

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

September 12, 2022

(This meeting was held in-person and virtually/telephonically)

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Gillespie at 7:14 p.m. at Town Hall, Council Chamber, 111 West Second Street, Moorestown. Attendance was as follows:

Nicole Gillespie, Councilmember
Sue Mammarella, Councilmember
Quinton Law, Councilmember
Jake Van Dyken, Councilmember
David Zipin, Councilmember

Kevin E. Aberant, Township Manager
Patricia L. Hunt, Township Clerk
Douglas Heinold, Township Solicitor

CALL TO ORDER: At 7:14 p.m., Mayor Gillespie read the Open Public Meetings Act statement in full, as printed on the agenda.

MAYOR'S STATEMENT

"Notice of this meeting has been provided in accordance with the Open Public Meetings Act" by:

1. Posting a copy of the agenda on the bulletin board at the Municipal Complex.
2. Filing a copy of the agenda in the office of the Township Clerk at the Municipal Complex.
3. Emailing a copy of the agenda to the Burlington County Times and Courier Post.
4. Forwarding written notice to each person who has requested copies of the regular meeting schedule.

All of the above posting, filing and mailing have taken place on September 9, 2022.

MOMENT OF SILENCE AND FLAG SALUTE: The Official Action meeting began with a moment of silence and flag salute.

ROLL CALL: Mayor Gillespie took roll call; all were present.

PROCLAMATIONS & PRESENTATIONS:

1. Proclamation Recognizing Lenola Fire Company 100 Years of Service: Mayor Gillespie advised that she presented the following proclamation at the event held over the weekend. Noting 100 years of service and 100 percent volunteerism, Mayor Gillespie thanked the fire department for its service. She commended them for keeping our community safe.

PROCLAMATION

WHEREAS, Lenola Volunteer Fire Company has been 100% volunteer since it was first incorporated in 1922; and

WHEREAS, the volunteers of Lenola Volunteer Fire Company protect our amazing town and the people who live here; and

WHEREAS, Lenola Volunteer Fire Company continues to support community events and activities throughout the Township; and

WHEREAS, Lenola Volunteer Fire Company conducts a number of ongoing and new community traditions including the Annual Easter Egg Hunt, Annual Halloween Party and chauffeuring Santa through town in Fire District #2 on Christmas Eve; and

WHEREAS, the Township of Moorestown values the selflessness and commitment to service that is at the very heart of the work done by Lenola Volunteer Fire Company.

NOW, THEREFORE, BE IT PROCLAIMED the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, recognizes

LENOLA VOLUNTEER FIRE COMPANY'S 100th ANNIVERSARY

and urges our citizens to join with the members of the Moorestown Township Council in applauding the generations of volunteers who have given their time, energy, and effort to making the Lenola Volunteer Fire Company a cornerstone of our community and a valued part of our town's social fabric.

Given, under my hand and the Seal of the Township of Moorestown this 10th day of September 2022. Nicole Gillespie, Mayor

2. Proclamation Recognizing September as Library Card Sign-Up Month: Mayor Gillespie read aloud and presented the following proclamation to Library Director, Joan Serpico.

PROCLAMATION

WHEREAS, libraries and librarians play a crucial role in the education and development of children; and

WHEREAS, librarians are literacy experts, offering everything from preschool story hours to summer reading clubs that sustain school-year learning; and

WHEREAS, libraries provide a learning environment that fosters joyful exploration, encouraging students to research subjects that they are genuinely curious about; and

WHEREAS, librarians create welcoming and inclusive spaces for people of all backgrounds to learn together and engage with one another; and

WHEREAS, librarians provide a variety of books and resources to serve everyone in the community, making knowledge and ideas available so that people have the freedom to choose what to read; and

WHEREAS, a library card empowers all people to pursue their dreams, explore new passions and interests, and find their voice; and

WHEREAS, libraries are constantly transforming to deliver new services that connect closely with community needs, even during a pandemic.

THEREFORE, BE IT RESOLVED that I Nicole Gillespie, Mayor of Moorestown, proclaim September Library Card Sign-up Month in Moorestown and encourage everyone to sign up for their own library card today.

Given, under my hand and the Seal of the Township of Moorestown this 12th day of September 2022. Nicole Gillespie, Mayor

Director Serpico thanked Council. She encouraged all to get a library card. Ms. Serpico advised of library programs and initiatives that have been taken.

DISCUSSION

Reports from Members of Council:

Mr. Law advised when the upcoming Tree Planting and Preservation Committee and Environmental Advisory Committee meetings are. He thanked the partners of the library and advised of the Environmental Committees session that was held by the Library in furtherance of the Year of the Environment initiative. He advised on the celebration held at Second Baptist Church and the sendoff for Pastor Holmes and the Lenola Centennial Celebration. He thanked all for their services.

Mr. Zipin reported on the Planning Board meeting and advised of the upcoming meetings of the Planning Board and Open Space Advisory Committee. He noted that he was unable to attend the 9-11 service held this morning, but asked all to “never forget.”

Mr. Van Dyken advised that fall sports start this weekend. He recognized the Rotary for the holding of the food truck events. Mr. Van Dyken reported that “the horse has landed (under a box).” He asked all to save the date of October 1st for the unveiling of the Percheron horse. A day of events will be held.

Ms. Mammarella reported that she was present for the horse installment; the occasion was surreal. She looked forward to the unveiling. She complimented the event held, which she attended, for Pastor Holmes; she was honored to be invited. She advised that she has an upcoming Appearance Committee meeting and website design team meeting; and she attended the 9-11 commemorative service this morning which was very moving.

Mayor Gillespie advised that the Economic Development Advisory Committee met:

- Recommendations for directional signage on Main Street will be forthcoming
- Work on the committee's charter is ongoing.
- Discussion on maintenance of Main Street landscaping was held. Ideas on what can be done were exchanged; one idea was to connect with the high school to seek its interest in creating a club to help maintain the landscaping and water the flower baskets.

Mayor Gillespie advised on upcoming committee meeting days. She advised that she attended the 200 Club of Burlington County 9-11 Memorial Service. She commended Peter Clifford for his leadership in this wonderful event. Mayor Gillespie advised that she attended the vigil held in Remembrance Park in honor of Lynn Ware, a leader in building the park in remembrance of 9-11.

Mayor Gillespie advised that, on September 19 at 7 p.m., a presentation on the vision of the future of the Moorestown Mall will be made at the mall by PREIT, Cooper Health and Bel Canto, residential developer. She encouraged all to register and attend.

Mayor Gillespie advised that the Relief Engine Company will be celebrating 100 years of service on September 24, 2022; a day of events is planned. Lastly, she announced that the last food truck event to be held by the Rotary this year will be on October 13, 2022.

Upcoming Meeting(s): Mayor Gillespie read the upcoming meetings aloud.

September 26, 2022 – 7:00 p.m. (Official Action)

October 3, 2022 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 09 12 2022: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Zipin

SECONDED BY: Mr. Law

ABSENT: None

VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 09 12 2022

WHEREAS, Consent Agendas include routine items of business which are not controversial; do not require individual discussion; and are voted upon as one item by the Governing Body; and

WHEREAS, any item may be removed from the Consent Agenda by the request of any Council Member; and

WHEREAS, if so removed, said item(s) will be treated as a separate matter(s); and

WHEREAS, the Township Council has reviewed the Consent Agenda and determined that the matters listed are matters, which require official action; but do not require further deliberation or discussion.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that it hereby:

- ___x___ a. Approves the Consent Agenda as written on the agenda.
_____ b. Approves the Consent Agenda as written with the exception of the following:
_____ c. Requests that all matters on the Consent Agenda be handled separately.

MANAGER'S REPORT: Mr. Aberant reported:

- Flying Feather Farm: Mr. Heinold announced that the Township is now the proud owner of a portion of the Flying Feather Farm as closing on the acquisition was held.
- Speed Humps: Signs have been installed at the various locations (South Washington and Browning Avenues and West Second Street). He said installation of the humps is a work in progress. Hopefully, all work will be complete by the next Council meeting.
- Dock at Strawbridge Lake: The Strawbridge Lake Beautification Committee installed a second dock; this dock is ADA accessible. Work on the ramp is being completed.
- Ordinance to restrict parking in the vicinity at high school: Ordinance to be at next meeting.
- Lenola Town Center Improvements: Staff received bids for Construction and proposals for Construction Management and Inspections; they are being reviewed. Three proposals for management and inspections were received. He, Ms. Jamanow and Mr. Lloyd will review along with one Council member. Mr. Van Dyken volunteered.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 18-2022 by title. Mr. Aberant advised the Appearance Committee reviewed the ordinance. Two members felt one sign was satisfactory and the others thought it good to have flexibility; however none expressed opposition. Mr. Zipin advised that the Planning Board reviewed the ordinance; there was no objection and flexibility was welcomed.

18-2022 AMENDING THE CODE OF THE TOWNSHIP OF MOORESTOWN AT CHAPTER 180-80, ET SEQ., GOVERNING "SIGNS"

Mayor Gillespie opened the public hearing; there were no comments.

Mayor Gillespie asked for a motion to close the public hearing.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Zipin
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. Ms. Mammarella expressed her satisfaction with the fact that the Appearance Committee was able to weigh in and agreed.

Mayor Gillespie asked for a motion to adopt the ordinance on second reading.

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Zipin
ABSENT: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 19-2022 by title.

**19-2022 AMENDING THE CODE OF THE TOWNSHIP OF
MOORESTOWN AT CHAPTER 6 TO ADD SUBSECTION 45.5 TO
CREATE THE “BETTER TOGETHER ADVISORY COMMITTEE”**

Mayor Gillespie opened the public hearing; there were no comments.

Mayor Gillespie asked for a motion to close the public hearing.

MOTIONED BY: Mr. Zipin
SECONDED BY: Ms. Mammarella
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. Ms. Mammarella and Mr. Law expressed their appreciation for the ordinance and all the volunteers who put so many hours into the subcommittee. Mr. Law found this action to be an important step forward in Moorestown history.

Mayor Gillespie recommended the search (approximately two weeks) for applicants begin; and that the timeline be made a part of discussion at the next meeting.

Mayor Gillespie asked for a motion to adopt the ordinance on second reading.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

ORDINANCES ON FIRST READING: None.

CONSENT AGENDA RESOLUTIONS: The Township Manager read the consent agenda resolutions by title.

195-2022 AUTHORIZING RENEWAL OF MEMBERSHIP IN THE PROFESSIONAL MUNICIPAL MANAGEMENT JOINT INSURANCE FUND

196-2022 AWARDING A FIVE-YEAR CONTRACT IN THE ANNUAL AMOUNT OF \$22,836 TO AXON ENTERPRISE, INC. FOR THE PURCHASE AND MAINTENANCE OF A MOBILE VIDEO CAMERA SYSTEM, INCLUDING HARDWARE AND SOFTWARE MAINTENANCE FOR THE MOORESTOWN POLICE DEPARTMENT UNDER NJ STATE CONTRACT T0106/17-FLEET-00738

197-2022 AUTHORIZING THE PURCHASE OF VEHICLES UNDER THE SOURCEWELL COOPERATIVE PURCHASING AGREEMENT (CONTRACT #091521- NAF) FOR THREE (3) 2023 FORD RANGER XL 4WD AND ONE (1) 2023 FORD F-150 XL 4WD IN THE TOTAL AMOUNT OF \$129,331.18

198-2022 AUTHORIZING CONTRACT CHANGE ORDER NOS. 1 AND 2 IN THE NET AMOUNT OF \$116,353.81 IN CONNECTION WITH A PROJECT KNOWN AS 2021 OVERLAY PROGRAM (EARLE ASPHALT COMPANY)

199-2022 AWARDING A CONTRACT IN THE AMOUNT OF \$24,750 TO NEW HORIZONS COMPUTER LEARNING CENTER FOR COMPUTER PROGRAM TRAINING SERVICES

200-2022 AWARDING A CONTRACT TO SNF INC. FOR DELIVERY AND FURNISHING OF LIQUID POLYMER TO THE WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$35,000 AND TO THE WATER TREATMENT PLANTS IN AN ESTIMATED AMOUNT OF \$23,600

201-2022 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND FOR SERVICES RECEIVED IN CONNECTION WITH THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (SURENIAN, CLARKE CATON HINTZ, CGP&H)

202-2022 AUTHORIZING THE SUBMISSION OF A REQUEST FOR A SIX-MONTH TIME EXTENSION TO AWARD A CONTRACT FOR THE NEW JERSEY DEPARTMENT OF TRANSPORTATION MUNICIPAL AID PROJECT FOR SENTINEL, COX AND MCELWEE ROAD IMPROVEMENT

203-2022 AUTHORIZING THE TAX COLLECTOR TO REFUND TAXES

Mayor Gillespie opened the floor to the public. There were no comments.

Mayor Gillespie asked for discussion by Council. There was none.

Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Van Dyken
ABSENT: None
ROLL CALL VOTE: All in favor

MINUTES: None

APPROVAL OF EXPENDITURES: Mayor Gillespie asked for comment or a motion to approve the bill list.

MOTIONED BY: Mr. Zipin
SECONDED BY: Ms. Mammarella
ABSENT: None
ROLL CALL VOTE: All in favor

COMMENTS FROM THE PUBLIC (Items listed on and/or off the Agenda):

Erin Nowak 201 Haines Drive, advised that she was present on behalf of the residents in her neighborhood. She advised that she and other residents attended the informational meeting held by Community Options. In short, Community Options advised that while it does not wish to create a dense concentration in one area, it is under time constraints (with the Township) and budgetary obligations. It could not commit to not pursuing property in the subject area. Ms. Council adopt an ordinance precluding dense concentration of group homes. Discussion was held. In closing, Mr. Heinold did not feel that a local ordinance would carry much weight as “concentration” has been and will be interpreted by the State. He advised that the Township has an agreement with Community Options which anticipates the Township being involved earlier in the acquisition process than has been happening. He felt that through better communication and involvement with Community Options in site selection, a better result will occur.

Gregory Lane, 232 Winding Way, felt that it is in the best interest of everyone that this facility be welcomed into the community. His concern was not about having a group home, but his hope was to have less police complaints than Community Options has experienced in other homes. Mr. Aberant advised that he has spoken with Community Options; there will be better communication. Mr. Lane asked that the residents be informed and that the Township get involved

Erin Finazzo, 312 Toty Lane, expressed her disappointment in that she felt the Council was not aware of the language in the agreement. She asked why the Township did not intercept the potential second acquisition and asked who is managing the agreement. Mr. Aberant advised that the first he heard of the potential acquisition of 144 Forest was from the residents. Discussion was held. Ms. Mammarella felt that the Township can and will do a better job at oversight and involvement. She did not feel there was any way Community Options could make any guarantees; however, she did not feel that Community Options was interested in creating a dense concentration situation (as some would call it). In closing, Ms. Finazzo felt the Township should be notified by Community Options prior to making an offer. She said the residents are looking to Council for the necessary oversight. A brief discussion about concentration ensued.

Discussion was held regarding when it was expected that Community Options would notify Township Officials of a potential acquisition. In closing, Mayor Gillespie suggested that Community Options be required to notify the Township immediately if it is considering a home that is within 1500 feet of another group home; otherwise, notification to the Township would be required between an offer and contract signing. Ms. Mammarella noted there are only two more homes to acquire to complete the contract obligations. She felt the sooner the Township is notified of a potential acquisition, the better. Mr. Law agreed and he felt the Council should (within the limits of the law) be just as engaged as the residents. Ms. Mammarella asked what would happen if Community Options does not meet its obligation in the timeframe given. Mr. Heinold advised the Township would need to bring the matter before Fair Share Housing.

Tom Beaver 136 Ramblewood Road, expressed his appreciation for what looks to be engagement now. He expressed his support for inclusivity in town. He provided suggestion on the distancing of group homes and supported the adoption of an ordinance. He suggested appointing a council member to engage with Community Options on the frontend and then ongoing engagement after they have located in the community.

Manny Delgado, 6 Walnut Court, expressed his surprise to the Council obligating the Township to \$5-10 million dollars in funding (with a lack of explanation on the amount) to the Harper Drive affordable housing project when Pennrose would have been required to list all permanent funding when it made application for tax credits; he asked if there has been a change. Mr. Aberant advised that Pennrose is finalizing application with various funding sources. In order for Pennrose to budget for its permanent mortgage, their lender needed assurance that the Township will be making contribution. Its funding sources are still a variable. Mr. Delgado was advised that the funding sources are still unknown and once they are known, those resources will be applied against the Township's commitment. Mr. Delgado indicated that the resolution Council recently adopted would have been committing funds above and beyond what Pennrose represented it had (in its application). Mr. Delgado expressed his dismay. He did not agree with the representations and the process and suggested Pennrose's documents be reviewed, especially the tax credit document.

Gregory Lane, 232 Winding Way, advised that the language "unnecessary concentration" would be interpreted differently depending on location.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Law thanked Mr. Aberant and the residents that attended the Community Options meeting and advised that he would like to see the conversation continue and to be engaged in the process. He would like to see the homes be successful. Mr. Law suggested engaging the Low and Moderate Income Housing Oversight Committee and/or Better Together Advisory Committee (when formed) to assist in a successful transition.

Mr. Zipin echoed Mr. Law's comments. He advised that he will not be at the September 26, 2022 meeting as that is Rosh Hashanah.

Mr. Van Dyken thanked the residents for coming forward. He suggested inviting Community Options to a Council meeting.

Ms. Mammarella thanked the public for their attendance and input. She felt the Township will get things right moving forward.

Mayor Gillespie thanked the public for its attendance and engaging in the conversation. She felt confident that things will be accomplished satisfactorily moving forward. She expressed the importance of these discussions, as there will be group homes that enter the community; and these early discussions will prove beneficial in integrating folks that live in these homes into the community.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 09 12 2022): Mayor Gillespie asked for a motion to adopt Resolution CS 09 12 2022 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

**RESOLUTION NO. TCOA CS 09 12 2022
AUTHORIZING CLOSED SESSION**

WHEREAS, the Township Council of the Township of Moorestown is subject to certain requirements of the Open Public Meetings Act, N.J. S. A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A 10:4-12, provides that a Closed Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Council of the Township of Moorestown to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____(1) *Matters Required by Law to be Confidential:* Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____(2) *Matters Where the Release of Information Would Impair the Right to Receive Funds:* Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____(3) *Matters Involving Individual Privacy:* Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to, information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____(4) *Matters Relating to Collective Bargaining Agreements:* Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____(5) *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:* Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____(6) *Matters Relating to Public Safety and Property:* Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

 x (7) *Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become, a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

_____ (8) *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) *Matters Relating to Potential Imposition of a Penalty:* Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, assembled in public session, that a Closed Session closed to the public shall be held in the Town Hall, 111 West Second Street, Moorestown, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

Mayor Gillespie advised that there will be no formal action when Council returns to the public; noting, however, all are welcomed to stay.

At 8:45 p.m., Council entered into closed session.

At 9:10 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 9:10 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Mr. Van Dyken
SECONDED BY: Mr. Law
ABSENT: None
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk