

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

September 26, 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 7:00 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 (absent)

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

CALL TO ORDER: At 7:00 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 amended agenda on the bulletin board at the Municipal Complex.
2. Filing a copy of the amended agenda in the office of the Township Clerk at the Municipal Complex.
3. Emailing a copy of the amended 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 26, 2022 (originally September 23, 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 with the exception of Mr. Zipin (Rosh Hashanah).

PROCLAMATIONS & PRESENTATIONS:

Proclamation - First Baptist Church 185th Anniversary (presented 9/18/22): Mayor Gillespie advised that she presented the following proclamation at the event held over the weekend. It was a wonderful event.

PROCLAMATION

WHEREAS, the First Baptist Church was first incorporated in 1837; and

WHEREAS, the First Baptist Church, through years of faithful leadership, continued to grow and sustain its surrounding community; and

WHEREAS, the First Baptist Church will be celebrating its One Hundred Eighty-fifth (185) Year Anniversary; and

WHEREAS, the Township Council of the Township of Moorestown understands the immense value of spiritual leadership in our community; and

WHEREAS, the Township Council has found the First Baptist Church to be a pillar in the community and appreciates its continued dedication to its members and the members of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that, it is with a great sense of gratitude, we celebrate the,

One Hundred Eighty-Fifth Anniversary of the First Baptist Church

and we express sincere appreciation for the many contributions it has made to our community.

Given under my hand and seal of the Township of Moorestown this 18th day of September, Two Thousand Twenty Two. Nicole Gillespie, Mayor

Proclamation - Celebrating 100 Years of "Bertha" (presented 9/24/22): Mayor Gillespie advised that she presented the following proclamation at the event held over the weekend. She complimented the event.

PROCLAMATION

WHEREAS, Moorestown Relief Engine Company has been preserving a piece of Moorestown history, "Bertha" - Moorestown's oldest fire truck, for the last 100 years; and

WHEREAS, in 1922 the Relief Engine Company asked the Board of Fire Commissioners to purchase an Ahrens-Fox Model RK-4 fire engine which could pump 600 gallons of water per minute; and

WHEREAS, at a Special Meeting that took place on September 25, 1922, the Township issued a check for \$11,400 to purchase the Ahrens-Fox fire engine, which came to be known as "Bertha;" and

WHEREAS, over the next 43 years, Bertha would be maintained and in use before it was replaced in 1965; and

WHEREAS, volunteers have held fundraising events over the years to specifically aid in the upkeep of Bertha; and

WHEREAS, Bertha is still housed at Relief Engine Company but has traveled the East Coast to different events as well as taking part in many events on Moorestown's Main Street; and

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

Bertha's 100th Birthday

and urges our citizens to join with the members of the Moorestown Township Council in celebrating Bertha's birthday.

Given, under my hand and the Seal of the Township of Moorestown this 24th day of September 2022. Nicole Gillespie, Mayor

DISCUSSION

Reports from Members of Council:

Mr. Law reported that the Tree Planting and Preservation and Environmental Advisory Committees continue to work on their charters. He advised that the Fire Department's 100th Anniversary for Bertha (100-year old fire truck) was great; he commended the department.

Mr. Van Dyken reported that he attended the listening session at the mall regarding the future of the mall; it was well attended and informative. He advised that the Recreation Department has released its pamphlet on upcoming programs. He reminded and invited all to come out for the unveiling of Percheron Park on October 1 at 3 p.m..

Ms. Mammarella advised that she had the opportunity to address the Burlington County Chamber of Commerce and share what is going on in Moorestown. The Appearance Committee reviewed the site plan for the Enclave (DR Horton property) on Centerton Road (market and affordable housing) and provided a report to the Planning Board. She attended the Anniversary of Bertha, a great event. Ms. Mammarella advised that the capstone and benches have been installed at Percheron Park; she is excited about the unveiling. Ms. Mammarella advised that the new webpage design is coming along.

Mayor Gillespie advised that James Florio (49th NJ Governor 1990-1994) passed away yesterday. She extended condolences to the family. She wished all a Happy Rosh Hashanah. Mayor Gillespie encouraged all to attend the weekend's events, i.e., STEM Anniversary, the

opening of Percheron Park; and the Music Collaborative. Mayor Gillespie advised that the Economic Development Advisory Committee (EDAC) meets tomorrow. They are working on their charter; the condition of the Main Street landscaping plots (MBA and the school will partner with the EDAC to address). She advised that the Low and Moderate Income Housing Oversight Committee has been working on its charter and it is possible this committee will become an ad hoc committee due to its change in and lack of responsibility with affordable housing.

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

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

October 24, 2022 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 09 26 2022: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Ms. Mammarella

SECONDED BY: Mr. Law

ABSENT: Mr. Zipin

VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 09 26 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.

Better Together Moorestown Advisory Committee: Ms. Mammarella provided an update. She advised that a time and location for meetings has been decided upon. She advised that she would like to review, with Mr. Law, the requests to serve as they come in. She hoped to have an announcement out by Friday soliciting requests to serve, make appointments at the November 14th meeting and schedule the first meeting. She will work with Kelly Flynn and Mr. Aberant the planning.

Funding/Awarding Contracts for Lenola Town Center Improvements Project: Mr. Aberant advised that bids for construction have been opened; in order to award (within sixty days) funding must be available. He advised of the original bond ordinance and funds available. He advised that the New Jersey Department of Transportation (NJDOT) usually funds (low bidder); request for additional funds, based on the bids received, has been made to the NJDOT. In the meantime, the original bond ordinance needs to be supplemented to provide for additional funding in the amount of \$293,500. He suggested introduction at the next meeting. It is hoped the Township will receive the additional grant monies and there will be no need to borrow the money. After a discussion, Council had no objection to the supplemental bond ordinance.

Proposed Ordinance to Amend Chapter 168 re: Commercial Vehicle Parking and Parking in the Vicinity of Schools: Mr. Aberant advised that Council has previously discussed (student) parking in the vicinity of the high school and Friends School, as well as, the parking of commercial vehicles in residential communities.

He read aloud the proposed language regarding parking of commercial vehicles (commercial in nature and more than four wheels – prohibited).

He advised of proposed prohibited parking near the school(s). He advised that letters were sent to the residents; some were in agreement with the proposal, some had concerns. Mayor Gillespie recommended advising residents where restricted parking will not be; Mr. Aberant advised the he will notify the residents. He advised that signage will be posted after adoption. Mr. Aberant advised that he will alert the school prior to introduction.

Mayor opened for floor for comment.

Barbara May Jordan, 1 Tyndale Court, advised that the student parking has been ongoing for twenty-one years. She said that if parking is prohibited, the students will just move to another location. She said, while she does not want to see students ticketed or hurt, she does want to make sure that if she has a fire or emergency at her house, the emergency vehicles can get down her street. She noted that there are at least sixty cars that park on and block up the street (including fire hydrants); there have been two fires and a fire is a reality. She advised of the problems that have existed indicating that the road has become a parking lot. While understanding the fact that students want to drive to school, she expressed grave concern with regard to safety in various areas. She hoped for leadership,, communication and oversight.

Michael Locatell, 526 East Main Street, addressed Council concerning the proposed ordinance on commercial vehicle parking. He reminded Council that the vehicle(s) is a take home vehicle for the working class; this ordinance will affect a person's employment. Mr. Aberant advised of the difficulty in the police being able to determine gross weight, etc. They felt this was a simpler solution so that it is enforceable. Mr. Aberant advised of past problems and noted that enforcement would be complaint driven. After discussion, Mayor Gillespie recommended removing the commercial vehicles language from the ordinance at this time.

MANAGER'S REPORT:

Mr. Heinold advised that the Township received summary judgment in the Reddy v. Township litigation concerning affordable housing on Borton Landing Road and Judge Dow dismissed all other counts (concerning the land swap and related amended zoning). He advised that the plaintiff has the right to appeal (he reviewed the process); he will keep Council apprised. He commended staff for its assistance in this matter. He advised that Lockheed Martin is waiting for finality in order to complete the land swap. He advised that companion litigation against the Planning Board is pending. (Plaintiff missed the deadline due to illness, but filed for reinstatement). Mr. Heinold felt that risk of reversal by the Appellate Division is low.

Mr. Aberant advised:

- Bel Canto broke ground at the mall (residential development).
- The two ordinances discussed earlier as well as, the RFP/RFQ for Redevelopment should be on the next agenda.

Mayor Gillespie expressed concern over the recent rash of burglaries (cars and homes) in town. Mr. Aberant advised that one person was arrested in connection with the catalytic convertor thefts at the school bus garage; additional patrols are set for overnight hours. Also, as part of Police Department's community outreach program, the department is looking at "coffee with a cop" – potential location is the Cubby Hole on Main Street.

ORDINANCES ON SECOND READING: None.

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 20-2022 by title.

20-2022 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$255,000 AND AUTHORIZING THE ISSUANCE OF \$242,250 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE PURCHASE OF POLICE VEHICLES AND EQUIPMENT, TOGETHER WITH ALL RELATED EXPENSES

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for October 24, 2022 at 7:00 p.m.

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Van Dyken
ABSENT: Mr. Zipin
ROLL CALL VOTE: All in favor

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

204-2022 ACCEPTING THE RESIGNATION OF CINDY SYNDER AND APPOINTING ADDITIONAL MEMBERS (SOPHOMORES) TO THE RECREATION ADVISORY COMMITTEE

205-2022 AWARDING A CONTRACT TO UNIVAR USA INC. FOR HYDRATED LIME IN AN AMOUNT NOT TO EXCEED \$62,500

206-2022 AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

207-2022 AUTHORIZING THE COLLECTION OF COSTS INCURRED BY THE TOWNSHIP OF MOORESTOWN FOR PROPERTY MAINTENANCE SERVICES RENDERED TO CERTAIN PROPERTY(S) LOCATED IN THE TOWNSHIP 140 WEST CAMDEN AVENUE (BLOCK 1201, LOT 7) AND 11 ERRICKSON AVENUE (BLOCK 1003, LOT 35)

208-2022 AUTHORIZING A ONE-YEAR EXTENSION OF A CONTRACT TO FRANZEO'S LANDSCAPING LLC FOR SNOW REMOVAL SERVICES IN THE ESTIMATED AMOUNT OF \$25,000

209-2022 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 (HEINOLD, JDM PLANNING ASSOCIATES LLC, CLARKE CATON HINTZ)

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: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: Mr. Zipin
ROLL CALL VOTE: All in favor

MINUTES: July 25, 2022 Official Action; August 22, 2022 Official Action; and September 12, 2022 Official Action and Closed Session: Mayor Gillespie asked for discussion by Council or a motion to approve.

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: Mr. Zipin
ROLL CALL VOTE: All in favor with the exception of Mr. Van Dyken, who abstained on the August 22, 2022 minutes.

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

MOTIONED BY: Mr. Van Dyken
SECONDED BY: Ms. Mammarella
ABSENT: Mr. Zipin
ROLL CALL VOTE: All in favor

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

Greg Newcomer, 235 Fellowship Road, acknowledged that the Mayor opens the meeting to the public during Council Discussion. He asked if that has always been done or whether she started same. Mayor Gillespie advised that when members of the public are in attendance for a specific matter of interest, she opens the floor. He also asked when inviting the public (that is on the phone or MS Teams) to speak started. Mayor Gillespie advised, during COVID.

Harry Mayer, 349 Second Street, asked what is going on at Chester Avenue by Third Street where he saw mark-outs on the road. Mr. Aberant was not certain.

Manny Delgado, 6 Walnut Court, indicated that at the last meeting there was discussion on Pennrose being fully funded. He asked if their application was fully funded when it was submitted: Mr. Aberant said, yes. He asked if the Township provided a letter committing to a contribution of \$5-\$10 million. Mr. Aberant said, not at that time. Mr. Delgado expressed his concern and confusion over how Pennrose could submit an application that did not have something in writing from the Township outlining its financial support. Discussion was held. In closing, Mr. Delgado advised Council to watch closely.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Law expressed his excitement over the upcoming weekend events. He also lauded Mr. Lloyd for getting a street light back on.

Mr. Van Dyken wished all a good evening.

Ms. Mammarella expressed her excitement over the upcoming weekend events. She looked forward to working with Kelly Flynn on moving the Better Together Advisory Committee forward.

Mayor Gillespie thanked all for attending. She advised that the Christmas parade is on December 3rd and asked Council to let Laura Russo know if they will be participating.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 09 12 2022): None.

ADJOURNMENT: At 8:16 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Mr. Law
SECONDED BY: Ms. Mammarella
ABSENT: Mr. Zipin
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk