

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

June 10, 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 (absent)
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 June 7, 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; Mr. Law was absent..

PROCLAMATIONS & PRESENTATIONS: Presentation - Mrs. Dever's Third Grade Class: Mayor Gillespie noted her sentiments for this special presentation noting that Ms. Dever's third grade history class has been coming before Council for the past several years to read their essays. This year their essays are on "why you are proud of Moorestown." The following students were present and read their essays aloud: Hayden Zhang; Diav Dedhia; Isla Loh; Matthew Pisano; Patrick Zeoli; CJ Riggs; Amila Patel; and Samantha Arbittier. Mayor Gillespie let the students know that they have now become part of Moorestown's history as their names will be in the minute books forever. Ms. Dever gave closing remarks.

Proclamation - Pride Month (presented 6/5/2024): Mayor Gillespie advised that the proclamation was presented at the June 5, 2024 flag raising ceremony outside of Town Hall, which was well-attended.

PROCLAMATION

WHEREAS, our Nation was founded on the principle of equal rights for all people, but the fulfillment of this promise has been long in coming for many Americans; and

WHEREAS, some of the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society; and

WHEREAS, in the movement toward equal rights for lesbian, gay, bisexual, transgender and queer + (LGBTQ+) people, a historic turning point occurred on June 28, 1969 in New York City, with the onset of the Stonewall Riots. During these riots, LGBTQ+ citizens rose up and fought against the discriminatory criminal laws that have since been declared unconstitutional; and

WHEREAS, LGBTQ+ pride celebrations have taken place around the country every June to commemorate the beginning of the Stonewall Riots; and

WHEREAS, June is celebrated as LGBTQ+ Pride Month nationwide; and

WHEREAS, Moorestown has a diverse LGBTQ+ community that includes people of all ethnicities, religions and professions; and

WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity or sexual orientation.

NOW, THEREFORE, BE IT PROCLAIMED, that the Township Council of the Township of Moorestown declares June 2024 as Pride Month in Moorestown and encourages all citizens to respect and honor our diverse community and celebrate and build a culture of inclusiveness and acceptance.

Given, under my hand and the Seal of the Township of Moorestown this 5th day of June 2024. Nicole Gillespie, Mayor

Presentation - Pennoni Associates Regarding 2024 Road Overlay Project: Ken Shine, P.E., Pennoni Associates, provided an overhead power-point presentation on the overlay program. He advised that in 2020, a road evaluation (of all roads in town) was performed. He advised of the equipment that is used to video and review the conditions of the roads, as well as, striping, signage, intersections, etc. He indicated that videoing is recommended every five years.. The presentation depicted the roads (including county roads) that were redone since 2020. He also advised of other places in town such as public parking lots and driveways, etc. that were improved. He advised that approximately 1.5 miles of road are improved each year. For 2024, 1.2 miles of road, plus Flynn Avenue are scheduled for milling and repaving. Mr. Zipin asked why the roadway, near the dog park, is always wet. Don Lloyd, Director of Public Works, advised that they have looked at that; there is no chlorine present; it is groundwater. Questions and answers were had. Mayor Gillespie thanked Mr. Shine and Mr. Lloyd. She requested that the presentation be placed online for the public.

DISCUSSION:

Reports from Council:

Ms. Mammarella advised of the events she attended (Inspiring Life Together (Moorestown High School Students); M.E.N.D. fundraiser; the Longest Table (Homegrown Moorestown); PRIDE Flag Raising (Better Together Advisory Committee); Historic Preservation conference; Moorestown Day; Kayak Race (Strawbridge Beautification Committee) and the Historic Preservation Information Meeting at Town Hall (Historic Preservation Ad Hoc Committee). Ms. Mammarella advised that the Information Meeting was well attended; she thanked all that attended and all those for their assistance noting there were great suggestions made in the additional ordinance review process by staff and the consultant. Ms. Mammarella complimented Don Lloyd, Director of Public Works, for the beautiful garden area outside of the Library.

Mr. Keating said Moorestown Day was incredible. He advised on a Planning Board application where two new commercial uses will take the place of where one was. He advised that the Board of Education circulated a survey for public feedback in connection with the hiring of a new Superintendent. Also, there will be upcoming forums held by the Board concerning the upcoming referendum.

Mr. Zipin complimented the events being held last week. He noted Ms. Miller's impending retirement advising that he trusts in the process and he is certain all will come together, but noted there is a high bar to meet and those will be some big shoes to fill. He advised that the Recreation Advisory Committee is discussing the possibility of renting kayaks out at Strawbridge Lake. The Open Space Advisory Committee meets tomorrow.

Mayor Gillespie advised that the Economic Development Advisory Committee is reviewing the processes for permitting, development applications, etc.; a subcommittee will meet on Wednesday. The Environmental Advisory Committee did not meet. She complimented the Memorial Day Ceremony and thanked all for the organization of all the wonderful events recently held.

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

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

July 8, 2024 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 06 10 2024: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Zipin

SECONDED BY: Ms. Mammarella

ABSENT: Mr. Law

VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 06 10 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:

- ___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:

- Camden Avenue striping (by the County contractor) is occurring and will include the crosswalks and median.
- In furtherance of Theresa Miller's upcoming retirement, an offer of employment has been extended to Ron Cefalon for the Director's position; he comes to Moorestown from another municipality and is well aware of what is involved in a vibrant and diverse recreation department.
- Bob Nehila, newly hired Chief Financial Officer, will begin work on July 8, 2024. He has decades of experience as a municipal auditor.
- Back in November 2022, Lou Giansanti, Esquire, was hired by Council to investigate the TCP contamination in the wells. He recognized that it has taken some time, but all recently met and the environmental consultant may have found the source and there may be cost recovery. He will report back
- He had a meeting with a resident who attended the Zoning Board meeting and they were disappointed with the recording. He reminded all to sit close to their microphone when speaking, it does make a big difference.

Mr. Zipin recused himself and left the meeting.

AFFORDABLE HOUSING RESOLUTION The Township Manager read the resolution by title.

133-2024 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, CLARKE CATON HINTZ, CGP&H)

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 resolution.

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

Mr. Zipin returned to the meeting.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 13-2024 by title. He advised that an analysis of the current ordinance and this ordinance was prepared by the Community Development Director and was in the packet. He provided a brief overview.

13-2024 AMENDING CHAPTER 160 ENTITLED “PRESERVATION AND RESTORATION OF EXISTING VEGETATION” OF THE CODE OF THE TOWNSHIP OF MOORESTOWN TO MAKE THE ORDINANCE LANGUAGE CONSISTENT WITH STATE REQUIREMENTS

Mayor Gillespie opened the public hearing. John Gibson, 306 East Central Avenue, Chairman of the Tree Planting and Preservation Committee, expressed his appreciation for the clarification (analysis) that was provided. He expressed his support for the ordinance and his concern with enforcement.

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

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

Mayor Gillespie asked for discussion by Council. Ms. Mammarella concurred with Mr. Gibson's comments. Mr. Aberant advised that a social media notification and publication of the ordinance will be made. It was noted that this ordinance will impact construction and development applications; staff needs to be mindful when receiving applications and issuing permits. Word should also be given to local tree service companies.

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

MOTIONED BY: Ms. Mammarella
SECONDED BY: Mr. Keating
ABSENT: Mr. Law
ROLL CALL VOTE: All in favor

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 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: Mr. Keating
ABSENT: Mr. Law
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: Ms. Mammarella
ABSENT: Mr. Law
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 15-2024 by title. Mr. Aberant advised that the ordinance was reviewed by the Planning Board and found not to be inconsistent with master plan.

**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 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: Mr. Law
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. Keating
ABSENT: Mr. Law
ROLL CALL VOTE: All in favor

ORDINANCES ON FIRST READING: None.

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

**128-2024 AUTHORIZING CONTRACT CHANGE ORDER NO. 1 AND
FINAL IN A TOTAL NET DECREASE AMOUNT OF \$6,650.13 IN
CONNECTION WITH A PROJECT KNOWN AS FY2023 NJDOT – NIXON
DRIVE AND HARPER DRIVE IMPROVEMENTS**

**129-2024 APPOINTING BROWN & BROWN BENEFITS ADVISORS,
LLC AS CONSULTANT /INSURANCE BROKER OF RECORD FOR THE
TOWNSHIP OF MOORESTOWN’S HEALTH BENEFITS INSURANCE
PROGRAM AND AUTHORIZING AWARD OF A CONTRACT**

**130-2024 APPOINTING CHRISTOPHER BOJARSKI TO THE
SUSTAINABLE MOORESTOWN “GREEN TEAM”**

**131-2024 APPOINTING VARIOUS MEMBERS TO THE TREE
PLANTING AND PRESERVATION COMMITTEE**

132-2024 ACCEPTING THE RESIGNATION OF ROBERT BERTINO
FROM THE PLANNING BOARD

134-2024 AUTHORIZING MEMBER PARTICIPATION IN A
COOPERATIVE PRICING SYSTEM (CAMDEN COUNTY
EDUCATIONAL SERVICES COMMISSION)

135-2024 AUTHORIZATION FOR THE TOWNSHIP OF MOORESTOWN TO
APPLY FOR AND ACCEPT A SUBGRANT AWARD OF THE FEDERAL
FISCAL YEAR 2024 OF DEPARTMENT OF HOMELAND SECURITY
EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM
FUNDING

136-2024 AWARDING A CONTRACT TO EARLE ASPHALT CO. IN THE
AMOUNT OF \$1,233,113.13 FOR THE PROJECT KNOWN AS 2024 ROAD
OVERLAY PROGRAM

Mayor Gillespie opened the floor for public comment. John Gibson, 306 East Central Avenue. Chairman of the Tree Planting and Preservation Committee asked for clarification on the committee appointments; same was given.

Mayor Gillespie asked for discussion by Council. Chris Bojarski was congratulated and thanked for all the assistance he has provided to the committee (prior to being appointed).

Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Mr. Keating
SECONDED BY: Mr. Zipin
ABSENT: Mr. Law
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. Keating
SECONDED BY: Mr. Zipin
ABSENT: Mr. Law
ROLL CALL VOTE: All in favor

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

CLOSING COMMENTS BY COUNCIL: All thanked everyone for coming out.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 06 10 2024):

Mayor Gillespie asked for a motion to adopt Resolution CS 06 10 2024 to enter into closed session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (Redevelopment).

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

**RESOLUTION NO. TCOA CS 06 10 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. However, Council will return to the public session to adjourn; the public is welcomed to stay

At 7:55 p.m., Council entered into closed session.

At 8:45 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:45 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Keating
ABSENT: Mr. Law
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk