

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

August 7, 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	Kevin E. Aberant, Township Manager
Quinton Law, Deputy Mayor	Patricia L. Hunt, Township Clerk
Sue Mammarella, Councilmember	Stephen Raymond, Substitute Township Solicitor
Jake Van Dyken, Councilmember (absent)	Douglas Heinold, Township Solicitor (arrived at 7:30 p.m.)
David Zipin, Councilmember	

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 August 4, 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; Mr. Van Dyken was absent.

PROCLAMATIONS & PRESENTATIONS: Proclamation-Mental Health Awareness (presented July 26, 2023): Mayor Gillespie advised that Mr. Law presented the following proclamation on July 26, 2023.

PROCLAMATION

WHEREAS, a sense of belonging and inclusion in communities is vital for the well-being and mental health of minority individuals; and

WHEREAS, community-led spaces such as cultural hubs, areas in which people of a specific cultural background have come together to live, provide services, or connect with one another, are vital sources of belonging that promote overall mental health and wellness; and

WHEREAS, connection with one's culture and community is key to supporting overall mental health. Individuals who have strong connections to their communities have better mental health outcomes including lower rates of suicide, violence, and feelings of isolation; and

WHEREAS, no one knows a community better than those within the community itself. In order to move toward a more mentally healthy future, community-led action must be prioritized and sustained; and

WHEREAS, advocating for mentally healthy environments must prioritize access for all. Strong community support requires an overall understanding that every person is deserving of a healthy environment and has a role in the wellness of those around them.

NOW, THEREFORE, BE IT PROCLAIMED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that July 2023 is Minority Mental Health Awareness Month. As the Deputy Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses, and schools in Moorestown to recommit our community to increasing awareness and understanding of minority mental health, the steps our citizens can take to protect their mental health through community-led action and organizing, and the need for appropriate and accessible services for all BIPOC people with mental health conditions.

DISCUSSION:

Reports from Council: Mr. Law advised that the Tree Planting and Preservation Committee meets tomorrow. The Better Together Advisory Committee met and is working on the Armydis Sordon Park dedication; they will be reaching out to surrounding business owners seeking their interest in helping. He advised that he will be attending the First Baptist Church Mural Ceremony happening on Saturday (first officially approved mural in Moorestown). He will be attending the Pakistan Day event at the Lenola Fire House on Sunday (event organized by Saima Bhutta).

Mayor Gillespie advised that the Environmental Advisory Committee meets next Thursday. This Thursday is the Second Street Food Truck Event at Town hall. The Moorestown Business Association's End of Summer Block Part will be next Wednesday.

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

August 21, 2023 – 7:00 p.m. (Official Action)

September 11, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 08 07 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda. Mr. Zipin advised that he will be recusing himself from Resolution No. 161-2023.

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

RESOLUTION APPROVING CONSENT AGENDA CA 08 07 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

- Reviewed his memorandum dated August 7, 2023 regarding recommended amendments to Chapter 168 "Vehicles and Traffic (stop sign at intersection of Edgemoor Drive and Highland Drive; Parking restriction on Pancoast (limit parking to west side of the street only; an officer will speak to the residents on the street making them aware and get their input); and Parking restriction on Camden Avenue (restrict parking in bike lanes). Mayor Gillespie advised that she has no objection to the recommendations. She asked if the ordinance should be amended after Council hears from the Police Department concerning recommendations on Cottage Avenue and Browning Road and Mill and Second Streets. Mr. Aberant said Director Reilly received approximately eighteen responses to the thirty-six surveys sent to the residents in the area. Ten or eleven said make Cottage Avenue one way or a dead-end. Director Reilly did not feel that the low response justified the magnitude of the change that would be made. There is no recommendation at this time. Mr. Aberant has not heard regarding Second and Mill Streets. He said introduction will wait until he receives clarity about Second and Mill Streets. Mayor Gillespie asked if vehicles could be towed for parking in the bike lane on Camden Avenue. Mr. Aberant advised he will check into it.

- Mr. Aberant asked if there were any concerns with the addition of stop signs (both ways on Second Street at Mill Street (resulting in a three-way stop at Second and Mill Streets). It was noted that this area was brought up in the traffic listening session recently held. Mayor Gillespie advised that there was also a concern raised with trucks turning off Second Street on to Mill Street. She believed Director Reilly was also looking at that. Mr. Law supported the installation of the stop signs on Second and whatever it takes to slow down traffic on Second Street.
- Mr. Aberant advised that today, discussion was held concerning water consumption in the Township. He advised that the Westfield Road Water Tank will need to be drained during the repainting and repair project. The initial plan was to increase water going into the system. There are a couple of factors impacting water: 1) tremendous usage; last month the Township purchased 52 million gallons from New Jersey American Water (NJAW), the most ever purchased in one month; during the recent heat, there was a day when 5.4 million gallons were used; average volume during the year is around 2-2.5 million gallons; 2) Well No. 8 is still in the process of reconstruction (an unexpected event that has exasperated the need to get water from NJAW). There are two consequences – the Township is getting to the point where it is going to max out what it is supposed to buy from NJAW; additional water can be purchased, however, that may create a budgetary problem. He said getting Well No. 8 back online will help the situation. Also, due to a problem at Kings Highway plant with a piece of equipment the plant has been down. Chapter 175, in part, addresses water conservation. He advised that this has not been enforced in years and discussion concerning enforcement is being held. Staff will be getting messaging out to the public that this chapter will be enforced.
- Mr. Aberant advised that the parking lot lights out front have been replaced with LED lighting.

Mr. Zipin recused himself from the upcoming action concerning affordable housing; he left the room.

AFFORDABLE HOUSING RESOLUTIONS: The Township Manager read Resolution No. 162-2023 by title.

162-2023 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)

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

The Township Manager read Resolution No. 164-2023 by title.

164-2023 AUTHORIZING THE EXPENDITURE OF \$39,020.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR REIMBURSEMENT OF PREDEVELOPMENT EXPENSES TO COMMUNITY INVESTMENT STRATEGIES (CIS) IN CONNECTION WITH THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT

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

AFFORDABLE HOUSING – ORDINANCES ON SECOND READING: None.

AFFORDABLE HOUSING – ORDINANCES ON FIRST READING: None.

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

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

Mr. Zipin returned to the dais.

ORDINANCES ON SECOND READING: None.

ORDINANCES ON FIRST READING: The Township Manager read Ordinance No. 16-2023 by title. Mr. Aberant advised that the property houses a Township-owned pump station and it has been maintained by the Township for many years.

**16-2023 AUTHORIZING ACCEPTANCE OF PROPERTY FROM NBPIII
SBAR LLC BLOCK 100, LOT 1.08**

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for August 21, 2023 at 7:00 p.m.

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

Mayor Gillespie advised that Mr. Zipin will be recusing himself on Resolution No. 161-2023.

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

159-2023 AWARDING A CONTRACT TO MUNICIPAL MAINTENANCE COMPANY IN THE AMOUNT OF \$43,875 FOR THE PURCHASE AND INSTALLATION OF A NEW NETZSCH ROTARY LOBE PUMP TO BE USED AT THE SEWER PLANT

160-2023 AWARDING A CONTRACT TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$252,513.13 FOR PROJECT KNOWN AS FY2023 NJDOT MA NIXON DRIVE AND HARPER DRIVE IMPROVEMENTS

161-2023 RESCINDING RESOLUTION NO. 155-2023 AND AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES DUE TO DUPLICATE CHARGES, AN OVERESTIMATE, A MISREAD, LEAK REPAIRS, AND A POOL FILL IN THE 1ST QUARTER

163-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND A TAX PAYMENT MADE IN ERROR ON AN EXEMPT PROPERTY

165-2023 ACKNOWLEDGING THE REPORT ISSUED BY THE OFFICE OF THE STATE COMPTROLLER AND ADOPTING A CORRECTIVE ACTION PLAN

Mayor Gillespie opened the floor for public comment. 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: Mr. Law
SECONDED BY: Ms. Mammarella
RECUSED: Mr. Zipin on Resolution No. 161-2023
ABSENT: Mr. Van Dyken
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: Mr. Van Dyken
ROLL CALL VOTE: All in favor

COMMENTS FROM THE PUBLIC (Items listed on and/or off the Agenda): None.

CLOSING COMMENTS BY COUNCIL: Ms. Mammarella advised that the Appearance Committee will be reviewing the plans for the apartments going up on North Lenola Road at the Sbar site.

Mr. Law advised that someone noticed the police walking down main Street and he thanked the department for the expansion and noted same is being noticed. Mr. Aberant advised that the department is looking in to purchasing e-bikes.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 08 07 2023): Mayor Gillespie asked for a motion to adopt Resolution CS 08 07 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. Zipin
ABSENT: Mr. Van Dyken
ROLL CAL VOTE: All in favor

**RESOLUTION NO. TCOA CS 08 07 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.

Mr. Heinold arrived; Mr. Raymond left the meeting.

At 7:30 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:	Mr. Law
SECONDED BY:	Ms. Mammarella
ABSENT:	None
VOTE:	All in favor

PATRICIA L. HUNT, RMC
Township Clerk