

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

August 26, 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 August 23, 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: None.

DISCUSSION:

Reports from Council: Ms. Mammarella wished all a Happy National Women's Day. She advised that the Appearance Committee meeting was cancelled. Cornerstone Bank is now the Bank of Princeton. She had the honor of presenting on the subject of historic preservation at the Rotary Club meeting. She also met the new Director of the Community House. Ms. Mammarella expressed her sadness regarding the loss of a wonderful resident and volunteer, Angelina Carrione, who recently passed away from cancer. She leaves a family behind.

Mr. Law extended condolences to the family. He advised that the Bicyclist and Pedestrian Safety Task Force met last week; they are discussing speed bumps.

Mayor Gillespie advised that the Environmental Advisory Committee met; they are reviewing site plans and educational maintenance information to be sent residents regarding stormwater management on residential properties. She advised that the Economic Development Advisory Committee meets tomorrow. She too extended her condolences to the family, commending Ms. Carrione for all the things she has done.

Upcoming Meeting(s): Mayor Gillespie read the upcoming meetings aloud.
September 9, 2024 – 7:00 p.m. (Official Action)
September 23, 2024 – 7:00 p.m. (Official Action)

Agenda Updates: Mayor Gillespie asked for a motion to remove and continue Resolution No. 161-2024 from the consent agenda and to continue it to the next meeting (the MOU is not ready).

161-2024 APPOINTING NEW URBAN, LLC AS CONDITIONAL REDEVELOPER AND AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING REGARDING THE NEW ALBANY BUSINESS PARK REDEVELOPMENT AREA removed

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

Adopting Consent Agenda Resolution No. CA 08 26 2024: Mayor Gillespie asked for a motion to adopt the Consent Agenda as amended.

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

RESOLUTION APPROVING CONSENT AGENDA CA 08 26 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. |
| _____ <u>x</u> _____ | b. Approves the Consent Agenda as written with the exception of the following:
<div style="text-align: center; border-bottom: 1px solid black; padding: 2px 0;">Continue Resolution 161-2024 to the next meeting</div> |
| _____ | c. Requests that all matters on the Consent Agenda be handled separately. |

MANAGER’S REPORT: Mr. Aberant reported:

- He, Mr. Lloyd and Pennoni have been discussing traffic calming measures. A speed bump will be placed on Flynn Avenue; the residents will be noticed. He advised that three speed bumps were budgeted for within the overlay project; one will also be placed on Cottage Avenue and two on Crider Avenue.
- In furtherance of the TCP123 well contamination, staff has been working in the background to see if the Township might have any viable claims to pursue. Legal counsel, Mr. Giansante, provided a legal opinion and followed up with a site remediation expert and they identified the Cinnaminson Landfill as the point of contamination. The fees associated with a contingency fee contract will be paid from any recovery monies.
- Last year, the potential for an inclusive playground, in place of the existing playground, at Wesley Bishop Park, was brought up (without great detail). Mr. Aberant advised that the Hannon family wants to continue its philanthropy and has proposed the playground. He advised that the financial terms are still being worked out. The family may be able to fund the equipment and the Township would be responsible for the significant amount of site work that needs to be done. They are also looking at any grant opportunities. Mr. Aberant asked if there were any concerns with progressing in this matter. There were none.

Mr. Zipin recused himself and left the meeting.

AFFORDABLE HOUSING ORDINANCES ON FIRST READING: The Township Manager read Ordinance 20-2024 by title. Mr. Heinold advised that Wells Fargo Bank put this property into foreclosure; however, there is a deed restriction which grants the Township first right of refusal. The Township has since entered into a Consent Order and will close the matter out with the Burlington County Sheriff’s Office. Mr. Aberant advised that funding will come from the Affordable Housing Trust Fund. This was an expired affordable housing unit that will become a new unit in Round 4.

**20-2024 AUTHORIZING THE ACQUISITION OF REAL PROPERTY
KNOWN AS BLOCK 2300, LOT 7.3 AT 470 NORTH CHURCH STREET
IN THE TOWNSHIP OF MOORESTOWN**

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for September 9, 2024 at 7:00 p.m.

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

Mr. Zipin returned to the meeting.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 18-2024 by title.

18-2024 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. Keating
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: Ms. Mammarella
ABSENT: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 19-2024 by title.

**19-2024 AMENDING CHAPTER 168 OF THE CODE OF THE
TOWNSHIP OF MOORESTOWN ENTITLED “VEHICLES AND
TRAFFIC”**

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

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 21-2024 by title. He provided a brief explanation.

**21-2024 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN,
COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$812,500
AND AUTHORIZING THE ISSUANCE OF \$771,875 IN BONDS OR NOTES
OF THE TOWNSHIP TO BE USED FOR THE PURCHASE OF PUBLIC
WORKS 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 September 9, 2024 at 7:00 p.m.

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

The Township Manager read Ordinance 22-2024 by title. He provided a brief explanation.

22-2024 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$302,000 AND AUTHORIZING THE ISSUANCE OF \$286,900 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 September 9, 2024 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 23-2024 by title. Mr. Aberant advised this has been the topic of ongoing discussion. There was a hold up with the processing of the federal grant, but it has been fixed and staff anticipates going out to bid in a month or so. In order to bid, the Township needs to have the ordinance (funding) in place.

23-2024 AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 11-2023 APPROPRIATING AN ADDITIONAL \$4,755,000 AND AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,515,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE KINGS HIGHWAY/MAIN STREET WATER MAIN REPLACEMENT 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 September 9, 2024 at 7:00 p.m.

