

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

May 22, 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 7:01 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 7:01 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 May 19, 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: Proclamation - ALS Awareness Month: Mayor Gillespie read aloud and presented the proclamation to Candace North.

PROCLAMATION

WHEREAS, Amyotrophic Lateral Sclerosis (ALS), known by many as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease that attacks nerve cells in the brain and spinal cord; making even the simplest movements- walking, speaking, gesturing- difficult; and

WHEREAS, approximately 5,000 people are diagnosed with ALS each year; and

WHEREAS, ALS strikes people regardless of race, age, gender, ethnicity or social status, and currently has no known cause, means of prevention, or cure making diagnosis difficult; and

WHEREAS, finding the causes and cure for ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives; and

WHEREAS, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

WHEREAS, people who have served in the military are approximately twice as likely to develop ALS and die from the disease than those with no history of military service; and

WHEREAS, the U.S Department of Veterans Affairs recognizes ALS as a service-connected disease; and

WHEREAS, ALS Awareness Month increases the public's awareness of people with ALS's dire circumstances, and acknowledges the terrible impact this disease has, not only on the person, but on his or her family and the community, and recognizes the research being done to eradicate this disease.

NOW, THEREFORE, BE IT PROCLAIMED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that May 1-31, 2023, is **Amyotrophic Lateral Sclerosis Awareness Month**.

Given under my hand and seal of the Township of Moorestown this 22nd day of May 2023.
Nicole Gillespie, Mayor

Ms. North thanked all for coming out (friends, family and co-workers). She expressed her sincere appreciation to Council for the opportunity. Ms. North gave a bit of her history. She advised that she was born and lived a normal life for 7,727 days. In 1993, she was advised of her disease and life expectancy (six months). She told of her journey since that day and her life prior to that day when she was an athlete with State championships and a full life. Ms. North advised that one's life expectancy is five years. There are 5,000 new cases a year. She explained what the disease does to an individual and the effects on family and friends. In closing, Ms. North said today marks the 10,864th day of living with the disease. She encouraged everyone, no matter what life gives you, you can do anything (don't give up). Ms. North expressed her appreciation to Council for the opportunity to talk about this disease in the public and to be able to educate people on the disease. Mayor Gillespie commended Ms. North, noting that she is a member of the Better Together Advisory Committee (BTAC), and has brought to light obstacles that individuals with a handicap experience in living day-to-day life in town.

DISCUSSION:

Reports from Council:

Mr. Zipin advised, although he is unable to attend, due to a family commitment, the Planning Board meets next week. He advised that there has been progress on the Camden Avenue bridge

repairs; the County has been able to drain the water from the cofferdam and has poured the first round of concrete. He said the County is doing what it can to move the project along and he is encouraged that the bridge can be opened in short order.

Mr. Van Dyken commended Ms. North. He advised that the next Recreation Advisory Committee meeting is on June 2, 2023; and he advised of upcoming events.

Ms. Mammarella expressed her appreciation for Ms. North and the fact that Ms. North is bringing about awareness to the disease. She advised that the Appearance Committee meeting was cancelled due to a lack of business. She advised that, as part of Sustainable Moorestown Committee, she was able to visit the County recycling center to see how the process works. She commended the process and the employees. She said the experience brought about an awakening of the dos and don'ts. She reminded all not to put styrofoam, plastic bags or rechargeable lithium batteries in recycling.

Mr. Law thanked Ms. North. He advised that the Tree Planting and Preservation Committee is discussing potential tree ordinance grants. BTAC is working on Pride month and the Juneteenth celebration at the Perkins Center for the Arts. He thanked Mr. Zipin for his update on the Camden Avenue bridge and encouraged the public to shop in the Lenola area as business has suffered financially during the bridge closure. He congratulated Moorestown High School softball team.

Mayor Gillespie advised that the Environmental Advisory Committee met last week and it is working on educational materials for the public regarding flushing pharmaceuticals; wrapping up the Environmental Resource Inventory; and it is seeking clarification on its role in the plan review process. The Economic Development Advisory Committee is talking with the Lenola business district and looking at ways of revitalizing the business district. She and Mr. Law participated in roundtable discussion with the business owners a few weeks ago. Mayor Gillespie advised that the Hannon family held a wonderful brunch and golf outing this morning in consideration of the Jack Hannon Full Throttle Fund. She advised they will be planning on another fundraiser to construct an inclusive playground at Wesley Bishop Park.

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

June 12, 2023 – 7:00 p.m. (Official Action)

June 26, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 05 22 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 05 22 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:

- Newly hired, Public Safety Director, Pat Riley will commence work on June 5, 2023; and he will be attending the June 12, 2023 Council meeting.
- The Department of Public Works will begin a modified work schedule after Memorial Day. The new hours during the summer will be 7 a.m. until 3:30 p.m. Public notice will be given.
- There will be road closures on Moorestown Day, which will be on June 3, 2023. He advised of the roads to be closed and associated times.
- Anyone who has not been to the County Recycling Center should go.
- There has been a lot of progress made on the Lenola Streetscape project; the project is eighty percent complete. The project was delayed slightly due to modifications to the new street lights to be installed. There will most likely be a no-cost change order. Substantial completion is expected on June 2, 2023.

2023 BUDGET HEARING AND ADOPTION RESOLUTIONS: The Township Manager read the resolution by title.

123-2023 AUTHORIZING THE READING OF THE 2023 BUDGET BY TITLE ONLY

Mayor Gillespie asked for a motion to adopt the resolution.

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

The Township Manager read the resolution by title.

124-2023 ADOPTING 2023 BUDGET

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 or a motion to adopt the resolution (2023 Budget).

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

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 10-2023 by title. Mr. Heinold provided background and advised that this amendment was anticipated in the master plan; there are no changes to zoning designations or boundaries.

10-2023 AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "ZONING" TO AMEND THE REGULATION OF WAREHOUSES IN THE BP-1 ZONING DISTRICT IN ACCORDANCE WITH RECOMMENDATIONS MADE BY THE NJ STATE PLANNING COMMISSION

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. There were no comments.

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 11-2023 by title. He advised that the Township received a federal grant in connection with this project.

11-2023 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$100,000 AND AUTHORIZING THE ISSUANCE OF \$95,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR PRELIMINARY ENGINEER AND DESIGN EXPENSES FOR THE REPLACEMENT OF THE KINGS HIGHWAY WATER MAIN PHASE I, 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 June 12, 2023 at 7:00 p.m.

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

The Township Manager read Ordinance 12-2023 by title.

12-2023 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$65,000 AND AUTHORIZING THE ISSUANCE OF \$61,750 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR A FEASIBILITY STUDY FOR THE IMPLEMENTATION OF A HYDROTHERMAL CARBONIZED SLUDGE PROCESSING SYSTEM AT THE WASTE WATER TREATMENT PLANT, WITH ALL RELATED EXPENSES

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for June 12, 2023 at 7:00 p.m.

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

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

125-2023 ACCEPTING THE RESIGNATION OF CHRIS SCAFARIO FROM THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

126-2023 AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES DUE TO A LEAK REPAIR OR MISREAD

127-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT DUE TO DUPLICATE PAYMENTS

128-2023 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, SURENIAN)

129-2023 AUTHORIZING THE HIRING OF POLICE OFFICERS AS PERMITTED BY THE TERMS OF N.J.S.A. 11A:4-1.3

130-2023 APPOINTING BROWN & BROWN BENEFITS ADVISORS, LLC AS CONSULTANT /INSURANCE BROKER OF RECORD FOR THE TOWNSHIP OF MOORESTOWN'S HEALTH BENEFITS INSURANCE PROGRAM AND AUTHORIZING AWARD OF A CONTRACT

131-2023 A RESOLUTION AUTHORIZING AN AMENDMENT TO T-MOBILE'S LEASE OF ANTENNA SPACE AT THE KINGS HIGHWAY WATER PLANT

Mayor Gillespie opened the floor to the public.

Heidi Citteroni asked what T-Mobile is renting at the water treatment plant; Mr. Aberant advised that the resolution is approving modifications to the terms of the agreement for antenna space; there will be no physical changes.

Mayor Gillespie asked for discussion by Council. Mr. Law asked Mr. Aberant to provide clarification on Resolution 129-2023. Mr. Aberant advised that hiring through Civil Service can be cumbersome. The Police Department is seeking to hire new officers and the law altered the hiring process for entry level officers; it is another avenue to hire officers quicker than through the civil services process. This will help to increase the number of officers in the department.

Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Mr. Zipin

SECONDED BY: Ms. Mammarella

ABSENT: None

ROLL CALL VOTE: All in favor

MINUTES: February 27, 2023 Official Action

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

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

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

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

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

Deepak Kumar, 201 Parry Drive, advised that he is trying to perform tax assessment research and Burlington County does not have an assessment record program online; it has been taken down. Mr. Aberant advised that it was taken down by the County due to Daniel's Law and that the documents would be available through the Open Public Meetings Act. Mr. Heinold advised that it is his understanding that the County is working on putting the information back online; however, there is no timeframe. Mr. Kumar asked Council to look into the matter so he can continue his research.

Kathy Sutherland, 417 North Church Street, advised that PSE&G is still searching for the gas leak on North Church Street. She said this is a very serious situation. She advised that when the road was being repaved some years ago, the County refused PSE&G's request to put in new gas lines at that time. Ms. Sutherland asked for an update on the Nagle tract land swap. Mr. Heinold advised that he was just before the Appellate Division on the matter. The case is supposed to be expedited due to the affordable housing component; he hoped for a finding in the next few months.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin commended Ms. North and her incredible story indicating it is an arduous life she lives. He admired her perseverance and thanked her for her cause to bring about awareness. He wished all a good Memorial Day.

Mr. Van Dyken wished all a good Memorial Day weekend and encouraged the public to attend the Memorial services at Memorial Field on Memorial Day.

Ms. Mammarella wished all a Happy Memorial Day. She advised that she will be with Sustainable Moorestown's table on June 3rd (Moorestown Day).

Mr. Law wished all a Happy Memorial Day.

Mayor Gillespie reminded all that Memorial Day is a time to honor all those that have served and given their lives for our country. She encouraged all to attend the ceremony. Mayor Gillespie advised that the Moorestown Education Foundation is selling Moorestownopoly game as a fundraiser. She encouraged all to support the fundraiser.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 05 22 2023): Mayor Gillespie asked for a motion to adopt Resolution CS 05 22 2023 Authorizing Closed Session for purposes of discussing matters relating to Litigation, Negotiations and the Attorney-Client Privileges (Affordable Housing).

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

**RESOLUTION NO. TCOA CS 05 22 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. **(Affordable Housing Litigation)**

(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 7:51 p.m., Council entered into closed session.

At 8:23 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:23 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk