

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

November 27, 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 7:05 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	Douglas Heinold, Township Solicitor
Jake Van Dyken, Councilmember (left at 9:50 p.m.)	
David Zipin, Councilmember	

CALL TO ORDER: At 7:05 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 November 22, 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 – Reverend Dr. Stanley Hearst (presented 11/19/2023): Mayor Gillespie advised that the following proclamation was presented at Bethel AME Church for Dr. Hearst's twenty years of service.

PROCLAMATION

WHEREAS, Reverend Doctor Stanley Hearst, Sr. was born in the heart of West Philadelphia to the late Rev. James R. Hearst, Jr. and Mrs. Thelma B. Hearst; Dr. Hearst was educated in the Philadelphia Public Schools, graduating from Overbrook High School in 1971; and

WHEREAS, he is a proud veteran of the United States Air Force, having served during

the Viet Nam era; and

WHEREAS, Dr. Hearst earned his B.S, M.A, and Master of Divinity degrees; he also earned his Doctor of Ministry degree from Eastern Theological Seminary (now Palmer Seminary) in 1999; and

WHEREAS, Dr. Hearst is a former Adjunct Professor at Lancaster Bible College at the Center for Theological Studies (CUTS); and

WHEREAS, Dr. Hearst is the Secretary of the New Jersey Annual Conference and a member of the Board of Trustees, the Board of Examiners, and the Ministerial Efficiency Committee of the New Jersey Annual Conference; and

WHEREAS, Dr. Hearst is married to Mrs. Sharon Y. Hearst, our First Lady; together they are the proud parents of Toriano, Kasean, the Rev. Dr. Stanley Hearst, II, and Mrs. Melanie Bryant Hearst, the First Family of Bethel AME Church, Wilmington, Delaware; they are also the proud grandparents of grandsons, Julian and Tory, and granddaughter Shia; and

WHEREAS, Dr. Hearst has been serving faithfully at Bethel AME Church in Moorestown since November 2003.

NOW, THEREFORE, BE IT PROCLAIMED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, does hereby deem it an honor and pleasure to extend this Proclamation of Recognition to Dr. Hearst on the occasion of his 20th Anniversary, with sincere congratulations and best wishes for many more happy years. Given under my hand and seal of the Township of Moorestown this 19th day of November, 2023. Nicole Gillespie, Mayor

DISCUSSION:

Reports from Council:

Ms. Mammarella advised that the Appearance Committee and Sustainable Moorestown will not meet in December. She advised that she attended the Sustainable New Jersey Luncheon in Atlantic City; Moorestown received its silver certification (the highest level). She commended the Green Team.

Mr. Van Dyken hoped all had a good holiday.

Mr. Law wished all happy holidays. He advised that he stopped at Moore Bagels on Main Street and encouraged all to visit. He looked forward to participating in the holiday parade.

Mayor Gillespie advised that she too visited Moore Bagel and recommended same. She advised on upcoming meetings. Mayor Gillespie reported on Small Business Saturday and advised that County Officials came out. She advised that Moorestown Home and School held its pie drive;

many came out to support the event and those in need. Mayor Gillespie encouraged the public to submit a request to serve on a board or committee. She advised on upcoming holiday events.

Upcoming Meeting(s): Mayor Gillespie read the upcoming meetings aloud.
December 4, 2023 – 6:00 p.m. (Boards and Committees Dinner)
December 18, 2023 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 11 27 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 11 27 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 11 27 2023: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Law

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

RESOLUTION APPROVING CONSENT AGENDA AHCA 11 27 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 advised:

- The Camden Avenue striping is tentatively scheduled for this Thursday; good weather is needed.
- A new building inspector was hired; the new Court Administrator started today; Nancy Jamanow returned on a part-time basis; and the new Director of Community Development starts work next Monday.

Mr. Zipin recused himself and left the room.

AFFORDABLE HOUSING ORDINANCES ON SECOND READING: The Township Manager read Ordinance 26-2023 by title.

26-2023 AUTHORIZING CONVEYANCE OF PROPERTY AT 307 HARPER DRIVE TO PENNROSE, LLC FOR THE CONSTRUCTION OF AFFORDABLE

HOUSING AND AUTHORIZING THE ACCEPTANCE OF A MORTGAGE
AND NOTE WITH REGARD TO THE TOWNSHIP'S MUNICIPAL
FINANCIAL CONTRIBUTION TO THE PROJECT IN PARTIAL
SATISFACTION OF THE TOWNSHIP'S THIRD ROUND PLAN AND
RELATED OBLIGATIONS

Mayor Gillespie opened the public hearing.

Erin Nowak, 201 Haines Drive, reminded Council that Pennrose sued the neighbors and then the Township gave them the site without bidding. Mayor Gillespie advised that the Township sought Requests for Proposals. She asked why the ordinance refers to a mortgage and a note and not a bond. She was advised that the bond ordinance was adopted at the last meeting. This ordinance has to do with the next steps of the agreement (transferring the property). Ms. Nowak raised concern with the number of school-aged children that will result from the housing resulting in higher taxes and schools being needed.

Pete Miller, 518 Devon Road, asked who will be managing the site. Mayor Gillespie advised that Pennrose has its own administrator. CGP&H will be administering the inclusionary housing.

Mayor Gillespie asked for a motion to close the public hearing.

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

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

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Van Dyken
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.

218-2023 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)

221-2023 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$7,455,000 GENERAL IMPROVEMENT BONDS, SERIES 2024 (FEDERALLY TAXABLE), OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE

Mayor Gillespie opened the floor to the public. There was no comment.

Mayor Gillespie asked for discussion by Council. There was no comment.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

APPROVAL OF AFFORDABLE HOUSING EXPENDITURES: None

Mr. Zipin returned to the meeting.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 27-2023 by title.

27-2023 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$255,000 AND AUTHORIZING THE ISSUANCE OF \$242,250 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR VARIOUS TECHNOLOGY EQUIPMENT UPGRADES AT TOWNSHIP FACILITIES, 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: Ms. Mammarella
SECONDED BY: Mr. Law
ABSENT: None
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. Mr. Van Dyken found the upgrades to be very necessary.

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 28-2023 by title and gave background, noting the amendments are recommended by Police Director Reilly.

28-2023 AMENDING CHAPTER 168 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED VEHICLES AND TRAFFIC, ARTICLE IX, MOTOR VEHICLE TOWING AND STORAGE

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for December 18, 2023 at 7:00 p.m.

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

The Township Manager read Ordinance 29-2023 by title. Mr. Heinold provided background. Based upon the judge's finding in a recent court matter, he was asked to work on an amendment to the definition of "family." A recommendation to the same was also made in the Zoning Board's annual report. In addition, a subcommittee of the Planning Board made recommendation concerning same. He advised that he went from that and he also researched case law and other ordinances on the books in New Jersey and came up with what is before Council. Mr. Heinold advised that there was also further conversation about adding the word "non-profit" before the words "housekeeping unit." Discussion was held.

29-2023 AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "ZONING" TO AMEND THE DEFINITION OF FAMILY

Mayor Gillespie asked for a motion to introduce the ordinance on first reading as revised (adding the word "nonprofit") and set the public hearing date for December 18, 2023 at 7:00 p.m.

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

The Township Manager read Ordinance 30-2023 by title. Mr. Heinold advised that this ordinance was prepared to address some issues that were raised with regard to requiring the registration of all sober living facilities with the New Jersey Department of Community Affairs and

filing a copy of same with the Township. Filing of same with the Township does not constitute any approvals; it is simply to alert the Township of the facility's existence in town. In addition, there will be a conditional use ordinance, which will set forth the permitted zones and regulate the facility(ies). This is a police power ordinance; it is not part of a zoning ordinance. The zoning ordinance will require planner input. Mr. Heinold explained that if an applicant came in and there was not a conditional use ordinance, the applicant would seek a use variance before the Planning Board. Mr. Heinold advised that the planner has been engaged and the matter is moving forward.

30-2023 AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF MOORESTOWN AT CHAPTER 101, GOVERNING "LICENSING" AND RENAMING TO "LICENSING AND REGISTRATIONS"

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for December 18, 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.

216-2023 ACKNOWLEDGING TOWNSHIP COUNCIL'S REVIEW OF SALARIES FOR THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 2 FOR THE PERIOD JANUARY 1, 2024 THROUGH DECEMBER 31, 2024

217-2023 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR FIG TREE PROPERTIES 126 BORTON LANDING ROAD (BLOCK 6005, LOT 31) SITE PLAN APPROVAL

219-2023 AUTHORIZING THE TAX COLLECTOR TO REFUND DUPLICATE TAXES PAID IN ERROR

220-2023 AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT WITH MAPLE SHADE TOWNSHIP FOR SHARED COURT FACILITIES AND CERTAIN ADMINISTRATIVE EMPLOYEES

222-2023 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$8,620,000 GENERAL OBLIGATION BONDS, SERIES 2024, CONSISTING OF \$4,655,000 GENERAL IMPROVEMENT BONDS AND \$3,965,000 WATER/SEWER UTILITY BONDS, OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE.

223-2023 RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW

JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,655,000 IN PRINCIPAL AMOUNT

224-2023 RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF WATER/SEWER UTILITY BONDS OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, INTO A SINGLE ISSUE OF BONDS AGGREGATING \$3,965,000 IN PRINCIPAL AMOUNT

225-2023 AWARDING A CONTRACT IN THE AMOUNT OF \$22,800 TO CHILLY'S HEATING AND COOLING, LLC FOR THE REMOVAL OF TWO RTUs AND THE PURCHASE AND INSTALLATION OF ONE 4-TON AND ONE 5-TON RTU AT 1245 NORTH CHURCH STREET

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):

Janice Caccuro, 521 Bartram Road, advised that the Council, Zoning Board and residents have known for two years that the definition of family was unconstitutional and asked why it was not changed earlier. Mr. Heinold advised that there was pending litigation and the matter had to run its course. Discussion on the definition ensued.

Earl Marks, 558 Bartram Road, asked if the number of residents in a residence can be limited. It was not clear as to whether you could put a limit on family size.

Anthony Favoroso 565 Sentinel Road, advised that the residents are concerned about the

integrity of the neighborhood and they did not sign up for organizations to come in and take over their homes. He said the residents are at the meeting because they want Council to help and to protect them.

Emily Dragun, 547 Eaglebrook Drive, asked Council what is the purpose of the ordinance and what is Council trying to accomplish. Mr. Heinold advised that there was a recent court decision where the judge found against the towns. To better define the word family unit will put the Township in a better position with the court. The definition has to do with the functionality of the unit, not the relationships. Ms. Dragun asked questions concerning procedure and process of the ordinance; she was advised. Ms. Dragun asked if the word relatively was substantive. Mr. Heinold did not feel that it would be considered a substantive change, but wanted to research same. Discussion was held.

Seth Berk, 564 Eaglebrook Drive, expressed his concern with the amount of time the process has and still will take to complete. He wanted to see it move forward. The ordinance process was explained to him. Mr. Van Dyken advised that Council has been discussing the issue for two years; however, the Township was in litigation and advised that no action should be taken while the issue was being litigated. Mr. Berk again expressed his frustration.

Name Unknown (Male), 577 Sentinel Road, asked how an ordinance would affect existing entities currently operating. He was advised that the ordinance would affect prospective entities. Mayor Gillespie advised that the property on Sentinel was purchased by an LLC but there has been no application made to the State. Mr. Aberant advised that the revised definition of family would prohibit a Community Sober Living Residence (CSLR) at that property. Discussion was held. Through discussion it was advised that this ordinance would not prohibit CSLRs in town; however, it will preclude an entity from entering without the Township's knowledge and a conditional use ordinance will allocate where said use is permitted. Discussion was held.

Greg Newcomer, 235 Fellowship Road, asked that when setting restrictions to keep the kids in mind.

Kathy Sutherland, 417 North Church Street, asked for an update on Yancy Adams Park. Mr. Law advised that there will be a listening session on December 6 at 6:00 and the design engineer will be present. She asked for an update on the Nagle site. Mr. Heinold advised that there is second round of litigation happening. He felt a final judgment should be made in February or March. Ms. Sutherland expressed concern with the amount of time it is taking to get the projects going and the possibility of builder's remedy suits. Mayor Gillespie advised that the town is protected against that.

Anthony Dragun, 547 Eaglebrook Drive, asked questions and same were answered. Mr. Heinold advised that the current ordinance addresses the courts concern regarding the definition of "family" and it requires any entities to register the property. The planner will assist in an ordinance that identifies areas in town where it makes sense to locate said uses.

Thomas and Valerie Holmes, 217 Whittier Avenue, presented two troubling issues they are

experiencing and feel that they are not getting help from Township staff. They advised of a neighbor's house that has water in an unused pool (occurring for years). They provided detail noting same causes mosquito nesting. Mr. Aberant said he sent code enforcement to the property and there was no water in the pool. Mr. Holmes requested that the pool be re-inspected. The Holmes' also advised about a neighbor's fence that goes to the curb (finding same to be illegal) and has been overgrown with shrubs. Mr. Aberant was aware of the situation and advised that he found that to remove the fence would be more disruptive and cause more of an issue and same provides a buffer. Mayor Gillespie asked, if there is a violation, how does same get enforced. Mr. Aberant advised there is not usually a fine and upon questioning, said generally a fence would not be permitted in a right of way. Mr. Holmes thought there were penalties in the zoning ordinance. Mayor Gillespie agreed that zoning needs to be enforced consistently and she asked Mr. Aberant to advise Council what is done if something is illegal.

Jim Foxen, 5 Sentinel Road, questioned the placement of the word "nonprofit" in the ordinance, Mr. Heinold responded. He did not feel that the word "relatively" before "permanent" would be very helpful.

Nicole MacHenry, Shelter Rock Place, wondered if there was a way to find out who the investors are in renting CSLR properties. Mr. Zipin thought you can look up who the board members are, but not investors.

David Dollar, 559 Sentinel Road, asked if the Township could simply prohibit CSLRs. He was advised that the definition of family will be preclude them in in certain zones.

Ken Svolto, 851 McElwee Road, thanked Council for listening to the residents concerning reconstruction of McElwee Road. He advised that drivers are speeding and asked if the speed limit could be reduced and additional signage posted for safety. He asked if the police could provide enforcement in the area. He advised that the entrance onto McElwee Road from Creek Road feels awkward and a little dangerous. Mayor Gillespie advised she will have the Police Director look into it. She encouraged him to attend traffic safety listening sessions that are held online.

Alanna Osterhout, 4 Sheldon Place, asked why entities would only have to register and not submit an application. Mr. Heinold advised that the purpose is to alert the Township of the intent and then they would have to meet the conditional use standards and file an application with the Planning Board. Ms. Osterhout asked if someone were to have a family member invested in one of these homes would they have to recuse themselves. Mayor Gillespie advised that Council would generally seek legal counsel's advice. Discussion on conflict of interest, recusal, and requirements to disclose investment was had.

Gregory Lane, 232 Winding Way, duly noted the issues before Council and expressed his appreciation to Council for trying its best.

Janice Caccuro, 521 Bartram Road, advised that two of the three houses got their licenses in March 2021 and there are two letters from the State advising of same. She expressed concern with the proposed language finding it to not have enough teeth. Mr. Heinold recommended

moving forward and amending it later, if need be. Discussion was held.

Anthony Favoroso, 565 Sentinel Road, asked questions about the possibility of an application being filed and the chance of same being approved. Same were answered.

Dayna George, 30 Middleton Road, asked if anyone has looked at the application submitted by Venture for a home on Cox Road. Background checks are not required nor does the State check on what is happening. She did not feel that the Township was doing its due diligence.

Sarvon Ghavam, 555 Eaglebrook Drive, asked a question concerning a paid-employee living in the home under a non-profit status. Mr. Heinold answered same.

Emily Dragan, 547 Eaglebrook Drive, asked a lot of questions concerning the timing involved with ordinance adoption, whether or not the ordinance has enough teeth, whether a meeting with residents could be scheduled, etc. Much discussion was held. Mayor Gillespie advised that a request for a meeting could be sent to the Township Manager's office.

Erin Finazzo, 312 Toty Lane, provided suggested language she felt would have teeth. Mr. Heinold felt that the proposed ordinance addresses the court's concern and is sustainable; if need be, it can be amended at a later date.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin thanked the public for attending and their feedback, noting that they bring about issues that were not evident. He advised that it is as priority of his to be aware. He noted that the matter at hand is relatively new to the Township and as things come up, Council tries to address them. He advised that he is not comfortable with saying CSLRs are not allowed and/or with telling people what they can do with their property. He felt that the process before them is necessary so that the Township is not constrained by the courts.

Mr. Van Dyken expressed his appreciation for the town, noting its residents are very educated and aware. He thanked all for their participation. Mr. Van Dyken read his resignation statement into the record. He thanked Council, staff, his family and the residents for allowing him to serve.

Ms. Mammarella said Council will miss Mr. Van Dyken. She thanked all for attending and their feedback.

Mr. Law thanked Mr. Van Dyken for his service and sacrifice. He thanked Mr. Aberant and Mr. Heinold for tightening up the language in Ordinance 29-2023. Mr. Law confirmed with Mr. Aberant that the striping on Camden Avenue would be done during the day and he requested that the digital sign remain at the site. Mr. Law thanked the resident from McElwee Road for his comments and advised that the Township won an award for that design.

Mayor Gillespie thanked Mr. VanDyken for his service and sacrifice. She thanked the public for their feedback noting same is what makes the process work; we are listening, she said.

Mr. VanDyken left the meeting.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 11 27 2023): Mayor Gillespie asked for a motion to adopt Resolution CS 11 27 2023 Authorizing Closed Session for purposes of discussing matters relating to Litigation, Negotiations and the Attorney-Client Privileges.

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

**RESOLUTION NO. TCOA CS 11 27 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.

At 9:49 p.m., Council entered into closed session.

At 10:16 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 10:16 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk