

Florence Township Council Regular Session 6/5/24

Florence, New Jersey
June 5, 2024

The Florence Township Council held a regular meeting on the above date in the Municipal Complex, 711 Broad Street, Florence, New Jersey. 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

APPROVAL OF MINUTES

- Executive/Work Session of May 8, 2024

Motion of Loftin, seconded by Frappolli to approve the Minutes. Voice vote – All ayes.

FINANCIAL CORRESPONDENCE

Motion of Haas, seconded by Frappolli to receive and file the following correspondence. Voice vote – All ayes.

- Tax Collector's Monthly Water & Sewer Report for April 2024
- Township Clerk's Monthly Report for May 2024

Motion of Loftin, seconded by Fratinardo 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. Police Chief's Monthly Report for April 2024

Motion of Haas, seconded by Frappolli to approve the correspondence. Voice vote – All ayes.

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APPLICATIONS

- Letter from Florence Historical Society requesting permission to hold a Ghost Hunters Investigation at the 3rd Street Firehouse

Motion of Frappolli, seconded by Fratinardo to approve the application. Voice vote – All ayes.

PUBLIC COMMENTS

Council President Baldorossi opened the meeting to the public at this time. Seeing no one wishing to be heard, it was the Motion of Fratinardo, seconded by Frappolli to close the public portion of the meeting. Voice vote – All ayes.

RESOLUTIONS

RESOLUTION NO. 2024-111

**Approve Final Reimbursement and Acceptance of Work
2019 Burlington County Park Development Grant**

RESOLUTION NO. 2024-112

**Providing for the Insertion of a Special Item of Revenue into the Budget,
Chapter 159 for Opioid Settlement Fund**

RESOLUTION NO. 2024-113

**Providing for the Insertion of a Special Item of Revenue into the Budget,
Chapter 159, for Nationwide Settlement Agreement Opioids**

RESOLUTION NO. 2024-114

**Providing for the Insertion of a Special Item of Revenue into the Budget,
Chapter 159, 2021 Recycling Tonnage Grant**

RESOLUTION NO. 2024-115

Approve Payment #4 Waterworks Playground & Wilkie Park Improvements

RESOLUTION NO. 2024-116

Consent for Tri-County WQM Plan Update

RESOLUTION NO. 2024-117

Consent to TWA Permit for Burl Co Landfill

RESOLUTION NO. 2024-118

Authorizing Funds of Certain Tax Overpayments

RESOLUTION NO. 2024-119

Refund Housing Inspection Fee

RESOLUTION NO. 2024-120

Renew ABC License, Pipa Holdings

RESOLUTION NO. 2024-121

Renew ABC License, MAB Pad Center, Inc. dba Liquor Barn

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RESOLUTION NO. 2024-122

Renew ABC License, JJC Restaurant Group, LLC, dba B-UNOS

RESOLUTION NO. 2024-123

Renew ABC License, Town Liquor

RESOLUTION NO. 2024-124

Renew ABC License, Vito in Florence

RESOLUTION NO. 2024-125

Award Contract for resurfacing of Hornberger Avenue to Richard T. Barrett Paving

RESOLUTION NO. 2024-126

**Providing for the Insertion of a Special Item of Revenue into the Budget
Chapter 159, Sustainable Jersey Grant**

RESOLUTION NO. 2024-127

**Providing for the Insertion of a Special Item of Revenue into the Budget,
Chapter 159 FY 2024 Clean Communities Grant**

RESOLUTION NO. 2024-128

Renew ABC License American Slovak Citizens Club

RESOLUTION NO. 2024-129

Reject all Bids and Authorize Re-Bid for Radio Frequency Read Water Meters

RESOLUTION NO. 2024-130

Authorize Re-Bid for 15% Sodium Hypochlorite Solution-Bulk

RESOLUTION NO. 2024-131

Approve Current Estimate No. 5 for Hornberger Avenue Pump Station

RESOLUTION NO. 2024-132

Renew ABC License Glory Days Venture, LLC

RESOLUTION NO. 2024-133

Renew ABC License VRS Holdings LLC

RESOLUTION NO. 2024-134

Renew ABC License What's Next NJ LLC

Motion of Frappolli, seconded by Fratinaro to approve Resolution Nos. 2024-111 and 2024-134.

Upon roll call, Council voted as follows:

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

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ORDINANCES

**ORDINANCE NO. 2024-05
Amending Chapter 36 Entitled “Alcoholic Beverages” to permit
up to three Package Goods Liquor Stores to operate within a one mile radius
(2nd Reading, Public Hearing and Adoption)**

Motion of Haas, seconded by Loftin to open the Public Hearing.

Attorney Jeff Hall of Szaferman Lakind, on behalf of Jay & Penali LLC (Town Liquor) and Vahin Inc. (Florence Wine & Liquor), stated that each of these store owners only own one package store in Florence Township and it is their sole source of income. He stated that this ordinance will unnecessarily affect their livelihood. He explained that this amendment is being considered on behalf of the fourth licensee, Punam Corporation and that liquor store has gone out of business and appears to be on the lookout for a better location to keep the pocket license alive. He pointed out that Punam Corporation operated in Florence under the current ordinance as well as all of the licensees who also came in to own liquor businesses operating under the current ordinance. His clients support the Planning Board’s recommendations to Township Council, which was summarized in a letter provided to Council on May 31st. In part, their wish is to review the whole ordinance as it relates to the liquor portion as well as the Land Use portion and try to rationalize how packaged liquor stores should be addressed in this township. It was a very healthy discussion at the Planning Board leading to that recommendation.

In his opinion the ordinance is flawed, vague and moreover should be handled under the zoning regulations and moved out of the liquor related section of the township’s code. If this ordinance passes, it will tend to encourage concentration of package stores in one area of Florence rather than dispersing them throughout the town, contrary to the goals of the Master Plan. He does not think that it makes any sense to have the stores so concentrated and in turn could weaken them and they may fail as a result of that. These are existing Mom & Pop businesses run by hard working families that can only be worsened if a mega store such as a Buy Rite came in as a fourth licensee at some future date.

He explained that what he has learned in dealing with township planning documents is that the goal is actually to promote economic growth and stability throughout the municipality not just one area. The 2022 Master Plan states as much in its goals and objectives and as Councilman Haas pointed out at the hearing last month, he can think of at least four locations that the fourth licensee could possibly locate under the current ordinance. As he said, four operated in Florence at one time and the fourth closed its doors for reasons unknown to us. Was the business poorly run? Did the lease expire and could not be renewed? Is the location not the best? All that we can conclude is that the fourth package store licensees were and apparently could be accommodated by this ordinance. The demise of that business should not be reason to change local law without further study in analysis. On behalf of his clients, he respectfully requested that this ordinance be voted down, the amendments of the ordinance be voted down or in the alternative that it be tabled with Township Council adopting a resolution requesting that the Planning Board study this matter as it has offered to do. He thanked Council for their time.

Jay Patel, 2117 Route 130, owner of Town Liquor, brought up a few points for Council to consider when determining anything in regards to this ordinance. He stated that ten years ago when they purchased the business the ordinance was already in place and it was in place when the two other license holders that are currently in operation, the Liquor Barn and Florence Wine & Liquor, started their businesses. The ordinance was also in place when the fourth license holder came in and everyone knew of this ordinance.

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Mr. Patel explained, in his opinion, it is unfair that one business failed for unknown reasons and now they are asking to have this ordinance amended to open a new location. It is also unfair to the businesses that are currently in operation and have been serving this community for such a long time. As a business owner, he believes the first thing you look at is the location. You also look at town population, average median salary, whether it is a working class town, the major crossroads by the business, etc. There are multiple factors as to why a business could fail. More importantly, customer relationships, which is what small business Mom & Pop stores are built on. You want to set yourself apart from these larger run corporations and stores, you are building a relationship with the customers, you know them, you know the town, you are learning about their lives, etc. He believes that bailing them out by amending this ordinance, is not going to help.

If the ordinance gets amended and it is determined that it is because of location and that fourth license holder opens a store on the other side of 130 within proximity of walking from his store, that is not economic development because you are just diluting the earnings between the stores. There is no extra foot traffic that is going to occur, and no influx of people, it does not help the town, it does not help him and it will not help the other license owner or the current license holders. In his opinion this will be an economic disaster and not just one license holder could be out of business, it could potentially harm two or three. And what is not to say they sell their license to a big box retailer and then everyone is out of business if this ordinance gets amended. He urged Council to please take all of these points into consideration when making a decision on this ordinance and thanked them for their time.

Blake Dimon, owner of the Liquor Barn, stated that he holds the license and the property there and has been a good neighbor in the township. They have always been accommodating, they run a good clean operation but they are still a small business. He explained that one of these licenses was on Hornberger Avenue between Norman and Alden Avenues and the other was on Alden Avenue which was then transferred to where it is now. Jay holds the license from Hornberger Avenue and the license on Broad Street remains in the same location. As far as the license at Grays Liquors, Harkins Plaza took a while to get up and going but it was a brand new building and, with the warehouses, the amount of traffic, Wawa across the street, there is no reason that he can see as to why Grays Liquors went out of business other than poor management. They had two stores, they were overstretched, we all have the same wholesalers, we all have the same sales reps and we all know what everyone is doing. He came to the meeting to show support in solidarity for Jay Patel and for Florence Wine & Liquors, they are all small businesses and they all have the fear of one of these big box stores coming in. He thanked Council for their consideration.

Bindya Desai, owner of Florence Wine & Liquor, 308 Broad Street, stated that she and her husband bought the business two years ago and they travel about 50 miles every day from Piscataway. It is a family owned business and they have been in the business off and on for twenty-five years and their family depends on this business. She agrees with other sentiments that stores never shut down because of the location and it has to do with poor management. She stated that to start someone else's life you cannot kill the thriving businesses. She thanked Council for their time and stated that she hopes they make the right decision.

Ohm Patel, Punam Corporation, stated he works with his dad Jitendra and gave a background on the license and how they came to Florence Township and why the store closed down. He asked Council to work with them to develop their business and the areas along Route 130. He stated that liquor stores are no different than grocery stores, dollar stores, convenience and drug stores, etc. Many of these businesses already exist within one mile of one and other. There is no reason that he sees for a liquor store to be any

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different than those stores. He stated that they are also a Mom & Pop shop, they are not a big box store and, in his opinion competition is good for small businesses. Increased competition makes better service, improves curb appeal of the other retail stores, better prices, increased product variety and this will help our locals and attract other consumers coming into the area to shop in our town. He thanked Council for listening and stated that he hopes they can help each other's common goal to encourage economic growth by removing the ordinance. They just want to be able to establish themselves in the township.

Motion of Frappolli, seconded by Loftin to close the Public Hearing. Motion unanimously approved by all members present.

Council discussed sending the ordinance back to the Planning Board for further discussion. Administrator Sahol stated that the Planning Board is mulling over the idea of doing some conditional use standards. He stated that the only reason that this is somewhat unique is because this requires state licensing which you have control over. He understands these are not big businesses that are competing against one another but at what point does the Land Use Board decide what will work economically in a certain area? An attorney is there to make sure that the board does not deviate and get itself into any trouble so he is not going to give an opinion either way but they do discuss the different scenarios. Should we be stepping next into how many gas stations should be in what proximity to one another or any other type of retail? When Rite Aid showed up the pharmacy owners in town were not happy. You are stuck in a situation where, when the Planning Board gets it, you might find out when they digest this they realize that it really is not even in their scope as to who goes where and in what numbers. If you send it back to them, it is going to give them time to consider some things, they are going to look at it from the planner's perspective and if they start to mirror some of the nonexistent requirements where there are no regulations with regard to proximity of the other businesses, maybe you might even hear that they take away all restrictions and allow the market to decide where and what can exist.

Council Representative Loftin asked Solicitor Wright if this is common in other towns and if they have proximity restrictions/requirements. Solicitor Wright explained that he has not seen this in other municipalities but he also has not looked at or addressed this in other towns. She asked the Solicitor if it is the role of government to determine who gets to eat, she feels like we should say this is where the businesses can go and then let who ever comes decide.

Solicitor Wright explained that if this decision is unique to Florence Township it does not necessarily mean it is wrong. Every Council, every governing body takes into consideration the unique features of their town and in turn decide what restrictions are there. He understands what and why she is asking but he does not believe it is going to tell the township one way or another where they should be in this particular situation.

