

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

March 27, 2023

(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, Mayor
Quinton Law, Deputy Mayor
Sue Mammarella, 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 7:00 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. 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 March 24, 2023.

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: None.

DISCUSSION:

Reports from Council: Mr. Van **Dyken advised that March is** National Developmental Disabilities Awareness Month. Mission Voice will be holding a 5K run at Strawbridge Lake on April 9; funds raised will go the Recreation Department's program for individuals with special needs. Also, there will be a golf outing to raise monies for the Jack Hannon Full Throttle Fund.

Ms. Mammarella announced Daffodil Day on April 22 and Arbor Day on April 8. She advised that the Historic Preservation Ad Hoc Committee is almost done with the draft grant application.

Mr. Law wished all a Happy Ramadan.

Mayor Gillespie said it is good to be back; she was out of the country and thanked Deputy Mayor Law for taking care of matters in her absence. She advised that the Economic Development Advisory Committee (EDAC) and Moorestown Business Association (MBA) will be holding a joint session with the New Jersey Economic Development Authority on small business grants and other resources. She advised that she missed the Environmental Advisory Committee (EAC) meeting; the next meeting is April 20. Mayor Gillespie advised the EAC has some concern about the wastewater treatment plant and some members took a tour of the plant. In addition, she and staff members, earlier this month, took a field trip to Phoenixville, Pennsylvania where the municipality is the first in the country to be using a process called hydrothermal carbonization to deal with their wastewater. They visited with the engineers who designed it, elected officials and employees. She advised of the process and advised that they save money on sludge disposal costs and generate power for the wastewater treatment plant, which are the two biggest costs for Moorestown. She advised how the regenerated waste (sand consistency) can be used (additive to concrete, sequesters carbon, food composting, removes microplastics and pharmaceuticals out of the end product). The Director of Public Works will be meeting with Somax with the intention of obtaining a feasibility study. Mayor Gillespie advised that STEM is seeking volunteers for its project this Saturday at the pollinator garden.

Mayor Gillespie advised that Rhonda Abbott, member of the audience, wanted to address Council and requested a sign language interpreter; and due to the fact that the resident and interpreter are present, Council will hear Ms. Abbott at this time and then will resume the regular meeting agenda.

Rhonda Abbott, PO Box 4644, Cherry Hill, asked how much time she would be allotted. Mayor Gillespie said typically five minutes. She asked if the police chief was present; she was advised no. Ms. Abbott asked Ms. Hunt a series of questions concerning their communications. She asked if communications went smoothly; Ms. Hunt said yes. Ms. Abbott said that is not the case with the Police Department. Ms. Abbott advised that the Police Department should be offering her accommodations due to her deafness. She felt that, in accordance with ADA law, those who are deaf or hard of hearing should be provided with an effective way of communicating and there is something very wrong when she asks for an interpreter to be provided on the scene and the answer is no. She expressed her disappointment in her interactions with the Police Department and indicated that Council has a duty and obligation to correct the situation. She felt that if the Police Department would take more time to listen, she would not have to go to court (due to lack of effective communication). Mr. Van Dyken asked if she is an advocate or spokesperson for a certain group or if something in particular happened. She said something happened. Ms. Mammarella asked if she felt the Police Department did not accommodate her. She said the Department has been biased against her. Particular incidents have caused her to come before Council. A brief discussion continued. Council thanked Ms. Abbott for coming in. Ms. Abbott and the interpreter stayed for the remainder of the meeting.

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

April 3, 2023 – 7:00 p.m. (Official Action)

April 24, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 03 27 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 03 27 2023

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:

- Delaware River Water Contamination: There has been lot in the media and concern over the spill in the river (which has impacted the drinking water in Philadelphia). He advised that, although the Township is required to buy water from New Jersey American Water (NJAW), there is no concern with Moorestown's water, as the Township's water comes from its wells (aquifer) at this time.
- Road Paving: Between now and the next meeting PSE&G will be replacing gas lines (due to leakage of old pipes) and the repaving. The paving is not a Township job; any concerns, let him know.
- Parking signage to limit parking (near the high school) has been installed on Hayfield and Tyndale Courts. The police will be enforcing same.

- Police have taken delivery of a new vehicle and tag reader (resulting in two vehicles with tag readers).
- The contactor has begun work on the Lenola Streetscape project.
- The Manager has submitted his recommended budget to Council. He provided a broad overview and recommended a budget workshop at the April 3, 2023 Council meeting. Council agreed. He advised that the proposed budget will be made available for public inspection.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 6-2023 by title.

6-2023 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$325,000 AND AUTHORIZING THE ISSUANCE OF \$93,700 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR IMPROVEMENTS TO NIXON DRIVE, TOGETHER WITH ALL RELATED EXPENSES

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: Mr. Law
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. There were no comments.

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

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

The Township Manager read Ordinance 7-2023 by title. Mr. Aberant advised that the well is located at the Hartford Road Water Treatment Plant. This well was drilled in 1960; last fall, it was noticed that it was sucking up gravel and sand. It was televised and revealed that the well was breached 300' down. The most cost-effective repair is to re-drill it.

7-2023 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$655,000 AND AUTHORIZING THE ISSUANCE OF \$625,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE RE-DRILLING AND REDEVELOPMENT OF WELL #8, TOGETHER WITH ALL RELATED EXPENSES

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 thanked the Manager for answering her questions before the meeting; she had hoped there would be more options, but understands, this seems to be the best option.

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 8-2023 by title. Mr. Aberant advised that the ordinance provides for long-needed updates to remove provisions that have not been applicable or practiced for years.

**8-2023 AMENDING CHAPTER 158 OF THE CODE OF THE
TOWNSHIP OF MOORESTOWN ENTITLED “LAND DEVELOPMENT
AND SUBDIVISION OF LAND”**

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: Mr. Law
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. There were no comments.

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

MOTIONED BY: Mr. Zipin
SECONDED BY: Ms. Mammarella
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.

95-2023 AUTHORIZING PARTICIPATION IN THE 2023 SUSTAINABLE JERSEY- PSE&G ENERGY EFFICIENCY PARTNERSHIP PROGRAM

96-2023 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)

97-2023 AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES DUE TO A LEAK REPAIR, MISREAD OR TYPOGRAPHICAL ERROR

98-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND TAXES DUE TO TOTALLY DISABLED VETERAN STATUS

99-2023 APPROVING PARTICIPATION IN THE SAFE AND SECURE COMMUNITIES FEDERAL GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY AND ACCEPTANCE OF A GRANT SUB-AWARD OF \$32,400

Mayor Gillespie opened the floor to the public.

Greg Newcomer, 235 Fellowship Road, asked what Resolution No. 95 entails and asked if it would result in cost savings. Mr. Aberant advised and said yes.

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

Mayor Gillespie asked for a motion to adopt the resolutions.

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

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

Nickolas Allen Johnson, 312 Fairview Avenue, advised Council that legislation was passed in Louisiana to allow blocking on the internet so that children cannot access adult sites online. He advised that the average age children are exposed to pornography online is twelve years of age. Utah has declared the issue as a public health crisis. He advised how the blocking works and gave statistics. Mr. Johnson stated that he has called Congressman Kim, Senator Singleton and Governor Murphy, to no avail. He asked if Council knew of any efforts being made in New Jersey; and he advised that the devices from Moorestown Schools do not have any blocks on them. Mayor Gillespie said she was not aware of legislation and recommended he bring up his other concern with the Moorestown School Board of Education. Discussion was held. Council agreed that the issue is concerning and thanked Mr. Johnson for raising the concern and bringing it to their attention.

Greg Newcomer, 235 Fellowship Road, asked about the status of replacing the Director of Community Development. Mr. Aberant advised that the search is ongoing. Mr. Newcomer asked for clarification concerning the hiring of a Police Director. Mr. Aberant advised that the code allows for a police chief or director. An advertisement has been posted and the Township is receiving responses from people that are interested in the position of director. Mr. Newcomer applauded Council on its efforts concerning the wastewater treatment plant operation and equipment options.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin thanked Ms. Abbott for coming before Council to share her issues. He wished all a Happy Easter and Passover.

Mr. Van Dyken thanked Ms. Abbot and Mr. Johnson for their comments and advised he will be doing some research.

Ms. Mammarella also thanked the members of the public that spoke. She wished all a Happy Easter.

Mr. Law echoed their comments and looked forward to attending the Rotary's Comedy Night on Thursday.

Mayor Gillespie thanked all for coming out.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 03 27 2023): Mayor Gillespie asked for a motion to adopt Resolution CS 03 27 2023 Authorizing Closed Session for purposes of discussing matters relating to Litigation, Negotiations and the Attorney-Client Privileges.

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

**RESOLUTION NO. TCOA CS 03 27 2023
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 8:00 p.m., Council entered into closed session.

At 8:43 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:43 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk