

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
May 20, 2024

(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
Christopher Keating, Councilmember
Sue Mammarella, 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 May 17, 2024.

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- Amyotrophic Lateral Sclerosis (ALS) (Presented May 15, 2024): Mayor Gillespie advised that the following proclamation was presented on May 15, 2024 by Ms. Mammarella.

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, 2024, is **Amyotrophic Lateral Sclerosis Awareness Month**.

Given under my hand and seal of the Township of Moorestown this 15th day of May, 2024.
Nicole Gillespie, Mayor

Proclamation - Relay for Life: Ms. Mammarella presented the following proclamation. Relay for Life representatives were present to receive the proclamation. Ms. Mammarella advised that this used to be a Moorestown event; but now it is a regional event. She read the proclamation aloud. Representatives present made comment noting that the event provides support systems and attempts to find a cure. All rally together as community to fight the battle for those who cannot. All were invited to join in the event. Mayor Gillespie thanked them for what they do and Evesham Township Mayor Veasy for attending.

PROCLAMATION

WHEREAS, it was nearly 40 years ago when Dr. Gordon "Gordy" Klatt first famously made laps around a track for 24 hours in Tacoma, Washington to raise money for cancer research; and

WHEREAS, since that time, Relay for Life has become the signature fundraising event for the American Cancer Society, with events held across the world each year; and

WHEREAS, in addition to raising money for cancer research, events also serve as a time to celebrate cancer survivors, offer support to those currently undergoing treatment, and honor the legacy of those who sadly lost their battle with the disease; and

WHEREAS, for more than 15 years the Relay for Life has maintained a strong tradition in our region, raising a total of more than \$1 million dollars for the American Cancer Society while also serving as a welcoming place for all nearby communities to participate in the proud Relay heritage; and

WHEREAS, the Relay for Life returns this year on Saturday, June 1, 2024, starting at 1 p.m. at the Memorial Sports Complex at 1040 Tuckerton Road in Marlton.

NOW THEREFORE, the Township Council of Moorestown, does hereby honor the Relay for Life and encourage all members of the Moorestown community to participate on June 1 in Marlton and at future Relay for Life events in order to fight the battle against cancer.

Given under my hand and seal of the Township of Moorestown this 20th day of May, 2024.
Nicole Gillespie, Mayor

DISCUSSION

Reports from Members of Council:

Mr. Keating advised that the next Planning Board meeting is June 6.

Ms. Mammarella advised that Appearance Committee had a short meeting (no plans to review). She advised that a health fair, sponsored by resident Bhutta Saima, was held at Cambridge Crossing; it was a terrific event. She advised that she was able to present the ALS proclamation to long-time resident, Candace Donovan has endured ALS for most of her life. She thanked Homegrown Moorestown and the Music Collective for the Porchfest event. Ms. Mammarella advised that there will be a public information meeting held next week on historic preservation (in town). She advised that the Historic Preservation Ad Hoc Committee put a survey out and received over 1,000 responses.

Mr. Law also thanked the Porchfest organizers. He also thanked Mr. Aberant for getting the ball rolling again on the pavement and striping of Camden Avenue.

Mayor Gillespie advised that the Environmental Advisory Committee did not meet and she advised when the next Economic Development Advisory Committee meeting is. She thanked the organizers of Porchfest advising that the proceeds will go to the Perkins Center for the Arts this year. She advised on upcoming events. Mayor Gillespie advised that she attended the Full Throttle (fundraising) event held by the Hannon Family this morning. The family is fundraising to build an inclusive playground at Wesley Bishop Park (over due in our community). She thanked the family for all they do.

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

June 10, 2024 – 7:00 p.m. (Official Action)

June 24, 2024 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 05 20 2024: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Ms. Mammarella

SECONDED BY: Mr. Zipin

ABSENT: None

VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 05 20 2024

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:

- ☒ 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 asked Mr. Heinold to provide an update on Moorestown Residential Development v. Township. Mr. Heinold advised that the superior court ruled in the Township's favor; the complaint has been dismissed. The Plaintiff has forty-five days to appeal.

ORDINANCES ON SECOND READING: None.

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 14-2024 by title. Mr. Aberant gave a brief explanation.

**14-2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for June 10, 2024 at 7:00 p.m.

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

The Township Manager read Ordinance 15-2024 by title. Mr. Aberant gave a brief explanation.

**15-2024 AMENDING CHAPTER 180 OF THE CODE OF THE
TOWNSHIP OF MOORESTOWN ENTITLED “ZONING” TO
AMEND THE REGULATION OF BREWERIES, DISTILLERIES,
AND WINERY SALESROOM**

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for June 10, 2024 at 7:00 p.m.

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

2024 BUDGET RESOLUTIONS: The Township Manager read Resolution No. 124-2024. Mayor Gillespie asked for a motion to adopt the resolution and set the public hearing date for June 24, 2024 at 7:00 p.m. Mr. Aberant advised, with one exception, there are no changes from last meeting. The total rate is exactly same as last year (43.2) cents. However, there was an increase in the library rate this year, but, the local purpose tax will be the same as last year by way increasing surplus by 200,000. The auditor found same to be acceptable. Mr. Aberant provided a brief explanation of the other two resolutions.

**124-2024 FOR INTRODUCTION AND APPROVAL ON FIRST READING OF
THE 2024 BUDGET, AUTHORIZING PUBLICATION OF BUDGET, AND
PROVIDING FOR A PUBLIC HEARING ON THE BUDGET ON JUNE 24,
2024 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT TOWN HALL, 111
WEST SECOND STREET**

**125-2024 A RESOLUTION ESTABLISHING THE TAX LEVY FOR
YEAR XXVI OF THE MOORESTOWN OPEN SPACE, RECREATION AND
FARMLAND AND HISTORIC PRESERVATION TRUST FUND PROGRAM**

126-2024 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

Mayor Gillespie asked when the open space tax sunsets. Mr. Aberant believed in 2028. The public was advised that any comment received on Resolution 124-2024 will not be made part of the record at the public hearing.

Mayor Gillespie opened the floor for public comment. There was none.

Mayor Gillespie asked for discussion by Council or a motion to adopt Resolution 124-2024.

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

Mayor Gillespie asked for discussion by Council or a motion to adopt Resolution 125-2024.

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

Mayor Gillespie asked for discussion by Council or a motion to adopt Resolution 126-2024.

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

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

1. **120-2024** AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES DUE TO A MISREAD OR A LEAK REPAIR
2. **121-2024** ACCEPTING THE RESIGNATION OF CANDACE NORTH FROM BETTER TOGETHER ADVISORY COMMITTEE
3. **122-2024** AUTHORIZING THE TAX COLLECTOR TO REFUND TAXES DUE TO DUPLICATE PAYMENTS MADE BY HOMEOWNERS AND THE MORTGAGE COMPANY

4. **123-2024** REAPPOINTING LOIS F. DOWNEY AS MUNICIPAL JUDGE OF THE MUNICIPAL COURT OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON TO A THREE-YEAR TERM
5. **127-2024** REAPPOINTING MICHAEL BERNARDIN TO THE POSITION OF TAX ASSESSOR

Mayor Gillespie opened the floor to the public. There were no comments.

Mayor Gillespie asked for discussion by Council or a motion to adopt the resolutions.

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

MINUTES: None.

APPROVAL OF EXPENDITURES: None.

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

CLOSING COMMENTS BY COUNCIL:

Ms. Mammarella thanked the representatives from Relay for Life and Mayor Veasy.

Mr. Law wished all a good holiday weekend.

Mayor Gillespie invited all to attend the Memorial Day Ceremony at Memorial Park.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 05 20 2024): Mayor Gillespie asked for a motion to adopt Resolution No. CS 05 20 2024 Authorizing Closed Session for purposes of discussing five matters relating to Litigation, Negotiations and the Attorney-Client Privileges.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Keating
ABSENT: None
ROLL CAL VOTE: All in favor

**RESOLUTION NO. TCOA CS 05 20 2024
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 7:29 p.m., Council entered into closed session.

At 9:04 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 9:04 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk