

Florence Township Council Executive Session 06/12/24

Florence, New Jersey
June 12, 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: This meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice was posted on the township website and published in the Burlington County Times and Trenton Times 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; Thomas J. Hastie, Jr., Esq., Township Solicitor; Nancy L. Erlston, Township Clerk; Jenise Silinsky, Deputy Township Clerk

Absent: None

FIFTEEN (15) MINUTES OF PUBLIC COMMENT

Council President Baldorossi opened the meeting to the public.

Leonard Thomas, 411 Pigott Drive, thanked Council for looking into his concerns about the trees on the lot in the Oak Mill development. Although the trees were cut down by the Township, he was made aware that the portion of that lot belongs to the HOA which he joined and is hoping to work with them to get that addressed. He also asked if there was any headway made on the discussion about the drainage for the path at St. Paul’s Church. The Administrator explained that the Township Engineer is looking at the before and after of the construction of the pathway to see if any of the topography has changed that would contribute to some water issues for the church. In the meantime, there have been some conversations about putting in some plant materials that would be able to absorb some of that groundwater. He agreed to get back to Mr. Thomas as soon as he has more information.

Seeing no one else wishing to be heard, a Motion was made by Haas, seconded by Loftin to close the public comment portion. Voice vote – All ayes.

BUSINESS

A. Review of Cannabis Report and Draft Ordinance (Planner Ed Fox)

Township Planner Ed Fox put together a draft ordinance and a Land Use Plan Amendment. He explained that the township Planning Board worked on a Master Plan but because it was done a few years ago, it does not mention cannabis and the use of cannabis for recreation is something that should be considered now. If the Township Committee were to introduce an ordinance, that ordinance would go to the

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Planning Board and the Planning Board has to make the evaluation as to whether it is consistent with the Master Plan.

Mr. Fox explained a little about the history of cannabis and the provisions in the ordinance. He also explained the different classes of licenses. The first is a cultivator where they grow/produce the cannabis. The second is a Class 2 manufacturer and that is a business that would take the cannabis oils and leaves and things like that and put them in to different products whether for smoking, vaping, consuming, etc. The third class is for wholesalers, which is basically those that buy products, house them and then sell them in mass to other retailers. The fourth class is a distributor and they basically transport the cannabis from one place to another, just moving it around. The fifth is a retailer which is open to the general public. And the sixth license is the delivery service which is basically “DoorDash” for cannabis.

After going through and looking at the different aspects of the law, some recommendations were made and he explained those along with some of the regulations. He spoke about the zones and those recommended for each class and stated that the institutional zones or any residential zones are not recommended at all. He also explained that liquor and cannabis are not allowed to be sold in the same building but they can be in the same location or strip mall and, based upon what happens over the first few years, you may be able to make changes. But in terms of the impact, it is not necessarily any different than a liquor store, other than it is a new product that was illegal so there is a cultural difference.

Mr. Fox explained the difference between a permitted use versus a conditional use. With a permitted use, if a person wants to develop that business from the ground up or wants to move into an existing building, by law they are allowed to do that. If they then decide to improve the site there are other site regulations but it is not a heavy lift to do so. If something is identified as a conditional use this means they have to meet all of the conditions outlined in the ordinance before they are allowed to go ahead. If they deviate or they can't make all of the requirements, then they have to go before the Zoning Board. The reason these conditions are in there is to make sure that the highest level of security and sensitivity to adjacent uses is maintained.

Mr. Fox stated that no accessory use shall be permitted in an area having a total capacity of 50 or more occupants according to the state law. Some of the other business standards he touched on is that there should be no sale of alcohol or tobacco permitted and no consumption of alcohol, tobacco or cannabis by employees. There are also no sales within 200 feet of a residential zone. And, like other businesses that are industrial in nature (classes 1, 2 & 3), they are permitted to operate 24 hours a day, 7 days a week, however it recommends that retail sales (class 5) are limited from 9:00 a.m. to 10:00 p.m. This is a draft ordinance for review, any of these conditions can be modified by Council prior to the introduction of the ordinance if requested.

Mr. Fox mentioned that the raising of cannabis is not protected under the Right to Farm Act because the State Right to Farm Act and the State Property Tax Farmland Assessment states that farming has to be legal under the federal laws and the consumption and raising of cannabis is not legal federally. Also, most towns require and recommend all establishments have an air treatment system to take care of the odors inside and outside of the building. Another protective layer that has been added to this ordinance is an emergency backup electrical system in case the power goes out because these herbs can begin to smell over time. The ordinance also addresses any noise issues, parking and security requirements, lighting, nuisances, signage/advertisements, etc.

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This draft ordinance states that the law can impose additional local recreational cannabis taxes. In drafting this ordinance, they took in to account other townships nearby and checked information from the New Jersey League of Municipalities and the Cannabis Regulatory Commission at the state. Administrator Sahol explained that a draft of this ordinance had been circulated once before and that another draft will be circulated once it is cleaned up. Mr. Fox explained that the plan is to move forward with Council's direction to create three ordinances, the tax ordinance, the police power ordinance and a land use element ordinance. He also gave Council a recommendation that one of the portions of the ordinance has to contain fees which have to be compatible to what the expenses are. Council discussed having an application fee of \$5,000 and an annual license fee of \$7,500 to stay competitive and Mr. Fox agreed to have the draft ordinance available for review in July.

B. Review of Water and Sewer Infrastructure (Jones & Smith)

Kent Jones and Jeff Smith of the Water and Sewer Department explained how the department addresses the aging infrastructure. In relation to the headworks that need to be replaced in the front of the Water and Sewer plant, Mr. Jones explained that they had one screw done and the second screw will be done within a week. The bottom bearings are currently being replaced, which is a temporary fix but should be a few years before they need to be replaced and there will probably be a at least a year of design on the headworks which means there may not be building until 2026.

Jeff Smith explained that the first upgrade of the screws was done in 1987 and the last upgrade was done in 2000. Prior to that upgrade the original set of screws failed just prior to the installation of the new screws at about 20 years. He stated that essentially the two screws that we have both failed already and have been rebuilt and, theoretically we should be able to get two or three years out of that screw.

Administrator Sahol explained that PFAS is the priority right now. Once the RFPs are reviewed and approved then they are going to be focused on working with that design engineer. Once that levels off, and the design engineer takes it from staff then they can begin. He does not believe we will have both of those designs and engineering research going on at the same time, but right now we are in the midst of the screw repairs. We are buying ourselves time the way we are handling the operation.

Jeff Smith stated that another financial strain will be new pumps, new grit removal and new screening systems which will probably be a \$10 million job. He explained that the screws have deteriorated so much and the clearances are so great that it won't allow that screw to carry water. They are also deteriorating in thickness as well; they are not as thick as they used to be. This is why those screws are getting regouted.

Council Representative Haas recommended a feasibility report be generated with a priority list of the things that need to get repaired and have an engineering firm sit down and go over it. Jeff explained that the new design will be directed toward better rag and grit removal. Since taking septic, that original plan was designed in such a manner to remove the additional materials that are in the septic so in return there is a lot of rag and grit build up in other areas in other systems in the plant that are not designed to have those problems. He explained some other items on the list, to include the Main Street Pump Station, which has been designed and an ordinance in place for that and Norman to Hornberger and the forced main to change direction on that.

Mayor Marter asked about the grant received to connect from Potts Mill Road to Florence-Columbus Road and how we know where to put that with the redesign of Florence-Columbus and the new intersection and sewer line and it was explained that it will be in the pavement of the potential expanded highway whereas now it is outside of the pavement.

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Administrator Sahol explained that Council is really going to have to drill down on the water line replacement and lead services and consider their options. It is something that, as we get into the summer, he is hoping we can address especially through the attorney's office with regard to some potential ordinance changes that could require some users to actually do this themselves versus the township having to pay for it. It is something that we are going to have to see how it has been addressed elsewhere. We will try to pull down any grants that we can for something like this but the more important thing is where the responsibility falls. Fundamentally there is a question as to whether or not the line is owned by the town or the resident.

Jeff Smith said the NJDEP requires a yearly inventory list of every single property that is served by our water. We have to dictate whether or not it is a lead service, a lead line, PVC, copper or unknown and it has to be done for each and every property and service line within our system. Along with that inventory we have to give them a list on how many of these services have been investigated. After that we have to do our lead service line replacement plan yearly explaining what we are doing to get the lead service lines removed from the system. That plan is due on August 20th and the inventory progress report is due July 10th which includes the GPS coordinates for every water service in town.

C. Review of Recreation Budget and Organization (Eckert)

Recreation Director Marty Eckert explained the recreation budget and various funds that the organizations have available, their expenditures, how they are reimbursed, the fundraising, etc. He stated that some years, depending on participation, there may be a larger influx in some sports but the budgets have always remained pretty consistent. A lot of the programs' budgets are based on excess balances that would allow for them to operate for one or two seasons if in the event there was not a township budget provided. There are one or two programs that have higher reserve funds, some are discussed as potential to capital improvements, should the irrigation fail, etc. And, with football, there are certain state guidelines requiring them for preconditioning of helmets which are only good for so long and have to be replaced. They try to find a balance with the Recreation Committee to try and stay on the same page.

Mr. Eckert explained that we used to charge a \$25 registration fee and there was a fair portion where only the registration form was received and no fee. It was a challenge on how to manage that because you do not know the circumstances for the families and a lot of time was spent trying to track down the fees and reimbursements where maybe the time and responsibilities were better directed elsewhere instead of spending days on end trying to collect \$25.

He stated that the total dollar amount at the bottom of the page from last year to this year did not change but he was able to shift some money from one line to another to bring those programs up a little bit to support their expenditures. Council Representative Frappolli stated that there needs to be some degree of checks and balances. As Township Council, they have a responsibility and if someone comes in and complains about the fact that they have to do all of these fundraising things, there has to be some kind of accountability. Mr. Eckert stated that you can be proactive and maybe only allow for a certain amount of money in an account and protect against it, maybe the loss is minimal, if anything were to occur.

Council Representative Frappolli asked about the existing buildings in the recreational complex like the old public works facility and the old squad building as far as plans for the future and expressed a need for a turf facility somewhere in those existing areas to keep competitive. Mr. Eckert answered that the former public works garage would serve as a multi-use facility and Administrator Sahol explained that the old squad building is a pole barn and he thinks that it has outlived its usefulness.

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Mr. Eckert spoke about the carnival this year and how successful it was and thanked the volunteers and especially Police, Fire and EMS for helping to create a safe and fun environment.

ACTION

- Resolutions
2024-135, Non-Union Salary

Administrator Sahol briefly explained that this resolution is what is placed in the budget identifying exactly what was budgeted for each of those employees that are non-union. The hourly employees annual rates are approved by ordinance as part of the CWA contract. This allows hourly employees to get their annual cost of living increase effective January 1st of each year until the end of the contract. Following that same idea, this ordinance approves the salaries of the non-union employees. We use the CWA contract annual salary percentage increases for the non-union employees as well when we put the budget together each year so these salary amounts were accounted for in the 2024 Budget that you approved earlier this year. It is the same cost of living increase that the union was afforded, it is just done basically about six months later.

Motion of Loftin, seconded by Frappolli to approve Resolution No. 2024-135.

Upon roll call, Council voted as follows:

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

PUBLIC COMMENTS

Council President Baldorossi opened the meeting to the public at this time. Seeing no one wishing to be heard, a Motion was made by Loftin, seconded by Haas to close the public comment portion. Voice vote – All ayes.

ADJOURNMENT

Motion of Fratinaro seconded by Haas to Adjourn. Voice vote – All ayes. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Nancy L. Erlston, RMC
Township Clerk
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