

Florence Township Council Regular Session 2/21/24

Florence, New Jersey
February 21, 2024

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey. Members of the public were invited to attend the meeting in person or electronically via Zoom.

The meeting was called to order by Council President Baldorossi at 7:00 p.m. Council President Baldorossi led the Salute to the Flag.

The Opening Statement was read by the Township Clerk: Notice was posted on the municipal bulletin board on January 7, 2024; published in the Burlington County Times on January 7, 2024, placed on the Township website and given to the Trenton Times for information on January 7, 2024.

ROLL CALL OF MEMBERS

Upon roll call the following were found to be present:

Present: Joseph Frappolli, John Fratinardo, Nicholas Haas, Talaya Loftin, Frank Baldorossi

Also Present: Mayor Kristan I. Marter; Thomas A. Sahol, Township Administrator; Robert Wright, Esq., Township Solicitor; Nancy L. Erlston, Township Clerk; Jenise Silinsky, Deputy Township Clerk

Absent: None

PUBLIC HEARING FOR THE APPEAL OF THE DENIAL OF THE 2024 TOWING LICENSE FOR RISOLDI'S AUTOMOTIVE

Township Solicitor Bob Wright summarized the proceeding explaining that Risoldi's Automotive filed an application for a 2024 towing license. Their application was denied by letter dated January 8, 2024 and Risoldi's Automotive filed a timely appeal. He further explained that the proceeding will start with Risoldi's Automotive giving their side of the story and then the Township's position will be presented by Chief Boldizar and once the statements are complete, if there are any questions that he believes to be relevant he will ask them and then turn it over to Council for any questions they may have. And then the same will be done with Chief Boldizar. Once everything is presented to Council, they will deliberate, and then vote on whether to grant or deny the appeal.

Gabriella Risoldi, 1435 Woodlane Road, Eastampton, New Jersey, Administrative Assistant of Risoldi Automotive, stated in her appeal letter the ordinance does not state five "driving miles" it just states five miles. When they submitted their application, they went by "as the crow flies" and she included that definition in the packet she supplied to Council, which takes the most direct route to a destination. She also provided two maps, one that was provided in the original appeal and the other was added so Council could see the roads and that it does go from their facility in Eastampton to the starting point in Florence. It shows a total distance of 4.95 miles. She included a few printouts of current police departments that they tow for and their on-scene times. If the denial was because they were too far and it was thought that their on-scene time would not be quick enough, she did provide proof of how quickly they get to their police calls. The first one she pointed out is 9 miles from their facility and they arrived in less than 20 minutes. They go as far as Bordentown on 295, they service the Red Lion State Police and they go all the way out to Route 70 and 72 and she included some of those on-scene times as well.

Florence Township Council Regular Session 2/21/24

She also included the New Jersey State Police application and their standard operating procedure because one of the reasons for the denial was due to background checks. She read to Council the subsection that states that the applicant or agent shall not have received a criminal conviction within the last seven years and the offenses here were more than the seven years. All of these employees are currently approved and on every tow list that they currently tow for. She explained in detail the offenses and that they were all at least 10-20+ years ago.

Solicitor Wright asked a few follow up questions to include whether or not the offenses were included with the application as stated in the township ordinance. Ms. Risoldi explained that they did not disclose that information upon submitting the application.

Township Solicitor Wright asked Chief Boldizar why the application was denied. The Chief explained that he uses Google maps for the mileage for all of the tow companies and he always gives the benefit of the doubt to go to the closest township line from the shops where they are located and their shop was 7.6 miles away where the town requirement is 5 miles. He has been reviewing these applications for 10 years and he has always done it the same way. The distance is a concern because of response time. There are approximately 5 other applicants that have been approved this year within the five-mile distance.

Solicitor Wright asked the Chief if he follows the State Police SOP for the background checks. The Chief explained that he follows our ordinance which is different than the State Police SOP. Solicitor Wright asked if there is any requirement that he follow the State Police SOP. The Chief explained there is not any requirement and that he is also unaware of the policies and procedures of any other municipality and what they follow.

Council asked about the route used to determine the distance and why we don't use the "crow's fly" method. Solicitor Wright explained that it is inconsistent with what has been done over the last ten years. Solicitor Wright asked the Chief why the requirement of criminal background checks is in the ordinance. Chief Boldizar explained that if they receive any complaints about thefts from vehicles they can say they did a background check. The tow truck drivers and company interact with the public when they come to pick up their vehicles. Once the car is towed it goes to their tow yard and the resident has to retrieve the vehicle.

Council Representative Loftin explained that she does not agree with the ordinance as it is written and that there should be a timeframe put on the background checks. Council Representative Frappolli also agreed that everyone should have the right to work and should not be held accountable for the rest of their lives for things that they did at some point in time. But there is an ordinance that exists and we have a recommendation from our Chief of Police regarding the application. Mayor Marter asked Council if this is something that we look into in the future with changing the language in the ordinance.

Council Representative Fratinardo explained that the issue as he sees it is that the company did not disclose the required information regarding the criminal backgrounds on the application because, in dealing with the public, you want to be clear that you don't have something like that going on. And regarding the distance, his opinion is that the "as the crow flies" does not matter because tow trucks don't fly and what we should be considering is changing the ordinance in place and these three things need to be considered tonight because that is what the ordinance states.

Florence Township Council Regular Session 2/21/24

Chief Boldizar explained, with respect to the mileage, the resident or the person whose car gets towed have to drive to the lot to pick their car up. And also, rates are included with the tow, the distance it takes to get the car to the lot when it is towed. The other companies are all within 5 miles of the township lines.

Solicitor Wright brought up the point that, with the ordinance and the standards set forth, there may have been other companies who did not apply due to the fact that they were further than the 5 miles. If Council was to approve this application this evening, these are things that need to be considered. There is an adequate number of tow of companies within the five mile radius.

Solicitor Wright explained that essentially, Council is deciding whether or not Risoldi's Automotive receives a 2024 license or not. There is an opportunity after this to take a look at the ordinance and possibly make some changes that would affect the application process for 2025 and beyond. Solicitor Wright recommended that because the rules have been established, Council should not deviate from that. There are at least five other applicants that were judged by that standard and to change that standard now after the fact would not be fair to all of those applicants. And then for the 2025 applications the process can be reviewed and Council can decide to make any changes if warranted.

It was a Motion of Fratinardo, seconded by Haas to deny the application.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinardo, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

APPROVAL OF MINUTES

- Closed Session of February 7, 2024
- Regular Session of February 7, 2024

Motion of Haas, seconded by Fratinardo to approve the Minutes.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinardo, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

FINANCIAL CORRESPONDENCE

Motion of Loftin, seconded by Frappolli to approve the following correspondence. Voice Vote – All Ayes.

- Court Administrator's Monthly Report for January 2024
- Tax Collector's Annual Statement of Receipts
- Tax Collector's Monthly Tax Report for January 2024
- Tax Collector's Monthly Water & Sewer Report for January 2024

Florence Township Council Regular Session 2/21/24

Motion of Haas, seconded by Loftin to approve the **Treasurer’s Bill List**.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinardo, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

REGULAR CORRESPONDENCE

- A. Memo from Anne-Marie Hellmann, Land Use Clerk, regard Zoning Board of Adjustments 2023 Annual Report
- B. Invitation to Florence Historical Society Open House at the Third Street Firehouse on Saturday, March 16th from 1:00 p.m. to 4:00 p.m.
- C. Police Chief’s Monthly Report for January 2024

Motion of Haas, seconded by Frappolli to approve the correspondence. Voice Vote – All Ayes.

APPLICATIONS

None at this time.

PUBLIC COMMENTS

Council President Baldorossi opened the meeting to the public at this time.

Angelo Risoldi, 206 Fort Dix Road, Pemberton, New Jersey, Manager of Risoldi Automotive, stated that the ordinance does not specifically say that you have to be within driving distance. In his opinion, the township needs to put something in writing to state “driving distance.” He also stated that a lot of places do that because people can and will challenge it.

Gabriella Risoldi, 1435 Woodlane Road, Eastampton, New Jersey, Administrative Assistant of Risoldi Automotive, explained that she decided to appeal the township’s decision to deny was because they know a few that tow for the Township of Florence and one in particular is beyond the five miles. She went as far as to map it out herself on Google Maps and it can be anywhere from 7.5 miles, 8.6 miles or 8.5 miles from the township line.

Solicitor Wright explained that he and the Chief did go over that and that particular towing company’s main tow yard is more than 5 miles out but they have a tow yard that is right outside of the town boundary that they utilize for Florence Township.

Seeing no one else wishing to be heard, it was the Motion of Fratinardo, seconded by Haas to close the public portion of the meeting. Voice Vote – All Ayes.

RESOLUTIONS

**RESOLUTION NO. 2024-65
Authorize Refund of Landlord Registration Fee**

**RESOLUTION NO. 2024-66
Appoint David Wright as Public Works Superintendent**

**RESOLUTION NO. 2024-67
Authorizing an Online Auction with GovDeals for Disposal of Municipal Property**

Florence Township Council Regular Session 2/21/24

Motion of Frappolli, seconded by Haas to approve Resolution Nos. 2024-65 through 2024-67.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinaro, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

RESOLUTION NO. 2024-70
Transfers and Modifications from Reserve

Administrator Sahol explained that this a transfer resolution making transfers out of the 2023 reserve and into the 2023 reserve covering some matters, making modifications and transfers only in 2023. It is not expending any money, it is moving money from one reserve account to another, basically a clean up process as we exit 2023.

Motion of Haas, seconded by Fratinaro to approve Resolution No. 2024-70.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinaro, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

ORDINANCES

ORDINANCE NO. 2024-01
Amending Chapter 140 of the Florence Township Code Entitled Water and Sewers
(Introduction and 1st Reading) (2nd Reading, Public Hearing and Adoption 3/6/24)

Motion of Loftin, seconded by Fratinaro to approve Ordinance No. 2024-01.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinaro, Loftin, Baldorossi
 - NOES: Haas
 - ABSENT: None
- Majority vote – Motion carried

REPORTS OF COMMITEES, BOARDS AND OFFICERS

Council Representative Loftin explained that the Environmental Commission will be going out with the Rutgers Master Gardening Program to survey the Florence and Roebing gardens to do soil testing as well as sights for a possible orchard on February 28th around 9 a.m.

REPORTS: ADMINISTRATION

Mayor

Mayor Marter mentioned the Zoom meetings and the issues and disruptions we have been having with the Council meetings. Her recommendation is to move forward with making Zoom view and listen only and, if anyone is wishing to bring anything forward to Council they will have to physically come in to and be present at the meeting because when disruptions occur, it takes away from the community and our residents being able to view and hear our meetings. She is recommending that the next Council meeting on March 6th be view-only.

Florence Township Council Regular Session 2/21/24

Motion of Fratinardo, seconded by Loftin to restrict the Zoom meetings to listen only.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinardo, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

Mayor Marter acknowledged the Roebing Museum stating that they received a \$25,000 grant from National Endowment for Humanities and the project that it will be used for is entitled Steel Stories in New Spaces, bringing the history of black and immigrant steel workers to life outside of museum galleries. It is also related to creating a plan to open the house on Second Avenue that they have acquired in order to be able to show a historic home as part of the museum that people will eventually be able to tour.

The Mayor also mentioned that the Diamond Club is hosting a breakfast at the Community Center in Roebing on Sunday, March 3rd from 8:00 a.m. to 12:00 p.m.

Administrator

Administrator Sahol explained that Council will be receiving emails from the online presence training program that we have for the Municipal Excess Liability Fund (MEL) and the Joint Insurance Fund (JIF) and explained that they will have to take a series of classes for elected officials for the year 2023/2024 which are all related to our insurance coverage.

UNFINISHED BUSINESS

None at this time.

NEW BUSINESS

None at this time.

BOARD OF HEALTH

None at this time.

MISCELLANEOUS

None at this time.

PUBLIC COMMENTS

Council President Baldorossi opened the meeting to the public at this time. Seeing no one wishing to be heard, it was a Motion of Loftin, seconded by Fratinardo to close public comment.

ENTER INTO CLOSED SESSION

Resolution 2024-68 Resolution Authorizing the Mayor, Township Council and Support Staff to meet on Closed Session and Authorizing the Exclusion of the Public from that Portion of the Meeting Dealing with Specific Issues Requiring Non-Public Discussions:

Litigation – NFI

Florence Township Council Regular Session 2/21/24

It was a Motion of Frappolli, seconded by Fratinaro to adjourn to Closed Session at 7:56 p.m. where no action will be taken.

Upon roll call, Council voted as follows:

- YEAS: Frappolli, Fratinaro, Haas, Loftin, Baldorossi
 - NOES: None
 - ABSENT: None
- Unanimous vote – Motion carried

ADJOURNMENT

Council returned to the Regular meeting at 8:08 p.m. on a Motion of Frappolli, seconded by Fratinaro. Voice Vote – All Ayes. No action was taken. Motion of Frappolli seconded by Fratinaro to adjourn. Voice vote – All Ayes. Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Nancy L. Erlston, RMC
Township Clerk
/js