

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
April 24, 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 7:07 p.m. at Town Hall, Council Chamber, 111 West Second Street, Moorestown. Attendance was as follows:

Nicole Gillespie, Councilmember	Kevin E. Aberant, Township Manager
Sue Mammarella, Councilmember	Patricia L. Hunt, Township Clerk
Quinton Law, Councilmember	Douglas Heinold, Township Solicitor
Jake Van Dyken, Councilmember (absent)	
David Zipin, Councilmember	

CALL TO ORDER: At 7:07 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 April 21, 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; Jake Van Dyken was absent.

PROCLAMATIONS & PRESENTATIONS: Proclamation- National Library Week

Mayor Gillespie presented the following proclamation to Library Director Joan Serpico.

PROCLAMATION

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.

NOW, THEREFORE, BE IT PROCLAIMED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey that April 23-29, 2023 be declared

NATIONAL LIBRARY WEEK

and we encourage all residents to visit their library to explore the wealth of resources available.

Given under my hand and seal of the Township of Moorestown this 24th day of April, 2023.
Nicole Gillespie, Mayor

Ms. Serpico thanked Council. She reminded the public of this wonderful free resource the community has. She thanked the Library employees and volunteers and the Friends of the Library.

DISCUSSION

Reports from Members of Council:

Mr. Zipin thanked the Library for all it does; he encouraged the residents to take advantage of the free museum passes.

Ms. Mammarella reported on Daffodil Day and what a wonderful event it was. She also advised that she attended the Rotary Club luncheon and the Rotary is considering, for its 100th anniversary, creating a mural in town, by 2025.

Mr. Law advised that the Tree Planting and Preservation Committee will be hosting its Arbor Day Ceremony on Friday at Memorial Field; free tree give away at Town Hall the next day. He advised that the Mission Voice 5K run is on the weekend. The Better Together Advisory Committee is working on Juneteenth. Mr. Law noted that the Lenola Streetscape project is coming along; he encouraged the residents to support the Lenola business district; they are experiencing a reduction in business due to the bridge being closed.

Mayor Gillespie advised that the Environmental Advisory Committee is focusing on “water” this year; the Economic Development Advisory Committee is working on initiatives to incentivize business in Lenola; she thanked the MBA for a wonderful Daffodil Day event; welcomed a new business, Heist Insurance; she congratulated Ms. Mammarella for submission of the Historic Preservation Trust grant by the Historic Preservation Ad Hoc Committee; advised on upcoming events.

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

May 8, 2023 – 7:00 p.m. (Official Action)

May 22, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 04 24 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Ms. Mammarella

SECONDED BY: Mr. Zipin

ABSENT: Mr. Van Dyken

VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 04 24 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.

Burlington County Request for Township Support of DVRPC 2024 Transportation and Community Development Initiative (TCDI) Grant Application for the Regional Trails Feasibility Study: Mr. Aberant advised that the County is asking the towns to support its pursuit of a grant from the Delaware Valley Regional Planning Commission (DVRPC) to provide funding to do a feasibility study to expand its network of trails, including in Moorestown. He noted this is just planning at this time. There were no objections. Mr. Law asked if any residents need to be notified. Mr. Heinold advised that the County will look at the lands to be impacted and will notify those impacted.

Moorestown Community Wildlife Habitat Project Team's (team of citizens) Request to Support its Efforts to Earn Certification from the National Wildlife Federation to have Moorestown Designated as a Community Wildlife Habitat: Diane Cairoli, resident, asked Council for its support in seeking certification from the National Wildlife Federation. She advised what is involved in attaining certification (225 habitat points) and that the Garden Club, STEM and Master Gardeners are all involved in the process. Residents certify their yards as wildlife habitats. She advised on what that entails. Ms. Cairoli sought a letter of support and a proclamation from Council. The program educates the public on practices of composting, rain gardens, wildlife, plants, etc. There are 151 certified states and 15 certified communities in New Jersey. Discussion was held. Ms. Cairoli advised that once she has Council support she will begin. In closing, there were no objections from Council. A letter of support will be prepared and a proclamation will be presented at the May 8, 2023 meeting.

MANAGER'S REPORT: Mr. Aberant reported:

- Camden Avenue Bridge: The County has advised that it will mobilize a crew to stabilize the base of the bridge (shore up the foundation) in order to get it reopened.
- Ordinance Amending Warehouse Standards in BP-1 Zone: The draft ordinance was sent to the Planning Board by its subcommittee. The Planning Board had questions and wanted additional language. A redraft will be reviewed by the Board at its next meeting and if recommended, it be presented on first reading before Council on May 8.
- Grant Application for Sustainable NJ with PSE&G was approved for funding.
- Retirements: Ms. Jamanow's last date is tomorrow. Chief Walczak's last day is Sunday. The search for replacement personnel continues.

ORDINANCES ON SECOND READING: None.

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 9-2023 by title.

**9-2023 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for May 8, 2023 at 7:00 p.m.

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

2023 BUDGET RESOLUTIONS: Mayor Gillespie asked Manager to read all three titles; he did so. Mayor Gillespie opened the floor for public comment on the budget resolutions.

Erin Gill, 2 West Walnut, asked what the allocation for storm sewer maintenance is. Mr. Aberant advised that \$900,000 has been allocated in the Capital Budget program for future work on various drainage projects; said budget is not specific to projects at this time.

**107-2023 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH
THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF
ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS
UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"**

Mayor Gillespie asked Council for discussion or a motion to adopt.

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

**108-2023 A RESOLUTION ESTABLISHING THE TAX LEVY FOR YEAR
XXV OF THE MOORESTOWN OPEN SPACE, RECREATION AND FARMLAND
AND HISTORIC PRESERVATION TRUST FUND PROGRAM**

Mayor Gillespie asked Council for discussion or a motion to adopt.

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

110-2023 FOR INTRODUCTION AND APPROVAL ON FIRST READING OF THE 2023 BUDGET, AUTHORIZING PUBLICATION OF BUDGET, AND PROVIDING FOR A PUBLIC HEARING ON THE BUDGET ON MAY 22, 2023 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT TOWN HALL, 111 WEST SECOND STREET

Mayor Gillespie asked for discussion or a motion to approve on first reading and set the public hearing date for May 22, 2023 at 7:00 p.m.

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

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

101-2023 AUTHORIZING THE TOWNSHIP OF MOORESTOWN TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974

102-2023 AWARDING A CONTRACT TO VULCAN CONSTRUCTION GROUP, INC. IN THE AMOUNT OF \$100,380 FOR PROJECT KNOWN AS LENOLA ROAD OUTFALL EROSION MITIGATION

103-2023 APPOINTING M. JAMES MALEY, JR. ESQUIRE OF THE LAW FIRM, MALEY GIVENS AS REDEVELOPMENT COUNSEL AND AUTHORIZING AWARD OF A CONTRACT

104-2023 AWARDING A CONTRACT TO SEASIDE WASTE SERVICES INC. FOR WASTEWATER TREATMENT PLANT DEWATERED SLUDGE TRANSPORTATION SERVICES IN THE AMOUNT OF \$75,000

105-2023 AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES DUE TO A LEAK REPAIR OR MISREAD

106-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND TAX AND WATER PAYMENTS DUE TO DUPLICATE PAYMENT

109-2023 AWARDING A CONTRACT TO ARAWAK PAVING IN THE AMOUNT OF \$447,300 FOR PROJECT KNOWN AS NJDOT FY2021/2022 MUNICIPAL AID – COX ROAD AND MCELWEE ROAD IMPROVEMENTS

111-2023 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 (SURENIAN)

112-2023 AUTHORIZING SUBMISSION OF “2023 GRANT APPLICATION FOR MUNICIPAL, COUNTY, AND REGIONAL PLANNING” WITH THE NEW JERSEY HISTORIC TRUST AND AUTHORIZING EXECUTION OF THE OWNER ASSURANCES

113-2023 AMENDING RESOLUTION NO. 94-2023 ENTITLED “SUPPORTING THE PERKINS CENTER FOR THE ARTS’ APPLICATION FOR A NEW JERSEY HISTORIC TRUST FUND GRANT” TO REFLECT A CAPITAL GRANT (LEVEL II)

114-2023 AWARDING A CONTRACT TO A.C. SCHULTES, INC. IN THE AMOUNT OF \$548,558 FOR THE RE-DRILL OF WELL NO. 8 AT THE HARTFORD ROAD WATER TREATMENT PLANT

115-2023 AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP AND MRD MOORESTOWN, LLC

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

Mayor Gillespie asked for discussion by Council. Mr. Law asked, once the contract is awarded for Cox and McElwee, how soon until work starts. Mr. Aberant advised that there will be notice to proceed after execution of the contract; he anticipated the month of July. He advised that residents will receive notification when work is to begin. Also, there is a (certain type of) bat at the east end of town and the New Jersey Department of Environmental Protection did not want the project to start until after mating season for the bats.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: March 13, 2023 Official Action; March 27, 2023 Official Action and Closed Session; April 3, 2023 Official Action

Mayor Gillespie asked for discussion or a motion to approve the minutes.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Law
ABSENT: Mr. Van Dyken

ROLL CALL VOTE: All in favor, with the exception of Mayor Gillespie, who abstained on the March 13, 2023 minutes.

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

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

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

Lauren Schaffer 17 Windermere Drive, advised that she was present to discuss building a skatepark; stating people of Moorestown do want a skatepark. She provided a handout to Council. She advised that over 700 people signed a petition in support of a skatepark and she advised of the benefits of a skatepark.

She provided thorough information on following:

Size: 8,000 – 12,000 square feet
Various materials (wood, metal, concrete): She recommended concrete.
Cost: approximately \$550,000.
Funding: grants, bonding, etc.
Liability: no more lawsuits than any other sports.
Negative social impacts.
Next steps.

Mayor Gillespie thanked and complimented her. Council asked questions; Ms. Schaffer answered same.

The following students spoke in support of a skatepark: Annika Patel, 4 Buttonwood Court and Hanna Newport, 747 Westfield Road.

Ray Finkbinder, 204 and 206 South Lenola Road, advised that the work that was done as result of a watermain break in January was not done correctly. As a result, the foundation on his house cracked. He pleaded with Council to help him in this situation. He advised that his neighbors are present to advise of what is happening on their properties (cracked walls). Mayor Gillespie advised that after she spoke with Mr. Finkbinder the last time, the Township and County engineers did not find a problem. Discussion was held. He also complained about the paving job that was done. Mr. Aberant advised that there is overlapping jurisdiction. He advised that the Township was responsible for the watermain break and the County was responsible for the sidewalk and curbing. The cold patch was done by Earle Construction with the County last year. Mr. Aberant felt he would be receiving a letter from Pennoni shortly.

Laurie Gayliard, 118 South Lenola Road, advised of the damage that is occurring to her house (crumbling concrete, things falling off shelves, had to move bedroom to back of house). She said she wrote to the County and it seems as if the County and Township are pointing fingers at each other. She complained of the truck traffic and negative impacts (due to the bridge being out) and suggested a detour route be considered. Mr. Aberant said he will look into it. Ms. Gayliard also said the County advised that there are shutoff valves the Township needs to repair.

Mayor Gillespie advised the Township is aware, more data is needed and the engineers may need to go back out there.

Thomas Smith, 125 South Lenola Road, advised that his living room is falling apart; his foundation is cracking; there is loud truck traffic noise; his bedroom shakes. He advised of the negative impact to his house every time a truck goes by. He said there is a major issue. He has lived there for twenty-three years and since the road was redone, he has had problems. Mayor Gillespie advised that staff is waiting to hear from the engineers. Council needs more data in order to make any decisions. Mr. Smith asked Council to put the heat on them; this is a nightmare, he said.

Erin Gill, 2 West Walnut Avenue, advised she has a drainage issue on her property and finally, after several years of trying, has had the opportunity of working with the Township Manager. She advised of the underground piping in her yard and advised that the storm sewer has been deteriorating; she has sink holes; her fence is falling apart; her driveway is eroding and she has safety concerns for her children; the situation is dangerous and unsightly. She advised that a moderate rainfall will cause a complete flooding of her yard. She advised that she has been documenting the matter for years. She is currently awaiting a report from Pennoni, the Township Engineer. Ms. Gill stated that she should not have to bear the cost; the issue stems from a total lack of drainage maintenance. She asked if the Township is going to help her fix her driveway. She said her question has been ignored and she has ninety days from the last flooding, which was in February, to file a tort claim. Mr. Heinold advised that the Township is in a holding pattern until it gets the report. Mr. Aberant was reluctant to discuss the matter in public since there is potential for a claim. He advised that the Township had the storm pipe televised and spent nearly \$11,000 on repairs. In closing, Mr. Aberant advised that he will call Pennoni tomorrow. Ms. Gill thanked Council.

Tammy Barut, 115 South Lenola Road, said that when cars go by her house, it looks like a waterfall. Mayor Gillespie asked her to send a video to Council.

Bob Connor, 144 Country Club Drive, asked if a skatepark would be eligible for Green Acres funding. Mr. Heinold said yes. Mayor Gillespie advised that this matter needs to be discussed at the Recreation Advisory Committee (RAC) level noting that funding and priorities also need to be discussed as there are other projects out there.

Chris Schaffer, 17 Windermere Drive, advised that he is the Chairperson of RAC, and welcomed any comments. He felt a skatepark centrally located would reduce the need for parking. Mr. Schaffer stated that he is still looking forward to meeting with the engineers concerning the connection of the walking trail at Strawbridge Lake.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin noted that decisions are not always comfortable but they are important and necessary. Many things have to be factored in and ways to achievement sought. He encouraged Laura Schaffer to keep moving forward.

Ms. Mammarella echoed Mr. Zipin's comments. She advised that Council has heard the residents from South Lenola Road and believes them, as well as, Erin Gill. She said Council will do the best it can concerning the complaints. She thanked all for attending.

Mr. Law thanked Ms. Jamanow and Chief Walczak for their work for the Township; they will be missed. He complimented Ms. Schaffer and advised he feels she is going about the issue in the right way. His concern is the funding for these types of projects. He hoped to continue discussion and the feasibility of the idea (maybe a private contractor).

Mayor Gillespie thanked all for attending and bringing their concerns and requests before them.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 04 24 2023): None.

ADJOURNMENT: At 8:57 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk