

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

July 10, 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 July 7, 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. Zipin advised that there is an Open Space Advisory Committee meeting tomorrow and Planning Board meeting on Thursday.

Mr. Van Dyken hoped all had a happy 4th of July.

Ms. Mammarella advised that Sustainable Moorestown has a meeting on Thursday. She advised that the committee placed a survey online and asked to all take it. She advised that it was a pleasure participating in the 4th of July parade. She indicated that she visited Folks Farm on Lenola Road; it was great and they are very nice people. While she was there, she recommended they join the Moorestown Business Association. Concerning the rededication of the Beech Street

Park, Ms. Mammarella was happy to report that she located the niece and great nephew of Armydis Sordon. The rededication will most likely be on Veterans Day.

Mr. Law thanked Sustainable Moorestown for its work noting that he would love to report same to the Better Together Advisory Committee (BTAC) and involve them in the planning process. He expressed his excitement about participating in the 4th of July parade. Mr. Law advised that the Tree Planting and Preservation Committee meets tomorrow. BTAC meets next month. He advised that Music Man opens next week and he will be in it. He asked all to support the Moorestown Theater Company. He asked all to support Folks Farm at 920 Lenola Road and all Lenola businesses.

Mayor Gillespie thanked the 4th of July Parade Committee noting they did a great job. The Environmental Advisory Committee meets next Tuesday; they continue to work on clear criteria concerning what applications they are to review and new procedures with regard to meeting with applicants. Mayor Gillespie was pleased to present the great news that the State budget included \$500,000 for Moorestown to revitalize Yancy-Adams Park and the green at Town Hall. She advised that she and Ms. Mammarella will also be starring in the Music Man.`

Upcoming Meeting(s): Mayor Gillespie read the upcoming meetings aloud.
July 24, 2023 – 7:00 p.m. (Official Action)
August 7, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 07 10 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Law
SECONDED BY: Ms. Mammarella
ABSENT: None
VOTE: All in favor. Mr. Zipin advised that he will be recusing himself on Resolution No. 148-2023.

RESOLUTION APPROVING CONSENT AGENDA CA 07 10 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:

- Technicians fixed a loose wire in the council chamber which was causing static. Mayor Gillespie thanked Danielle Gsell for her assistance.
- There is a new hire in the Police Department, Alikhan Bertot, Patrolman; he is currently in the academy.
- He provided an update on the Lenola Streetscape project; it is nearing completion.
- The County is doing a project on Tom Brown and Westfield Roads and then probably moving over to Camden Avenue.
- Work on Pancoast Avenue has begun.
- Full Throttle Field is complete; it is an amazing field and being enjoyed by the kids already.

He provided answers to Mr. Law’s questions.

ORDINANCES ON SECOND READING: ORDINANCES ON SECOND READING: The Township Manager read Ordinance 13-2023 by title.

13-2023 AN ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 34-2021 AS AMENDED AND SUPPLEMENTED BY APPROPRIATING AN ADDITIONAL \$1,970,000 AND AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$1,871,500 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE PAINTING AND IMPROVEMENTS TO THE WESTFIELD ROAD WATER TANK, 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. Van Dyken
SECONDED BY: Mr. Zipin

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 14-2023 by title.

14-2023 AMENDING CHAPTER 180 ENTITLED "ZONING" OF THE TOWNSHIP OF MOORESTOWN TO REZONE BLOCK 7401, PROPOSED LOT 1.02 (UNNUMBERED LOT ON BORTON LANDING ROAD) TO AMF-6 ZONING DISTRICT, AND TO REZONE BLOCK 7401, LOT 3 (200 HARTFORD ROAD) TO BP-2 ZONING DISTRICT

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for July 24, 2023 at 7:00 p.m.

Mr. Heinold noted for the record that Mr. Zipin is recused; Mr. Zipin acknowledged same.

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

The Township Manager read Ordinance 15-2023 by title.

15-2023 AUTHORIZING THE EXCHANGE OF THE PROPERTY OWNED BY THE TOWNSHIP OF MOORESTOWN COMMONLY KNOWN AS THE NAGLE TRACT, LOCATED AT 200 HARTFORD ROAD AND ALSO KNOWN AS BLOCK 7401, LOT 3, WITH A 12.5 ACRE PARCEL OF LAND OWNED BY LMC PROPERTIES, INC. LOCATED ON BORTON LANDING ROAD AND KNOWN AS PROPOSED BLOCK 7401, LOT 1.02 WHICH IS A PORTION OF EXISTING BLOCK 7401, LOTS 1 AND 2

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for July 24, 2023 at 7:00 p.m.

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

NON-CONSENT AGENDA RESOLUTIONS: The Township Manager read the non-consent agenda resolution by title.

152-2023 RESOLUTION SUPPORTING THE APPLICATION OF LENOLA WELLNESS, LLC TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION

Mr. Heinold advised that the resolution in Council's original packet has been revised; the following language was added to the end, "BE IT FURTHER RESOLVED that this Resolution of Support is subject to a one-year period during which time Lenola Wellness LLC must obtain site control and proper land use approvals from the Township Planning Board. If not obtained within one year from the date of this resolution, then this resolution shall expire. The Township reserves the right to extend this resolution in its sole discretion. BE IT FURTHER RESOLVED that Lenola Wellness LLC shall at all times be subject to the Township's cannabis regulations at Chapter 52 including any amendments that may occur after adoption of this resolution." Mayor Gillespie advised that a discussion held at the last meeting lead to the changes just cited because there is a limited number of licensees in town and this will help to control a never-ending resolution of support. Mayor Gillespie noted that Council had questions at the last meeting. It is now in receipt of the applicant's business plan (which she complimented). She asked Council for any questions.

Faith Reilly, Owner, Lenola Wellness, LLC (LW), 876 Lenola Road, and Tom Reilly were present. John Malone, Esquire, was present via MS Teams.

Questions and answers were had. Some of the key points:

- LW plans to contribute up to \$200,000 to Moorestown organizations and others. Contributions to the Township would be based on the Township's needs.
- Job opportunities would be advertised locally
- Customers will be the first educated; there will be community outreach education; community education in schools would be in year two.
- There are fifty-eight parking spots (ample parking) and ten separates spots for employees.
- Retail sales does not emit odors. Manufacturing will have odor reducers. When

cultivation comes on line, the most advanced technology will be used to control odors. Also, the business is on a large property.

- Mayor Gillespie noted that stormwater management is an important issue and the business should be taking same into consideration.
- The company would like to meet with the Director of Police in connection with its security plan.
- Retail (including third-party products) and light manufacturing are planned for Phase I. Cultivation (Phase II) is subject to existing tenants moving out in a year or so.
- LW will abide by the code concerning signage. Signage will be discreet. However, LW would welcome the idea of having a marquee sign on the main road.
- LW would like to have delivery. However, they would have to come back to Council to expand their license.

Mayor Gillespie opened the floor to the public.

Greg Newcomer, 235 Fellowship Road, asked about the exact location; he was told 876 North Lenola Road. In response to Mr. Newcomer's questions, he was advised that the property is more than eleven actions. LW will be utilizing the existing building and adding a parking lot. Mr. Newcomer supported the resolution.

In closing, Ms. Reilly thanked Council for its time. Mayor Gillespie thanked LW for appearing.

Mayor Gillespie asked for a motion to adopt the resolution.

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

CONSENT AGENDA RESOLUTIONS: Mr. Zipin recused himself in connection with Resolution No. 148 (remained on the dais). The Township Manager read the consent agenda resolutions by title. Mr. Aberant advised that there is a substantial amount of funding to repair the worst parts of East Main Street. Mr. Lloyd and Mr. Shine walked it and recommend repair (not full overlay) due to watermain that has to be done.

145-2023 AUTHORIZING CONTRACT CHANGE ORDER NO. 3 IN THE DECREASE AMOUNT OF \$4,098.50 IN CONNECTION WITH A PROJECT

KNOWN AS 2021 OVERLAY PROGRAM (EARLE ASPHALT COMPANY)

146-2023 AWARDING A CONTRACT TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$1,030,113.13 FOR PROJECT KNOWN AS 2023 OVERLAY PROGRAM

147-2023 AWARDING A CONTRACT TO EARLE ASPHALT COMPANY IN THE AMOUNT OF \$921,613.13 FOR PROJECT KNOWN AS 2023 RECONSTRUCTION PROGRAM – WEST CENTRAL AVENUE

148-2023 AUTHORIZING THE EXPENDITURE OF \$70,495.02 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

149-2023 AWARDING A CONTRACT TO UNIVAR SOLUTIONS USA, INC. FOR PURCHASE AND DELIVERY OF HYDROGEN PEROXIDE TO BE USED AT THE WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$33,000

150-2023 APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FLYNN AVENUE, HARPER DRIVE, AND NIXON DRIVE IMPROVEMENTS PROJECT **151-2023** APPOINTING CHARLES CORIELL TO THE ENVIRONMENTAL ADVISORY COMMITTEE

Mayor Gillespie opened the floor to the public.

Greg Newcomer, 235 Fellowship Road, asked if the projects referenced in Resolution Nos. 146- and 147-2023 were bid and if so, how that was done. Mr. Aberant advised that the projects were bid through the public bidding law and he advised of the results.

Mayor Gillespie asked for discussion by Council. Members of Council asked questions regarding the overlay projects. Mr. Aberant answered same. Mayor Gillespie asked how much monies were being added for the repairs to East Main Street. Mr. Aberant said about \$50,000. He advised that the patches will be about six-feet wide on the worst spots. She asked that notice be given on social media.

Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Ms. Mammarella

SECONDED BY: Mr. Law

ABSENT: None

ROLL CALL VOTE: All in favor with the exception of Mr. Zipin who recused himself on Resolution No. 148-2023.

MINUTES: None.

APPROVAL OF EXPENDITURES: Mr. Zipin recused himself (remained on the dais). Mayor Gillespie asked for comment or a motion to approve the bill list.

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

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

Kate Wilson, 2 Split Rock Place, thanked Director Riley noting that she has seen, for the first time in years, people being ticketed for speeding.

Greg Newcomer, 235 Fellowship Road, asked for clarification concerning the islands installed on Camden Avenue. Mayor Gillespie explained noting that it seems awkward but there will also be a bike lane and turn lane; once installed there will be clear striping. Mr. Newcomer said someone told him the Township was hacked. Mr. Aberant advised that the town has not hacked. Mr. Newcomer asked if the asphalt made with glass (that was used in the I95 collapse) is being used on current paving projects. Mr. Aberant said he did not know but will inquire. Referring to the Reddy v. Township litigation, Mr. Newcomer expressed his dismay in the fact that the Township is forced to retake official action (as imposed by the court). He noted that Council has been discussing and going thru the process for years; he supports affordable housing; and people need affordable housing.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin thanked all for attending.

Mr. Van Dyken thanked Faith Reilly noting they have presented a very thorough business plan.

Ms. Mammarella expressed her appreciation to hear that East Main will be overlaid; that is money well spent. She asked all to participate in the Sustainable Moorestown survey online.

Mr. Law announced that the summer concert series will be next Monday on the Community House lawn. He thanked and complimented Lenola Wellness on its presentation and plan to give back to the community. He thanked all involved in the Lenola Streetscape project noting the project has been in motion for years.

Mayor Gillespie thanked Ms. Reilly and said she is happy to have the business in town. She complimented the business plan. Mayor Gillespie advised that the Second Street Food Truck event will be this Thursday.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 07 10 2023): None.

ADJOURNMENT: At 8:10 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk