

FLORENCE TOWNSHIP COUNCIL EXECUTIVE SESSION

June 11, 2008

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 6, 2008; given to the Register News for information; posted on the municipal bulletin board.

ROLL CALL

Present: Bruce Garganio, Dennis O'Hara, Sean Ryan, Jerry Sandusky, Frank Baldorossi

Also Present: Mayor William Berry (8:40PM); 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

PUBLIC COMMENT

Elaine Scaccetti, 15-3 Florence Tollgate Place, prepared a letter in response to the "no parking" Ordinance on Walnut Court. She stated that she wants parking on Walnut Court. Council Vice President O'Hara stated that he has personally visited Walnut Court and Florence Tollgate on several occasions in the evening hours and there have been dozens of available parking spaces within Florence Tollgate. Ms. Scaccetti stated that there are times when the parking lot is very full. She asked why parking is being prohibited on that street when that street leads to three (3) houses in a cul-de-sac? She stated that her husband parks on the street so the residents getting home late at night can park closer to their home in Florence Tollgate. Council Member Sandusky believes that there are enough parking spaces in the Florence Tollgate lot to accommodate the residents in that development.

Bob Evans, 21-5 Florence Tollgate Place, President of Florence Tollgate Homeowners Association, disagrees and feels there are not enough parking spaces in Tollgate. Years ago families only had one (1) car; now families have multiple cars. Also most of the units now are occupied. Mr. Evans would like residents to be able to park on Walnut Court.

Council Vice President O'Hara stated that it is a municipal street and was not designed for parking for Florence Tollgate residents. Parking is not being taken away from the complex.

John Kern, 423 E. Ninth Street, thanked the governing body for having the 25 MPH Speed Limit stenciled in various areas throughout town, which includes E. Ninth Street. He hopes it will help in slowing drivers down and would like to see it enforced.

Mr. Kern asked Council if they would look into installing a stop sign at the exit from Florence Tollgate onto E. Ninth Street in the area of Mr. Kern's home? Mr. Evans stated that it is being worked on by Florence Tollgate.

Florence Township Council Executive Session: 06/11/08

Mr. Kern also thanked the governing body for the line painting in order to discourage speeding on Wilbur Henry Drive.

Bill Bott, 64 Riverbank Drive, discussed speed “humps” he sees in other towns. They are costly but offer a solution where there is problem with speeding.

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

RECREATIONAL PROPOSAL: MARK DIMON

Thomas Coleman, Esq. stated that he represents Mark Dimon, who was before the governing body at the May 14th meeting presenting plans for a sports facility that would require a zoning change. In response to concerns raised by Council that evening, Mr. Dimon is back with adjustments to the plan. Mr. Coleman noted that the scale is wrong on the plans, it states one inch is 50 feet but should read one inch is 100 feet.

Mr. Dimon explained that the plans have been revised to move the complex closer to Florence-Columbus Road. The only way it could be moved closer was to move it over. In the front of the sports facility is retail space with parking in the front.

Mr. Dimon provided pictures for Mayor and Council showing the water tower, which is what the people buying in the new development see now. Council Member Ryan stated that the water tower exists, people looking at the homes for purchase can make a conscious decision as to whether they are comfortable looking at the water tower. The 52-foot proposed domes that are not presently there is another issue.

In response to Solicitor Kearns, Mr. Coleman stated that the distance between the proposed sports domes and rear property line of the homes is approximately 190 feet. That would make the water tower about 750 to 850 feet away from the rear property line of the homes.

Mr. Dimon feels that some of the homes already have buffer coverage from the trees surrounding the lake. Council Vice President O’Hara stated that the photographs are taken from ground level; the view is dramatically changed when you go to the upper levels of the houses.

NOTE: 8:40PM Mayor Berry present.

Mr. Dimon stated that the domes will not exceed 52 feet. Mr. Coleman asked Mr. Dimon if there was any way to sink the structures into the ground? Mr. Dimon stated that would cause a safety issue because there would only be one exit; there would be no side exits.

Council Member Ryan asked how Mr. Dimon would buffer the homes that have been constructed and the homes that are being constructed from the 52-foot dome? Council Member Ryan stated that protecting the residents in the new development will be a very valid question and concern if this were to go before the Planning Board. Mr. Dimon showed, by his photographs taken at ground level, that some of the homes are already protected because they can barely see the water tower, which is much taller. Council Member Ryan pointed out that the water tower is substantially farther away from the existing dwellings than the proposed 52-foot dome and in addition to that, the water tower now exists. If Council were to move forward with changing the zoning and the people purchasing

Florence Township Council Executive Session: 06/11/08

the homes have no knowledge or no ability to have the knowledge that a 52 foot dome is going to be constructed 190 feet from their rear property line, some of those residents may be greatly upset after making a large financial purchase. Mr. Dimon believes if the residents are willing to look at a water tower, they would be willing to look at the dome. Council Member Ryan reiterated that the water tower already exists; the dome does not. Mr. Dimon believes it only affects six to seven homes. His family has owned the property for 35 years and now they cannot do anything because there is a new residential development. Council Member Ryan stated that there is zoning in place.

Mr. Dimon asked if Council was going to entertain his plan or not? Mr. Coleman stated that they are asking Council to entertain changing the zone and he understands there will be hurdles at the Planning Board level in respect to buffering, ingress, egress and location of the facility, which he is ready to tackle. Council Member Ryan understands that and respects that. He also respects the letter that indicates that Mr. Dimon does not want any unnecessary costs in engineering fees, but he believes that Council is very fair in asking how he is going to protect the residents that are in close proximity of this proposed site. The only answer given is that there is a water tower that is bigger than the proposal and farther away. Council Member Ryan once again asked Mr. Dimon how he is going to buffer? Mr. Dimon showed where some trees would be planted. Mr. Coleman stated that without the engineer, Robert Stout, present he cannot give specific information as to what type of trees would be planted.

Council Member Ryan questioned the activities that would take place on the site? Mr. Dimon stated that there would be baseball, softball, volleyball and any other type of sports. In response to Council Member Ryan, Mr. Dimon stated that aluminum bats would be utilized and he does not believe there would be any noise concerns for the residents. He stated that the building is insulated.

Council Vice President O'Hara noted that the maximum height allowed by Ordinance is 35 feet and even if the zoning were changed, they would have to seek a variance for height.

Council President Baldorossi would like to hear from the residents that are in that area.

Council Member Sandusky stated that there are many concerns such as the height, noise and the lighting. He asked what the hours of operation would be? Council Member Garganio believes that the manufacturer of the domes should be able to provide specifications on the noise level. Mr. Dimon believes that Council is "nit picking." Council Vice President O'Hara stated that he has a real concern about rezoning this property to allow a structure that high. He is concerned with the precedent it would set. There is no zoning allowing anything over 35 feet, plus 10%. He feels it is a massive dome to put on the property. Mr. Coleman asked if he would have the same concern if the structure were moved on the property? Council Vice President O'Hara would still have a concern. Mayor Berry suggested moving the structure to the front corner as he suggested at a previous meeting.

Council Member Ryan stated that even if Mr. Dimon were to make that modification as Mayor Berry suggested, Council will still ask the same questions. He explained that Council has an obligation to ask these questions and receive an explanation as to how he is going to protect the homes in the area, no matter how many homes. Mr. Dimon stated that he does not believe this is the right forum to hear about buffering.

Florence Township Council Executive Session: 06/11/08

Council Member Garganio, Council Member Sandusky and Council President Baldorossi would be more receptive to the idea if the building were moved up to the front of the property.

Council Member Garganio explained to Mr. Dimon that any time that the governing body has rezoned a property, they asked these same exact questions. These questions have to be answered before he votes for a zoning change.

TOWNSHIP WATER AND SEWER ENGINEER

Aerator Painting: Current Estimate No. 3 - Final

Russell Trice, Township Water and Sewer Engineer, reviewed and recommends final payment to Valley Painting. The work has been completed, inspected and is satisfactory. A Resolution will be prepared for next week's meeting.

Wastewater Management Plan

Mr. Trice has been coordinating with Burlington County for the Wastewater Management Plan updates. Florence Township is in good shape because a plan was recently done and approved by the NJDEP. It is just a matter of collecting the information that has already been put together and sending it to the County.

B&H Contracting & Stothoff: Well No. 6

Mr. Trice received a phone call from B&H Contracting; they are looking for the township to negotiate with Stothoff. Mr. Trice told B&H Contracting many times that Stothoff is their subcontractor; there is no contract between the township and Stothoff. Therefore, the township will not get into a position of negotiating with B&H's subcontractor. Mr. Trice does not believe that B&H understood that. Council Members are in agreement not to negotiate with Stothoff.

Mr. Trice noted that there are three (3) items on the punch list that need to be taken care of before he would recommend final payment and release of the bond.

Mr. Trice stated that the paperwork for approval to run the well is at NJDEP. He does not believe there will be any problem with receiving approval.

TOWNSHIP ENGINEER

Roma Bank, Phase I: Release Performance Bond

Dan Guzzi, Township Engineer, explained that there is one (1) Bond for his items, and water and sewer items. There are outstanding water and sewer items. He stated that the Bond could either be released next week conditioned upon the completion of the water and sewer punch list items or held until July. Council Members are in agreement to hold until July.

Greenbriar Punch List

Mr. Guzzi provided copies of a memo with the status of the punch list items as well as the schedule that was provided by the developer for the project. A majority of the work that has been done over the past couple of months is related to the trees. There has been a lot of tree replacement done. There has been some progress on the balance of the items but not at a great speed. A primary concern is that they have not started the basin work, which is scheduled for completion by the end of this month. A meeting will be set up with the developer to discuss the project. Solicitor Kearns will

Florence Township Council Executive Session: 06/11/08

attend meeting. He would like to have the meeting and be able to tell them that he has been authorized to call the bond and ask them to convince him why the bond should not be called as of June 30th.

It was on the **MOTION of Garganio, seconded by Sandusky to authorize the Township Administrator and Township Solicitor to call the bond on Lennar Corporation if they are not convinced that they are making significant progress for the prompt completion of all items on the punch list, especially the drainage issues by June 30th. Roll call vote – all ayes.**

Motion carries.

Stormwater Management Plan: Amendment

Mr. Guzzi discussed the amendments that are required to the Stormwater Management Plan. The County and the State reviewed the Stormwater Management Plan and it was noted during those reviews that the section numbers do not match up with the Stormwater Management Ordinance. The section numbers did not match up because the plan was adopted before the Ordinance. For the most part the amendments are being done to clean up those inconsistencies between the plan and the Ordinance that Council adopted. Mr. Guzzi is not sure if it needs to be done by Resolution or Ordinance. Solicitor Kearns will look into and advise. Mr. Guzzi stated that it does need to be advertised and a public hearing held, which he recommends be scheduled for July.

Mallard Creek: Recreation Request

In response to a request from Council for Mr. Guzzi to look into a recreation area in Mallard Creek, he provided a plan for two (2) areas that were identified. The first option is an area near the basin on Brookside Drive near the intersection of Buttonwood Drive. The basin would have to be reconfigured to claim 60 – 70 feet from the end of the basin to create a tot lot. It can be done. The second option is out by Old York Road where Brookside Drive wraps around and creates a quarter moon section that is township property. The cost estimates are for preparation of the area and do not include equipment. The first option is more expansive due to reconfiguring the basin. There is no other practical area in the development for a tot lot. Council Member Garganio asked if the area closest to Old York Road would be fenced in? Mr. Guzzi stated that a 4-foot fence could be installed. The area by Old York Road is close to the road and safety of the children is a big concern.

A resident had approached Administrator Brook and requested that the township ask Roma Bank for a piece of their property for a tot lot. Administrator Brook and Mr. Guzzi would prefer municipally owned property. Plus with Roma Bank, there is bank traffic and traffic from Brookside Drive. Administrator Brook and Mr. Guzzi drove through the development and there are only two (2) spots available for a tot lot. The area by the basin on Brookside Drive is the most centrally located spot out of the three (3).

After further discussion, it was decided that Administrator Brook will contact the residents of the development that would be most impacted to get their feedback and report back to Mayor and Council.

AMEND MASTER PLAN: REZONING

Mr. Guzzi stated that the Planning Board is in the process of reviewing the Master Plan and would like to know if Council has any zoning issues. Mr. Guzzi stated that Cedar Lane's zoning is being changed from General Manufacturing to Special Manufacturing. Council Member Garganio asked if it would be advantageous to look into changing the Roebing Steel Mill Site zoning. At the present

Florence Township Council Executive Session: 06/11/08

time it is zoned General Manufacturing and should be zoned for the use the township would like to see on the site. Solicitor Kearns recommends that Council and the Planning Board have a joint meeting.

Administrator Brook explained that Jeff Lucas is a developer and planner, who was the Development Director in Cherry Hill for a number of years and has brought together property owners, potential developers and has developed a number of redevelopment projects throughout Burlington County. He came in and met with a subcommittee of Council, Solicitor Kearns and Administrator Brook originally regarding a property on Route 130. While Mr. Lucas was here, he pitched an idea of how he thinks he may be able to assist the municipality in respect to the Roebing Steel Mill site. Mr. Lucas had put together a binder outlining how he usually works. There would be no cost to the township; his fees are placed upon the developer he secures. Administrator Brook asked if Council is interested in having Mr. Lucas come in before the entire Council? Solicitor Kearns stated that Mr. Lucas was instrumental in bringing together the Willingboro Plaza project and various others. He noted that Mr. Lucas seems to have the knack of matching up sites with developers. Council Member Ryan asked Solicitor Kearns if Mr. Lucas has experience with sites in need of remediation? Solicitor Kearns is not sure. Council Member Garganio suggested bringing Mr. Lucas in before Council, so he can answer that and any other questions Council may have.

In response to Council Member Ryan, Mayor Berry explained that due to Mr. Lucas' experience he was invited and will be coming to the Economic Development meeting on July 1st to layout a game plan for the Economic Development, and help point the committee in the right direction because they are a new committee. Administrator Brook stated that Council would make the decision on moving forward with Mr. Lucas on any formal working relationship. Administrator Brook was authorized to invite Mr. Lucas to a Council Meeting. The information from the binder Mr. Lucas supplied will be copied for Council.

Council Member Ryan and Mr. Guzzi explained that the Master Plan Re-examination Report was prepared last year by Clark, Caton & Hintz, who is no longer the Township Planner, but not acted on by the Planning Board. So if there are significant amendments, the new Township Planner is uncomfortable amending someone else's document; he would rather redo it. Council Member Ryan feels the Master Plan is a sound document and would like to save the township the expense of redoing it. The current planner also agrees that it is a sound document. Solicitor Kearns suggested moving forward and reaffirm the Master Plan; just because it is reaffirmed does not mean it cannot be amended a month later. Council Member Garganio asked if the document was approved, is it where all of the Planning Board members want it? Council Member Ryan stated that there are new members on the Planning Board that have brought up additional concerns that the Board is exploring. It is an ever-evolving document. Mr. Guzzi agrees and feels the review needs to be adopted.

Mr. Guzzi feels that there is confusion between the difference between a review of the Master Plan and an amendment of the Master Plan. They are two separate procedures; one is to meet a statutory requirement that every six years you have to do a review of the Master Plan, and the other is to actually amend the Master Plan.

Council Vice President O'Hara would like the Planning Board and Council to meet in the future and review the document so everyone is comfortable with the long-range goals and what is in place. He would like to see communications remain open between Council and the Planning Board.

BROOKSIDE DRIVE (MAYOR)

Mayor Berry reviewed a meeting he and Council President Baldorossi had with some Brookside Drive residents regarding speeding on Brookside Drive. Assistant Administrator Sahol, Chief Stephen Fazekas and Sergeant Benjamin Palombi were also there. The residents voiced their concerns regarding what they believe to be speeding on Brookside Drive. The residents were asked to report back with suggestions, which they have. Mayor Berry stated that the Chief of Police could not be here this evening but he wanted Council to be aware. One request is for letters to go out to the residents of Mallard Creek and some adjacent development residents highlighting what they call a zero tolerance as far as speeding. In speaking with Chief Fazekas, Mayor Berry stated that the police have been out there on numerous occasions and have spent a lot of man-hours without writing many tickets. Mayor Berry is not comfortable with the township sending out letters. Council President Baldorossi had suggested at the meeting with the residents that they make up fliers and that they hand deliver them. Mayor Berry noted that speed humps, which would also included signage, were also suggested at the meeting but no one wanted them in front of their home. Another suggestion made to the residents was stenciling of the speed limit on the road, but they did not want that either. Other suggestions from the residents included increased police presence, which the police feel they do provide.

Council Member Ryan stated that in Burlington Township there was a speeding concern; they worked with the school system and art teachers and held a contest where the children submitted designs for signs. The designs were judged and the design that they felt was best for the community was picked and transposed onto several signs and posted in the problematic areas. Council President Baldorossi discussed with the residents at the meeting.

Council Member Sandusky and Council Vice President O'Hara would like the speed limit stenciled onto the road as has been done on various other roads in the community recently. Assistant Administrator Sahol suggested if that was done, to also move the fog line in, narrowing the lane may help slow up drivers.

Further discussion will be held until next week when Chief Fazekas will be at the Council Meeting.

LOSS CONTROL POLICY: JIF

Administrator Brook explained that the Joint Insurance Fund is asking that all municipalities in the Burlington County JIF re-adopt the Loss Control Policy. He provided a copy in the packet. A Resolution will be prepared for next week's meeting.

BUC'S PROPERTY ON HORNBERGER AVENUE

Administrator Brook reported that the township is ready to move forward with the Buc's property on Hornberger Avenue. A Resolution will be prepared for next week.

ROEBLING MUSEUM: LETTER OF SUPPORT

In response to Council Vice President O'Hara's request, Administrator Brook drafted a letter of support from the township to go along with the museum committee's grant application. A final copy will be provided to Mayor and Council.

ROEBLING STEEL MILL

Administrator Brook provided a draft letter by email and asked if Council would like him to provide in Friday's packet? Discussion followed regarding the letter and changes in the order of priorities.

Florence Township Council Executive Session: 06/11/08

Administrator Brook will re-draft the letter and provide in this Friday's packet for discussion at next week's meeting.

MARTER PARK

Administrator Brook received a letter regarding the work by Command and spoke to Mr. Guzzi about it. Mr. Guzzi advised him that Command has met their obligation and is ready to be paid. Under the agreement, the township has to process payment once the report is received. Administrator Brook will walk the site with Mr. Guzzi and provide a full report. Council Member Ryan would also like to walk the site with them.

HOLY ASSUMPTION

Administrator Brook has not heard back from the interested party for the Holy Assumption School site. If he does contact Administrator Brook, a subcommittee of Council will meet with him. Council Vice President O'Hara spoke with Father Adam Midor of Holy Assumption regarding reports of several proposals for the school property. He explained to him that all proposals go through the Diocese of Trenton. Father Midor does know of one offer to purchase the property for \$400,000; he advised the Diocese that he felt the offer was too low.

MARK DIMON'S PRESENTATION

Administrator Brook advised Mayor and Council that they were well within their legal rights to ask what they were asking Mr. Dimon. The only protection the township has is its zoning.

HOMES FOR OUR TROOPS

Mayor Berry stated that he, along with Council Member Sandusky and Council President Baldorossi, attended the groundbreaking for Homes for our Troops. Mayor Berry had the honor of digging a shovel full of dirt. He asked if the shovel could be displayed in the front case? Council Members are in agreement for the shovel to be displayed.

10:40 PM MOTION by Ryan, seconded by O'Hara to adjourn to meeting. Roll call vote - all ayes.

ADJOURNMENT

10:40 PM Meeting adjourned.

Respectfully submitted,

JOY M. WEILER, RMC/MMC
Township Clerk

/mab