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

NON-CONSENT AGENDA RESOLUTIONS - PUBLIC HEARING: The Township Manager read Resolution 165-2024 by title.

165-2024 AUTHORIZING FUNDING IN THE AMOUNT OF \$29,000 FROM THE "MOORESTOWN OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND" TO BE USED FOR THE INSTALLATION AND RENTAL OF TWO 4-UNIT SELF-SERVICE KAYAK RENTAL UNITS AT STRAWBRIDGE LAKE

Mayor Gillespie opened the public hearing. George Gravenstine, 347 West Main Street, thanked Council.

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

MOTIONED BY: Mr. Zipin
SECONDED BY: Mr. Keating
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 resolution.

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

Mr. Aberant advised that the Strawbridge Lake Beautification Committee will refund the Township half of the contract amount (\$14,500) to the Township and revenues from the rentals will go back into the Open Space Trust Fund.

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

162-2024 AUTHORIZING THE TAX COLLECTOR TO CANCEL 3RD (PARTIAL) QUARTER PROPERTY TAXES AND CANCEL 4TH QUARTER PROPERTY TAXES FOR A TOTALLY DISABLED VETERAN EXEMPTION (101 SOUTH LINCOLN AVENUE)

163-2024 AMENDING RESOLUTION 82-2024 APPROVING A COMMUNITY EVENT FOR THE MAIN STREET HOLIDAY/CANDLELIGHT STROLL SPONSORED BY THE MOORESTOWN BUSINESS ASSOCIATION

164-2024 AUTHORIZING REDUCTION NO. 1 OF PERFORMANCE GUARANTEE FOR CAREONE AT STANWICK, LLC (FORMERLY PERLA DEVELOPMENT, LLC) HARMONY VILLAGE AT MOORESTOWN 301 STANWICK ROAD (BLOCK 6000, LOTS 4.01-4.06, 7.01-7.02, 8-9, 61, 63) PRELIMINARY/FINAL SITE PLAN AND CONDITIONAL USE APPROVAL

166-2024 AWARDING A CONTRACT TO RENT.FUN, LLC IN THE AMOUNT OF \$29,000 FOR TWO 4-UNIT SELF-SERVICE KAYAK RENTAL UNITS TO BE INSTALLED AT STRAWBRIDGE LAKE AND AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF AGREEMENT WITH THE STRAWBRIDGE LAKE BEAUTIFICATION COMMITTEE

167-2024 APPOINTING LOUIS GIANANTE, ESQUIRE OF GIANANTE & ASSOCIATES, LLC AS ENVIRONMENTAL COUNSEL AND AUTHORIZING AWARD OF CONTRACT

168-2024 AWARDING THE LEASE OF A PORTION OF 1245 NORTH CHURCH STREET, SPECIFICALLY, SUITE 9, TO MILES OF GREEN, LLC

169-2024 APPROVING A COMMUNITY EVENT FOR THE EV FEST AND GREEN FAIR SPONSORED BY SUSTAINABLE MOORESTOWN

170-2024 AUTHORIZING CONTRACT CHANGE ORDER NO. 1 THE NET AMOUNT OF \$239,547 IN CONNECTION WITH A PROJECT KNOWN AS 2024 OVERLAY PROGRAM

Mayor Gillespie opened the floor for public comment. Greg Newcomer, 235 Fellowship Road, asked for clarification on Resolution No. 167-2024; same was given. Mr. Keating noted that on page 55, the % should be 1/3 or 33 percent. Mayor Gillespie was glad to see this matter finally moving forward.

Mayor Gillespie asked for discussion by Council. There was none.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: June 24, 2024 Official Action and Closed Session and July 22, 2024 Official Action and Closed Session

Mayor Gillespie asked for discussion or a motion to approve the minutes.

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

APPROVAL OF EXPENDITURES: Mayor Gillespie asked for comment or a motion to approve the bill list.

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

COMMENTS FROM THE PUBLIC (Items listed on and/or off the Agenda): Heidy Citerone, 12 Foxwood Drive, asked for an update on the pedestrian safety on Kings Highway. Mr. Aberant advised that the Township has been working on solutions with the County.

CLOSING COMMENTS BY COUNCIL:

Mr. Keating expressed his excitement concerning the projects in progress; he thanked the staff and volunteers.

Ms. Mammarella: thanked Mr. Gravenstine for attending. She thanked all for attending asked that all look out for information on the fundraiser to be held in honor of Angelina Carrione.

Mr. Zipin reiterated Mr. Keating's comments.

Mr. Law indicated that opportunity for cost recovery, after all these years, is great news. He thanked Mr. Gravenstine for attending and he looked forward to seeing the kayak units come to life. Mr. Law thanked the Police Department for the recent police report it posted to notify residents what is happening in town. He asked all to be alert for these reports and asked all to look out for one another.

Mayor Gillespie expressed her excitement about the kayak units that will be coming and the up and coming inclusive playground at Wesley Bishop Park. She commended the Hannon Family. In closed she said she is happy to see the cost recovery investigation moving forward and she thanked all for attending.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 08 26 2024):

At 7:46 p.m., Mayor Gillespie asked for a motion to adopt Resolution CS 08 26 2024 to enter into closed session for purposes of discussing three Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges.

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

**RESOLUTION NO. TCOA CS 08 26 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 7:50 p.m., Council entered into closed session.

At 8:43 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:43 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