assistant Administrator Sahol stated that the code would have to be changed. The governing body is not familiar with the situation so Administrator Brook will meet with Ed Kensler, Florence Township Fire Chief, and report back.

DELAWARE AVENUE PARKING

Administrator Brook stated that a letter went out to the Delaware Avenue residents that would be impacted by the proposed changes and asked if Council would like to discuss at the August 8th meeting? Mayor Muchowski would like to formally invite the impacted residents and suggested discussing at the August 1st meeting. Don Kaminski will be notified that discussion will take place at the August 1st meeting.

COAH

Administrator Brook stated that a Resolution had previously been adopted naming him as liaison. COAH wants the position to be created by Ordinance. Solicitor Kearns will draft an Ordinance.

10:10 PM MOTION by Garganio, seconded by Sandusky to adjourn meeting. Roll call vote - all ayes.

ADJOURNMENT

10:10 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER
Township Clerk

/mab