There are two different determinations by the Planning Board. One is that the present ordinance as proposed is consistent with the Master Plan. That is what was requested of them and that is what allows Council to move forward in adopting this ordinance if you choose. The second is the request for further examination of all of the Land Use restrictions and ordinances relating to liquor licenses. He does not find that the two are exclusive with each other. If you adopt this ordinance as proposed, it does not mean that you cannot also refer to the Planning Board to look at what other restrictions may be appropriate or what other conditional use requirements may be appropriate for a packaged goods store. He does not believe it is required that Council table this and go back to it, Council could also adopt this and make the request of the Planning Board for further review of the appropriate Land Use ordinances related to it.

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Motion of Haas, seconded by Fratinardo to deny Ordinance No. 2024-05.

Upon roll call, Council voted as follows:

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

Solicitor Wright recommended that Council make a motion to refer this back to the Planning Board to reexamine consistent with Mr. Frank’s letter if that is the route they wish to take. Motion of Frappolli, seconded by Loftin to refer back to the Planning Board.

Upon roll call, Council voted as follows:

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

ORDINANCE NO. 2024-08

**Amending Chapter 140 Entitled: “Water and Sewers” to Establish a Fee for Bulk Purchase of
Water by Permit
(2nd Reading, Public Hearing and Adoption)**

Council President Baldorossi opened up the Public Hearing. Seeing no one wishing to be heard, a motion of Haas, seconded by Fratinardo to close the Public Hearing.

Motion of Fratinardo, seconded by Frappolli to approve Ordinance No. 2024-08.

Upon roll call, Council voted as follows:

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

ORDINANCE NO. 2024-09

**Amending Ch. 123 Entitled “Stormwater Quality Protection” to Adopt NJDEP Mandated rules and
Regulations Related to Privately Owned Salt Storage
(Introduction & 1st Reading) (2nd Public Hearing and Adoption June 19, 2024)**

Motion of Loftin, seconded by Frappolli to approve Ordinance No. 2024-09.

Upon roll call, Council voted as follows:

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

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REPORTS OF COMMITTEES, BOARDS AND OFFICERS

Council Representative Loftin stated that we won a \$2,000 Pollinator Garden Grant from the NJ Sustainability. It was an independent blue ribbon selection committee and they are looking forward to building a pollinator garden and including native plants somewhere in the downtown area.

Council Representative Haas stated that the Economic Committee will not be holding a meeting in the next three months. He sent his well wishes to the high school track and field participants in the State Track and Field competition being held over the weekend. He also congratulated high school junior Bella Morales on her 100th career hit in the last playoff game. He stated that Doug Seaman from the Florence Legion asked him to pass along that he was very thankful to have all of the helpers this past Memorial Day. They set out hundreds, if not thousands of flags on gravesites across the town. He also wanted to thank Amazon for the 600 geraniums at 80% cost savings. Marty Eckert sent an email to the Economic Committee thanking everyone for all of the help he received for the carnival. He stated that it was a very successful event with the most people in attendance that we have had since the carnival came back. He also passed along condolences for one of the Economic Committee members, Tina Lloyd who recently lost her husband who had volunteered with sports and throughout the community.

Council Representative Frappolli acknowledged Don Cammus who was in attendance for all of his volunteer work he does with the Township and Council thanked him.

Council Representative Baldorossi stated that he and Council Representative Frappolli attended the Hall of Fame Banquet at the Mercer County Community College where Stu Foulks was inducted for pitching in 1980 and 1981. Stu was a Little League coach for over 38 years and he was on the Recreation Committee for about 30 years. Council Representative Frappolli stated that he coached Stu in high school baseball and he turned down his first draft offer and then he went to Jacksonville and pitched and then he was drafted by the New York Mets and the Florence Historical Society has some of the memorabilia commemorating him.

REPORTS: ADMINISTRATION

Mayor

Mayor Marter stated that she, along with Marty Eckert and Kate Wittkamp who is the chair for the Economic Development Committee attended the event 30 Mayors / 30 Developers and it was a really good event. They had an opportunity to meet a number of different developers that were not interested in warehouses but were really more interested in retail spaces, restaurants and things we really have been looking for. They are going to follow up with a number of contacts to see if they can bring some additional commercial businesses in that would at least benefit the residents with resources as opposed to something that is just another warehouse. And it also gave her the opportunity to speak to some of the other Mayors which was also very helpful.

Mayor Marter mentioned that the carnival was fabulous and the best we have ever had. Patriotic Day is coming up on July 6th and she reminded everyone that June 26th is the town hall meeting at the Community Center with the topics being taxes, PFAS and water rates.

Administrator

Administrator Sahol thanked Council for moving the ordinance with regard to the privately owned salt storage and explained that there will be more ordinances like this, draft form ordinances that are coming down from the State of New Jersey. He explained that it starts at the Federal level with the Federal Clean Waters Act, trickles down to the NJDEP who will then tell us what ordinances and regulations we need to put in place. This is the first that Council will see this year with regards to similar protection and quality and the next one is going to be to do the trees. The Shade Tree Commission is currently digesting all of

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the information and they are coming forward with recommendations on how to implement this draconian requirement that the state has put forward and bring it into something that is manageable for the locals. He let Council know that they will also be seeing more stormwater on the agenda.

He also explained to Council that we look for summer help annually this is funded through a grant program. There are about 8-9 young people working for the community doing various things to support both water & sewer and public works functions and all of the applicants who were hired are being paid through a grant. The returning college students have begun and the high school level help will be starting after school is over.

UNFINISHED BUSINESS

Council Representative Frappolli stated that the volunteers at the library were excited about the recommendation of acknowledging those who have put in a lot of volunteer years at the library. They have a love of the community, the library and passing on the joy of reading to our young people and all of the programs that are involved. They did decide that whatever they have they would like to have it in that particular building and they asked about how we proceed forth as far as finances etc. Administrator Sahol explained that this is something the Council wants to do to acknowledge all of the volunteers who have made that library such a success so they do not need to be concerned about the finances.

Council Representative Loftin asked for an update on the website. Mayor Marter stated that it is still a priority it just has not gotten underway. In her opinion it needs an overhaul, it is not just a few little tweaks. Administrator Sahol explained that right now we are just trying to fix the broken links, have things open in uniformity and, if we are working through all of those things, maybe the big tweak is not so big after all, maybe it is just little modifications for ease of use versus the way in which things are displayed. Council agreed this needs to be a priority and put a committee together to work on this.

NEW BUSINESS

Council Representative Frappolli wanted to go on record regarding complaints he received about the young people at the new park after dark and about people speeding on West Sixth Street once they pass over the speed bump by the park there. He spoke to the Administrator about that and it is being taken care of.

Council Representative Haas asked for an update on the striping on Columbus Road and when that will be completed. Administrator Sahol agreed to look into it. He also asked if, during the Road Program if we can look into restriping the whirly bird because the lines are completely gone. Administrator Sahol explained that it is a county road and stated that he has made a request to the county to take care of numerous things and the striping was one of them. Burlington County Director of Public Works Joe Brickley sent it over to his traffic contact and asked him to address the concerns especially with the regard to the whirly bird with the center line missing. Council Representative Baldorossi mentioned that in regards to striping, if we can get the lines on Second Avenue brightened/refreshed for the parking spaces.

BOARD OF HEALTH

None at this time.

MISCELLANEOUS

None at this time.

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PUBLIC COMMENTS

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

Harpreet Singh, 36 Clydesdale Drive, stated that he was here approximately 6-7 weeks ago with the members of the cricket league and he mentioned that they are still waiting for the meeting with the subcommittee and the other cricket team. Mr. Singh explained that they are losing weeks of playing time so he is hoping to get that meeting scheduled as soon as possible. Council Representative Loftin stated that an email will be going out shortly with dates so that the meeting can be scheduled.

Seeing no one else wishing to be heard, it was a Motion of Haas, seconded by Loftin to close public comment.

ADJOURNMENT

Motion of Frappolli, seconded by Fratinardo to adjourn. Voice vote – All ayes. Meeting adjourned at 8:29 p.m.

Respectfully submitted,

Nancy L. Erlston, RMC
Township Clerk
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