

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
November 14, 2022

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

Kevin E. Aberant, Township Manager
Patricia L. Hunt, Township Clerk (Absent)
Douglas Heinold, Township Attorney
Vicki Gough, Deputy Township Clerk

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 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. Mailing 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 November 10, 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.

PROCLAMATIONS & PRESENTATIONS:

Mayor Gillespie read the proclamation recognizing Diwali. Mayor Gillespie wanted to make sure Council took the time to recognize the holiday because it is important to so many residents. Mayor Gillespie thanked the two women from the community who received the proclamation. Mayor Gillespie learned a lot about the holiday by doing the research for the proclamation.

PROCLAMATION

WHEREAS, it is the intention of the Mayor and Council of the Township of Moorestown to focus attention on noteworthy occasions and individuals; and

WHEREAS, Diwali is a festival of lights celebrated annually by millions of Hindus, Sikhs, Jains, and Buddhists throughout India, United States of America, and across the globe; and

WHEREAS, the word Diwali is a shortened version of Sanskrit word “Deepavali,” which means row of lamps; and

WHEREAS, the Diwali festival is celebrated with great joy by the Hindus as welcoming Lord Rama, incarnation of God after he returns from defeating demon Ravana, Victory of ‘Dharma’ righteousness over ‘Adharma’ non- righteousness (or victory of Good over evil); and

WHEREAS, Hindus also worship Goddess Laxmi on this day for prosperity, knowledge, peace and removal of all darkness of evil. Some Hindus also celebrate it as a beginning of a new financial year; and

WHEREAS, for Sikhs, Diwali is celebrated as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jahangir; and

WHEREAS, for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.; and

WHEREAS, for Buddhists, especially Newar Buddhists, Diwali is commemorated as Ashok Vijayadashami, the day the great Emperor Ashoka embraced Buddhism as his faith; and

WHEREAS, the Hindu, Sikh, Jain, and Buddhist communities as well as other people of diverse ethnicities constitute a vital part of Moorestown Township’s social fabric and whose languages, cultures, and religious beliefs have enriched our communities; and

WHEREAS, the Township is proud and honored to wish all celebrants a joyful and prosperous Diwali this and every year.

NOW, THEREFORE, BE IT PROCLAIMED that the Moorestown Township Council recognizes the contributions of all Hindu, Sikhs, Jains, and Buddhists active in all aspects of our vibrant economy and civic society.

Given, under my hand and the Seal of the Township of Moorestown this 14th day of November in the Year of Our Lord Two Thousand Twenty Two. Nicole Gillespie, Mayor

The women thanked Council for doing the proclamation. The Celebration represents good over evil and light over darkness.

DISCUSSION

Reports from Members of Council were given.

Mr. Law stated that both the Tree Committee and MEAC meet next week. He wished everyone a belated Diwali and Veteran’s Day. He mentioned that the Fire Department is looking

for volunteers. He suggested that if you are interested to visit their website: MoorestownFire.org. He highlighted two events that took place in town. The first was the Phillies viewing party and he hopes that we can continue to enjoy events like this going forward. The second event was the homecoming court procession, which happened on the same day. It was a great show of partnership between the High School and the Township and he hopes it will continue.

Mr. Zipin congratulated Mr. Law and Mayor Gillespie for winning election. He also said a belated thank you for your service to our Veterans.

Mr. Van Dyken wanted to be the first to congratulate Mr. Law and Mayor Gillespie on their reelection but Mr. Zipin already did. The Eagles are playing tonight and are going for 9-0.

Deputy Mayor Mammarella would love to congratulate Mayor Gillespie and Councilman Law. She said thank you to any Veteran and thank you for your service. She added that the watch party was so much fun. It was good to be out there. Appearance Committee has a meeting this week. They will be looking at signage for parking.

Mayor Gillespie stated that she doesn't have any updates on committees. She said that they are going to be talking about reorg tonight. The Phillies viewing party was a lot of fun and hope we can do that for other events. Candlelight night is this Saturday night and Relief Fire House's Beer Fest at Community House is on the same night.

Upcoming Meeting(s) Hybrid: Mayor Gillespie read the upcoming meetings aloud.
November 28, 2022 – 7:00 p.m. (Official Action)
December 12, 2022 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 11 14 2022: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Zipin
SECONDED BY: Deputy Mayor Mammarella
ABSENT: none
ROLL CALL VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 11 14 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.

Adjustment of Utility Rates – Tom Merchel, Chief Financial Officer, briefed Council on what needs to be done in regards to water and sewer rates. Council knew after the infrastructure improvements were completed all the debt would be bonded. The Township has finally bonded all the debt this year. The rates were increased in 2017 and again in 2020. Mr. Merchel gave a background. He stated that there are many cost drivers. Historically, we had around a million in debt service. We are now showing 3.3 to 3.6 million in debt service. The biggest part is the 3 water treatment plants. The water is the cleanest and it costs an extra \$600,000 for the cleaning processes at North Church Street plant. Mr. Merchel negotiated a contract with New Jersey American Water. There is \$760,000 savings in the negotiated contract. Mr. Merchel went over the increases per water rate tier. He stated that Moorestown has some of the lowest rates around even with the increases. He is hoping for the ability to request a monthly cap exemption from New Jersey DEP now that the plants are fully upgraded. Mr. Merchel explained commodity rates with New Jersey American Water. This rate increase is necessary.

Mayor Gillespie asked about commodity rate and DEP approval. Mr. Merchel answered regarding getting the final ok. Mayor Gillespie asked about pumping out of our own plant and the commodity rate with New Jersey American Water. Mr. Merchel explained the process and stated it would be great to achieve. Mayor Gillespie stated that the plan is to introduce the ordinance at November 28th. She would like to see the surrounding town rates in packet for Council.

Deputy Mayor Mammarella had a question on the cap. Mr. Merchel said DEP approval is separate from New Jersey American Water. He explained the cap. Deputy Mayor Mammarella asked why do we need New Jersey American Water. Mr. Merchel explained that DEP went back to the numbers from the 1980's to come up with the cap. He continued to explain the commodity rate.

Mr. Law asked that when the township uses 5000 gallons a day, we have to start buying water. Mr. Merchel said that it is not that easy. Not all plants are running at the same time. North Church has the highest rate per minute. Hartford Road and North Church are in the same location for the aquifer. They have their own caps. It is not as simple or clean. Mr. Law asked if there are things we can do before we increase rates? Mr. Merchel said that the utility is a business. It costs a lot of money to treat water. The residents have conserved a lot over the years. Mr. Merchel continued to explain and answer Mr. Law's question. Mr. Law saw in 2019, the rate was raised

\$.05. Now, a \$.75 increase seems like a large increase at one time. Mr. Merchel explained how he came up with the amount that Township needs to achieve to be where they need to be.

Mr. Van Dyken is concerned with rates for the smaller homeowners. They are getting hit with a huge increase. He had questions on why. Mr. Merchel explained the tier increases and why it was important to raise the rates. Much discussion continued. Mr. Van Dyken asked about increase in rates by New Jersey American Water. Is that for all municipalities? Mr. Merchel stated that is the peak demand rate for all municipalities. Mr. Merchel said the volume is fixed but the rate is not.

Mr. Zipin asked if there is any way to insure the commodity rates. Mr. Merchel said historically looking at data, it is possible to go over the commodity but if there was a special event, you could explain it and maybe get the rate lowered. Mr. Zipin mentioned that the New Jersey American Water Contract is a 10 year term. Mr. Merchel said they would like 30 year term but 10 year was the shortest they would go. Mr. Zipin asked about new housing projection for use on water. Mr. Merchel said there is flexibility on increasing our volume.

Mayor Gillespie stated that the ordinance will be on for introduction and the documentation will be on the website. Mr. Aberant commended Mr. Merchel on the fine job he did.

Appointments to Better Together Moorestown Committee – Mayor Gillespie stated that the goal is to appoint at the next meeting.

Deputy Mayor Mammarella stated that they have received 26 or 27 applicants. The ordinance guided them with the selection process. They also looked at what people had to offer. Mr. Law and Deputy Mayor Mammarella put a list together. The Ordinance states that a member from the business community is needed on the Board. She reached out to the Moorestown Business Association. She is going to the their meeting on Wednesday. Hopefully, they will have someone from the business community who would like to be on the Committee.

Mr. Law thanked everyone who applied. He is pleased with the professional experience received in the applications and they will be an asset to the Committee.

Mayor Gillespie asked if Deputy Mayor Mammarella sent the list of who they are recommending to Council. Deputy Mayor Mammarella said yes she sent it.

Mr. Zipin it would help to know what grade a student is in they are in. Much discussion was held on selecting student members for the committee. Mr. Law said that they received an application from a sophomore student who had a great application as well.

Mr. Aberant said applicants will serve the balance of this year and they will not have to be reappointed in January 2023.

Mayor Gillespie asked Deputy Mayor Mammarella to send list to Ms. Hunt for the Resolution and she will get it Council.

2023 Reorganization

Mayor Gillespie stated that in the packet, there is a list of current members who are due to expire. She asked the members of Council to take a look at their committees and talk to the chairs and see what slots need to be filled. Please get to the information to the Mayor as soon as possible. There are still more continuing to serve forms coming in. She added to please look at the attendance records as well.

Mr. Aberant clarified that everyone will contact Mayor who will give names to Clerk for appointment in January.

Mr. Aberant stated that the list of RFP's that Council recently requested was in the packet as well. He asked if everyone was ok with picking a few positions. All were in favor. Mr. Aberant read what Council went out in 3 years ago. Mr. Aberant went over 2020 RFPs and Council discussed which positions that they want to go out for. They decided on the following appointments: Labor Attorney, Affordable Housing Consultant, Landscape and Park Consultant and Utilities Engineer.

Mayor Gillespie stated that they wanted to touch on Committee Charters regarding removal of term limits on some of the Boards and Committees such as Planning Board and Recreation Advisory Committee. They would like to make T&T Committee and Low and Mod ad hoc committees. They would like to update the Ordinance and introduce at the next meeting. They would like EDAC to allow Moorestown Business Owner to be appointment that is not a resident. Council would like to make an appointment in January. There was discussion on removing the Bicycle Committee from all applications and website.

Mayor Gillespie needs any changes to the ordinances by Friday so that it can be on the November 28, 2022 Agenda.

MANAGER'S REPORT

Mr. Aberant said there is an update regarding litigation and he asked Mr. Heinold to discuss. Mr. Heinold said he looked at e-code nothing on bicycle. Mr. Heinold gave the background on the Reddy Litigation. Due to national security plans, we were required to negotiate with Lockheed Martin, which required land swap and rezoning of properties and two ordinances. Judge Dow withheld the actions. Last week the Plaintiff filed an appeal to the appellate division. It is in the early stages and has been docketed. As soon as he gets the information, he will get it to Council. He believes it will be another 3 to 6 months. Mayor Gillespie asked how it will affect Walters Group. Mr. Heinold said they can move forward.

Mr. Aberant received a request a letter of support for a community solar project applicant. We have received a request from Dimension Energy who wants a letter of support for a new site. Mr. Aberant wanted to make sure council was ok with mayor signing it. All were in favor.

ORDINANCES ON SECOND READING

The Township Manager read Ordinance 23-2022 by title.

1. **23-2022** AN ORDINANCE AMENDING ORDINANCE NO. 734 "THE MOORESTOWN TOWNSHIP SALARIES AND COMPENSATION ORDINANCE OF 1973," AS AMENDED AND SUPPLEMENTED, BY ADJUSTING SALARY RANGES FOR SUPERVISORY AND TECHNICAL EMPLOYEES AND CERTAIN PART-TIME EMPLOYEES

Mayor Gillespie opened the public hearing. There were no comments.
Mayor Gillespie asked for a motion to close the public hearing.

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

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

Mayor Gillespie asked for a motion to adopt the ordinance.

MOTIONED BY: Deputy Mayor Mammarella
SECONDED BY: Mr. Van Dyken
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.

1. **228-2022** AUTHORIZING CONTRACT CHANGE ORDER NO. 1 IN THE TOTAL DEDUCT AMOUNT OF \$3,000 IN CONNECTION WITH A PROJECT KNOWN AS THE NORTH CHURCH STREET WATER TANK IMPROVEMENTS PROJECT
2. **229-2022** ACCEPTING THE RESIGNATION OF WILLIAM BARKER FROM THE PLANNING BOARD
3. **230-2022** APPOINTING LOUIS GIAN SANTE, ESQUIRE OF GIAN SANTE & ASSOCIATES, LLC AS SPECIAL COUNSEL
4. **231-2022** AUTHORIZING A ONE-YEAR EXTENSION OF A CONTRACT TO GREEN HILL MAINTENANCE SERVICES CORPORATION FOR LAWN MAINTENANCE AND LANDSCAPE SERVICES IN THE AMOUNT OF \$78,894.92
5. **232-2022** AUTHORIZING CONTRACT IN THE ESTIMATED AMOUNT OF

\$34,884.80 WITH FOVEONICS IMAGING TECHNOLOGIES FOR DOCUMENT IMAGING SERVICES UNDER COOPERATIVE PRICING SYSTEM #65MCESCCPS, BID #ESCNJ 22/23-11

6. **233-2022** APPROVING A COMMUNITY EVENT FOR THE MAIN STREET CANDLELIGHT STROLL SPONSORED BY THE MOORESTOWN BUSINESS ASSOCIATION
7. **234-2022** AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND IN FURTHERANCE OF THE DEVELOPER AGREEMENT WITH COMMUNITY OPTIONS, INC. IN CONNECTION WITH THE DEVELOPMENT AND IMPLEMENTATION OF AN AFFORDABLE HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (COMMUNITY OPTIONS, INC.)
8. **235-2022** 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) 11 ERRICKSON AVENUE (BLOCK 1003, LOT 35)
9. **236-2022** 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)
10. **237-2022** ACKNOWLEDGING TOWNSHIP COUNCIL'S REVIEW OF SALARIES FOR THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 2 FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2023
11. **238-2022** ACKNOWLEDGING TOWNSHIP COUNCIL'S REVIEW OF SALARIES FOR THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 1 FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2023
12. **239-2022** APPOINTING JAMES CARRUTHERS AS MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR AND ESTABLISHING A SALARY
13. **240-2022** AUTHORIZING THE TAX COLLECTOR TO REFUND 4th (PARTIAL) QUARTER PROPERTY TAXES (32 CRIDER AVENUE)
14. **241-2022** AUTHORIZING THE TAX COLLECTOR TO CANCEL AND REFUND 3rd (PARTIAL) QUARTER PROPERTY TAXES AND CANCEL 4TH QUARTER PROPERTY TAXES (42 FOXWOOD DRIVE)

Mayor Gillespie opened the floor for public comment. There were no comments.

Mayor Gillespie asked for discussion by Council.

Mr. Aberant mentioned Mr. Carruthers was in audience. He thanked him for accepting the appointment. Mr. Law said he couldn't think of a better person for the position. He added that it was nice to see another young person willing to get involved.

Mayor Gillespie questioned the Fire District Salaries Resolutions. Mr. Aberant explained.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

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

Peter Macaluso 800 Golf view Road, congratulated Mayor Gillespie and Mr. Law on their win. He thanked Council for their time. He wanted to comment on the Better Together Committee in the town. He said it has been a crazy 2 years. There is no room for difference of opinions. When he looked at the Better Together charter, it says we value each other opinions. He agree with it. Psychological safety is important. Best teams are psychologically safe. This town is unique because we are not a predominately blue or red town. He was sorry he missed a chance to be on the committee. He would like Council to bring Democrats and Republicans to this committee. He thinks it would go a long way. He would love to participate. Diversity and inclusion is about thought. Let all the thoughts be presented. We need to educate people. He would like to applaud Council for doing this. Political diversity would be great. Mr. Law said Mr. Macluso is welcome to participate in meetings.

Kathy Sutherland, 417 North Church Street, Mr. Macluso, thank you so much for telling the truth. No one has had the guts to get up say it. Yancy Adams Park looks great but they forgot barriers where the park road ends and people cut through from North Church. Barriers were there and were taken down. She said thank you to Council. It looks nice and people are enjoying it. She asked what the Low/Mod ad hoc committee means. Mayor Gillespie said that they will be discussing it. Call on people when they need them for different things may need advice on. Ms. Sutherland asked about the speed limit on North Church Street. Mr. Aberant said he hasn't heard anything but he will find out what is going on with that. Ms. Sutherland said Mr. Heinold stated

there is another appeal. This is just another delay tactic and yes the community is fractured. At the last meeting she attended in August, there was quite a group here and one gentleman talked about a little lady from Mount Laurel. She would like to address the little lady that went to Mount Laurel Township so she could expand her home for her children. Mayor asked if she is referring to Ethel Lawrence. Ms. Sutherland said yes. She said how dare he speak about that little woman who is gone and if Mount Laurel Township would have ok'd her adding on her home we would not be talking about it now. If they have taken her seriously, we wouldn't be here and it had nothing to do with her demanding anything.

Greg Newcomer, 235 Fellowship Road, congratulated Mr. Law and Mayor Gillespie. He would like to hold a fundraiser for the Ukrainian war victims. He thought 3rd floor at the Rec building would be a great location and would like to explore it with Manager but wanted Council's approval. Council did not see a problem with it.

CLOSING COMMENTS BY COUNCIL:

Mr. Law said thank you to everyone who attended the meeting. He wanted to apologize for the young person comment he made earlier. He asked about the union contract and Federal holidays. He received feedback on town hall being open on Federal holidays. Mr. Law asked if it is possible to amend the contract before 2023. Mr. Aberant could follow up with the union.

Mr. Zipin said go Eagles.

Mr. Van Dyken said have a great night.

Deputy Mayor Mammarella thanked Mr. Macaluso for coming tonight and speaking up tonight. She is sure there will be a lot of ideas and will look for friends of the committee. Other members are free to come to meetings. Always open.

Mayor Gillespie stated she had no closing comments. She added thank you and have a good evening

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 11 14 2022): None.

ADJOURNMENT: At 8:39 p.m., there being no further business, a motion was made to adjourn.

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

VICKI M. GOUGH, RMC
Deputy Township Clerk