

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

October 16, 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 October 13, 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:

Ms. Mammarella advised that the Appearance Committee meets this Wednesday; they will review the concept plan of the mural proposed by the Rotary. She commended Save the Environment Moorestown (STEM) on its parks tour; she said it was terrific. Ms. Mammarella provided an update on Community Options advising that four representatives from Community Options attended a meeting at town hall with the residents last Tuesday; a lot of questions were answered; and she believes that all enjoyed the opportunity for the open dialogue. She advised that she will remain the liaison in the matter.

Mr. Law thanked the organizers involved in Autumn in Moorestown. He reminded all that the Armydis Sordon Park dedication will be held on Veterans Day, advising of the background and inviting all to attend. He thanked Ms. Mammarella for her assistance in organizing the event. He also commended STEM.

Mayor Gillespie advised that the Environmental Advisory Committee meets on Thursday; she will not be able to attend. She advised that the Environmental Resource Inventory was accepted by the Planning Board and will be posted online. Mayor Gillespie advised that the local Jewish Association will be holding a “pray for peace” vigil on Wednesday at Percheron Park.

Upcoming Meeting(s): Mayor Gillespie read the upcoming meetings aloud.
October 16, 2023 – 7:00 p.m. (Official Action)
November 13, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: Mayor Gillespie advised that Council and staff have been gathering needed information concerning Ordinance 19-2023, which it is has not completed; and there is not enough information to hold a vote. She suggested continuing the public hearing to a date certain and recommended a special meeting be held on October 20, 2023.

Adopting Consent Agenda Resolution No. CA 10 16 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 10 16 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.

Adopting Consent Agenda Resolution No. AHCA 10 16 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA AHCA 10 16 2023

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_____ 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.

Draft Ordinance Revision to Prohibit Cannabis Businesses on Lots Bordering Residentially Zoned Lots in BP-1 Zoning District: Mayor Gillespie advised that Council has proposed an amendment to the ordinance which would exclude lots adjoining residentially-zoned lots in the district.

Mayor Gillespie asked for questions from Council. Ms. Mammarella asked about protocol. She was advised that the ordinance must be referred to the Planning Board for review (after introduction on October 30th). After the Planning Board acts on November 2, 2023, the ordinance can be heard on second reading and public hearing on November 13th. In response to Mr. Van Dyken, Mr. Heinold advised that anything that is residential that touches the zone line would not be a permitted site. Also, the railroad right of way would not count as abutting a residential lot. Mr. Law was advised that opening and closing times would be addressed under the conditional use standards. Mayor Gillespie asked that the draft map be amended to show the exclusions for parks and schools as well as the residential district adjoining the BP-1 zone.

Mayor Gillespie opened the floor for public comment.

Howard Mann, Sr., 115 East Camden Avenue, asked if the proposed ordinance would prevent Miles of Green from moving forward. Mr. Aberant advised that Miles of Green has filed a conditional use application with the Planning Board. However, the company may not be able to meet all the conditions.

Diane Stanton, 206 Center Street, asked if the ordinance is adopted, what can stop Miles of Green. Mr. Heinold advised that the applicant must meet all conditions (must be primary use); otherwise, the Planning Board cannot approve its application. The applicant and landlord have been made aware of same. Council is exploring other options for another location. Mr. Heinold further advised that Council is seeking more long-term solutions to ensure this does not happen again.

Leasella Bongiovanni, 209 Crider Avenue, advised she is a new resident; she has children that play outside; and she expressed her opposition to the use being permitted against any residential zone. She felt the applicant would then want to be a grower and raised concern with the risks associated with growing and the use in general (traffic, parking, noise, security, odor, environment), etc.

Due to technical difficulties (people online cannot hear), Mayor Gillespie called for a short break.

Mayor Gillespie apologized for the delay. Ms. Bongiovanni asked if Council has considered the risks. Mayor Gillespie advised that discussion has been had by Council at public meetings since 2021. She conceded that Council has heard the residents raised concerns. A brief discussion on the map was had. Ms. Bongiovanni requested that Council look at a policy that says the use is prohibited within a certain distance of children. Mayor Gillespie said she believes the proposed ordinance would accomplish that.

Aubrey Whalen, 70 Red Leaf Road, advised that if it is permitted on Whittendale or Glen Avenue, Crider Avenue, would be a cut-through. Mayor Gillespie thought the issue could be mitigated.

Linda Whittendale, 72 Red Leaf Road, advised of her long family history in town, noting that there are hard-working families in the proposed area and asked what will happen if the ordinance passes. Mayor Gillespie advised that the applicant is working with the landlord as it appears the applicant will not meet all conditions of a conditional use approval; moving forward is unlikely at this point. Ms. Whittendale said the residents just want to be assured that the business will not be moving in. Mayor Gillespie said assurances cannot be made.

Oswald Lecky, 118 Moore Street, advised that he is a proud resident of Moorestown and it was not until he was outside his home speaking with two women that were taking a walk that he learned of the proposed cannabis site. He expressed his opposition and his dismay with the fact that this has not been in the Moorestown Sun. Mayor Gillespie suggested that Mr. Oswald become a subscriber to the Township's website to receive notifications of interest to him. She advised that Council just recently became aware of the site; it has heard the residents; it is trying to address the residents' concerns.

Kathrine Johnson 211 Crider Avenue, thanked Council for its considerations.

Gregory Lane, 232 Winding Way, asked about the revenues expected. Mayor Gillespie advised that Council can only go on surrounding towns. She advised that Council is pushing through the current issues and then will seek better estimates on revenues. Discussion on the processes and review into the issue of cannabis that had been done. Discussion was held.

MANAGER'S REPORT:

- Best Practices Inventory: Mr. Aberant gave background on the Best Practices Inventory procedures and State requirements. He advised that Mr. Merchel prepared and submitted the Township's inventory and the Township scored well and will not receive a reduction in its State aid. Mayor Gillespie thanked Mr. Merchel and requested that the inventory be placed on the Township's website.
- The County will be holding a public information center regarding road reconstruction at the intersection of Tom Brown and New Albany Road. Details were provided.
- Westfield Road water tank has been drained and is being worked on.
- The overlay contractor is finishing up concrete work and then the asphalt will be laid.
- November 13th is the scheduled date for repaving of Camden Avenue and the installation of a brick median.
- Residents have supplied enough recycled plastic to get another bench. Mr. Aberant asked Council to let him know where it would like the bench placed.

Mr. Zipin recused himself and left the room.

AFFORDABLE HOUSING ORDINANCES ON SECOND READING: The Township Manager read Ordinance 19-2023 by title. Mr. Aberant advised that this ordinance was continued from the October 2, 2023 meeting.

19-2023 BOND ORDINANCE PROVIDING FOR IMPLEMENTATION OF THE HARPER DRIVE AFFORDABLE HOUSING PROJECT IN AND BY THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING \$9,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,787,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Mayor Gillespie opened the public hearing. There were no comments.

Mayor Gillespie asked for a motion to continue the public hearing to October 30, 2023 at 7 p.m.

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

AFFORDABLE HOUSING ORDINANCES ON FIRST READING: None.

AFFORDABLE HOUSING RESOLUTIONS: The Township Manager read the consent agenda resolutions by title.

192-2023 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO AFFORDABLE HOUSING SITES FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (ZELLER & WIELICZKO LLP)

193-2023 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)

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

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: None
VOTE: All in favor

Mr. Zipin returned to the meeting.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 23-2023 by title.

23-2023 AN ORDINANCE AMENDING ORDINANCE NO. 734 “THE MOORESTOWN TOWNSHIP SALARIES AND COMPENSATION ORDINANCE OF 1973,” AS AMENDED AND SUPPLEMENTED, BY ADJUSTING SALARY RANGES FOR SUPERVISORY AND TECHNICAL EMPLOYEES AND CERTAIN PART-TIME EMPLOYEES

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 was none.

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 24-2023 by title. Mr. Aberant advised the funds provide for annual replacement of vehicles (hybrid) and equipment in the Police Department.

24-2023 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$268,000 AND AUTHORIZING THE ISSUANCE OF \$254,600 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE PURCHASE OF POLICE VEHICLES AND EQUIPMENT, TOGETHER WITH ALL RELATED EXPENSES

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for November 13, 2023 at 7:00 p.m.

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

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

194-2023 AUTHORIZING CONTRACT CHANGE ORDER NO. 2 AND FINAL IN A TOTAL NET DECREASE AMOUNT OF \$1,548.74 IN CONNECTION WITH A PROJECT KNOWN AS PERCHERON PARK CONSTRUCTION

195-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND TAXES DUE TO PAYMENTS ON A RECLASSIFIED LOT

196-2023 AUTHORIZING THE CANCELLATION OF WATER CHARGES DUE TO A MISREAD, TYPOGRAPHICAL ERROR OR AN OVERESTIMATE

197-2023 AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES DUE TO MOORESTOWN OWNERSHIP

198-2023 AWARDING A CONTRACT TO MAIN POOL & CHEMICAL CO., INC. FOR PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE FOR POTABLE WATER IN AN AMOUNT NOT TO EXCEED \$121,000

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

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

Gregory Lane, 232 Winding Way, asked where he can find out more information concerning the Community Options meeting that was held. Ms. Mammarella offered to combine her notes with the Mayor's and meet with him to update him. Mr. Lane was advised that (in connection with the incident that occurred) the house was short a staff member; Council has been assured that there will always be two from now on. Also, the Police Department assured that there was no danger and that the Director will be working with the officers on communication. Discussion was held.

Fred Sutherland, 417 North Church Street, inquired about the bill list for affordable housing and a payment made to McHughes Landscaping for work done on the Pennrose site and asked if that occurs for the other sites. Mr. Aberant said payment was and is just for the Pennrose site.

Kathy Sutherland, 417 North Church Street, asked what is the status of Yancy Adams Park and the money that was appropriated for the survey and conceptual design. She was advised that Council saw two pre-conceptual designs for the park and the Town Green. Ms. Sutherland asked about the status of the Borton Landing Road housing project. Mr. Heinold advised that the Township is back in court and a conference is scheduled for tomorrow.

Larissa Hutchins, 244 Center Street, thanked members of Council for attending the Lenola town hall meeting held by the residents and hearing their concerns. She asked for information concerning any other licenses planned in town. Mayor Gillespie advised that Council has issued three resolutions of support (Miles of Green, Peace Market and Lenola Wellness).

Jessica Ruggiano, 15 Wilson Avenue, asked if there is a list of permitted properties for cannabis. Mayor Gillespie advised of the zones it is permitted in. Ms. Ruggiano asked if all businesses could end up in Lenola. She said there are already two planned in her neighborhood and wondered if they would all end up there. Mayor Gillespie said Council will take same into consideration.

Michael Finnelli, 2414 Durham Court, asked Council to consider limiting the number of licenses in one area. He asked if Council has considered legislation on consumption lounges. Mayor Gillespie advised that Council is not interested in that.

Matthew Bove, 34 Crider Avenue, expressed his opposition to any retail sale of cannabis in “this” area.

Pete Miller, 518 Devon Road, Community Options, advised that there is a Community Options home on Flynn Avenue (near his home) and he thought incidents have occurred there also. He said there were five-to-six police cars and an ambulance at the house about a month ago. He asked if there is a record of how many incidents have occurred on the Community Options home site. Mayor Gillespie advised that there have been no incidents on Flynn Avenue, there were medical issues. Mayor Gillespie advised that she has spoken with the Director of Police who will be working with his officers. The residents have a right to be there. The Township can support and work with the group homes as best it can. Mayor Gillespie, in response to Mr. Miller’s question, said the Township will continue to communicate with Community Options and the residents. Ms. Mammarella advised that the Township does not do anything different with this homestead than with any other. Discussion was held.

Jeff Whalen, 70 Red Leaf Road, asked questions about medical v. recreational revenue. He asked about Moorestown’s expected revenue. He was advised that Council cannot predict same at this time; success is unknown. Mr. Whalen asked if any other businesses have a location; Mayor Gillespie advised Lenola Wellness on Lenola Road. She advised that they propose no new buildings, retail sales first and grow later. Discussion was held. Mr. Whalen asked if Council could put a limit on the grow uses. He was advised yes, there are several issues that were brought up tonight to look at.

Christine Masterson, 522 Garfield Avenue, asked Council to think ahead and to look at the Lenola area closer. Mayor Gillespie assured that discussions will be ongoing.

Tom Beaver, 136 Ramblewood Road, thanked Council for scheduling the meeting with Community Options and suggested that Council stay on top of the matter.

Linda Whittendale, 72 Red Leaf Road, did not feel that Moorestown needs to support cannabis in town, nor did it need the revenue from the businesses. She suggested it be zoned like liquor stores. Mayor Gillespie provided an explanation and advised that the business provides resources and new sources of revenue.

Aubrey Whalen, 70 Crider Avenue, asked questions; same were answered.

Patrick Fry, 14 Whittier Avenue, appreciated the work Council does. He said Moorestown is one of the best towns to live in. Council is allowing more housing and a grow dispensary near him. He asked why the use is only in certain sections and why is the town selling them out for a revenue it does not even have a clue about. Mayor Gillespie advised that the revenue can help to grow the Police Department. Council cannot keep cannabis out of the town; it is in all the surrounding towns. Council is taking a step forward as cautiously as it can. Mr. Fry expressed his opposition advising that Council needs to be thinking about the town’s history and its children. Discussion was held. Mr. Fry felt decisions were made based on revenue and greed. Mayor

Gillespie disagreed advising again, how and why Council came to the conclusions it has.

Doug Dylan, 14 Center Street, asked questions about the (cannabis prohibited/permitted locations) map; same were answered.

Mary Moore, 58 Red Leaf Road, asked what made Maple Shade not go along with the cannabis trend. Mayor Gillespie said she can reach out to the Township Officials.

Leasella Bongiovanni, 209 Crider Avenue, asked that Council advise the public at its meeting on October 30th, why Maple Shade did not adopt a cannabis ordinance. Mayor Gillespie said she will do her best.

CLOSING COMMENTS BY COUNCIL: Mr. Zipin expressed his appreciation for the public's attendance and engagement. He acknowledged that the legalization of cannabis did/does create a unique situation for municipalities to generate revenue. When the voters voted yes, Council tried to determine an appropriate strategy. He advised that it is so new that Council, nor the new businesses, have the numbers yet. He explained the process of a business obtaining a license from the State and then locating in a municipality. He advised of the adversities that the business owners are up against. He appreciated that the issue at hand was brought forth by the people as same has afforded the opportunity to see where the issues are and receive feedback from the public. He advised that two percent of the businesses revenue to the Township can help to support things like more policing in town. In closing, Mr. Zipin advised that his father has dementia and says rude things to neighbors. However, the neighbors always call his mother before they call the police; the people (in the Community Options house) have a right to be there.

Mr. Van Dyken expressed his respect for the democratic process and the ability to work together to find a compromise. He felt that Council does all that it can to be transparent; it spent a lot of time in researching and reaching out to make an informed decision on cannabis, which was not an easy decision. He noted that the decision was not just made for the purpose of revenues, there are medicinal benefits to having access to cannabis. He advised that all businesses have to act responsibly or they will lose their license. He acknowledged the effects the war in the middle east has taken on people in town and over the world. He hoped all would attend the peace vigil at Percheron Park.

Ms. Mammarella thanked all for attending and their input.

Mr. Law thanked Mr. Aberant for the update on the overlay of Camden Avenue. He looked forward to the Peace and Unity Community Gathering to be held on Wednesday evening. He hoped the entire community would show up. He expressed his appreciation for the respectful discussion that was held this evening and the fact that Council wishes to work together to find a solution that works best for all.

Mayor Gillespie thanked all for their attendance and participation (in a democratic process).

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 10 16 2023): None.

ADJOURNMENT: At 9:51 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