

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
June 28, 2021

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 at 7:00 p.m. Attendance was as follows:

Nicole Gillespie, Councilmember
Sue Mammarella, Councilmember
Quinton Law, Councilmember
Jake Van Dyken, Councilmember
David Zipin, Councilmember

Thomas J. Merchel, Township Manager/CFO
Patricia L. Hunt, Township Clerk
Kevin E. Aberant, Township Attorney

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 amended meeting notice and agenda on the bulletin board at the Municipal Complex.
2. Filing a copy of the amended meeting notice and agenda in the office of the Township Clerk at the Municipal Complex.
3. Emailing a copy of the amended meeting notice and 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 25, 2021.

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.

DISCUSSION

Reports from Members of Council

All members of Council congratulated and complimented the high seniors on graduation, as well as their parents, and the associated festivities.

Mr. Law advised that the Environmental Advisory Committee has completed its work on the amended storm water management ordinance and same will be forthcoming to Council. In

addition, Moorestown Equity, Inclusion and Diversity task force (MEID) will be sending out a town-wide survey. He thanked Public Works for their diligent work in repairing a recent water main break.

Mr. Zipin advised that the Planning Board meets later this week.

Mr. Van Dyken suggested the public go to the Township website to find out more information on the 4th of July festivities.

Ms. Mammarella advised that the Juneteenth celebration was terrific and well attended. She hoped MEID's response from the public to its survey would be successful.

Mayor Gillespie advised that tonight's meeting is being held in person only and livestreamed. She hoped to, with the purchase of the new equipment allocated in the budget, have hybrid meetings in the near future. Mayor Gillespie advised that the Economic Development Advisory Committee (EDAC) is reviewing the cannabis subcommittee recommendations, the sale of liquor licenses and microbreweries in town. A webinar is being prepared regarding same and will be held in July. She advised that the EDAC has also put together a subcommittee to examine the local businesses and how the Township can be more business friendly.

Mayor Gillespie advised that Mr. Merchel will be returning to his full-time Chief Finance Officer position at the end of July; and Mr. Aberant will take the position of Township Manager on July 30, 2021 (being appointed this evening). She advised that the Township received proposals for the Township Solicitor position; Council is reviewing them; an appointment will be made on July 26, 2021.

Upcoming Meeting(s) Town Hall, 111 West Second Street (Council Chambers): Mayor Gillespie read the upcoming meetings aloud:

July 12, 2021 – 7:00 p.m. (Official Action)

July 26, 2021 – 7:00 p.m. (Official Action)

Budget Workshop: Mayor Gillespie noted that the Township has been trying to take advantage of the American Rescue Plan funding that is available and is now in position to move forward with the budget knowing what is available to the Township. Mr. Merchel advised that the Township's application (\$2.417 million) has been filed with the State; the Township will receive half this year and half next year. He advised that changes have been made to the proposed budget. With the changes, the local purpose tax rate will be 8/10 of a percent and an increase in taxes of \$36.63 for average assessed homeowner. Surplus to be used was decreased to \$2.9 million.

Mayor Gillespie reviewed the new personnel positions being included in the budget (as previously proposed) indicating they, as well as, new (upgraded technology) equipment, are in the budget and the budget has decreased from last discussions. She advised that Council wanted to meet with Theresa Miller, Recreation Director, regarding her budget. She opened the floor for Council questions or comments.

Ms. Mammarella expressed her appreciation for the news concerning the American Rescue Plan funding.

Mr. Van Dyken asked if Ms. Miller has done an analysis of gross revenues to compare 2019 and 2020. He asked what was cut as a result of COVID last year and what 2021 looks like. Ms. Miller advised that she has analysis information in her office. She advised that in 2020 they kept everything running as much possible and generated revenues. She advised that they also made revenue from rental of the fields and held a lot of camps. He asked her if she needed an increase in employees and for her to provide financial information on the outside coaches that come in.

Mr. Zipin asked about cleaning responsibilities of the park bathrooms due to their poor condition. Ms. Miller answered his questions noting that the contractor is supposed to clean them five days a week.

Mr. Law asked what the new line item for transportation was for. Ms. Miller advised that it is always in there, it was just removed last year due to COVID. The money is used to supplement senior bus trips.

Mayor Gillespie noted the salary rate increases. Ms. Miller advised that all went up due to the increase in minimum wage. Mayor Gillespie, noted the items in the capital budget; she asked if air conditioning were to be installed in the gym, if the Township could reap more revenues. Ms. Miller said yes, through rentals. She advised that with regard to the courts, pickle ball would be a priority. Discussion was held. Ms. Miller advised that the improvements to the softball fields have been completed; it is a gorgeous facility. Mayor Gillespie thanked Ms. Miller for her time.

Mayor Gillespie noted that Council has met with the Department heads and asked if Council had any other questions or comments. She reiterated the highlights of the budget noting all the information is on the website. Mr. Zipin asked if there is room for the shared administrative employee to also be involved with the local business. Mr. Merchel advised that a position of that nature would fall under the Community Development office.

Mayor Gillespie recommended that the budget be introduced at the next meeting. Mr. Merchel advised of the budget adoption process timeline. There were no objections.

All members of Council commended Mr. Merchel on the strides made in keeping the taxes down and achieving Council's goals with regard to increasing the much needed employee base and making provision for the Township's technology needs.

Discussion - Municipal Regulation of Cannabis:

Mark Hines, Chairman of Economic Development Advisory Committee reviewed the Moorestown Cannabis Subcommittee (Mark Hines, Jake Van Dyken, Steve Pazienza, Thomas Merchel and Kevin Aberant) recommendations. He advised that the Township must take action by August 21, 2021 in order to control its own destiny. If action is not taken, the allowance would

be automatic for five years. He advised that the regulation and allowance of cannabis would generate revenues for the town and that the voters of Moorestown voted in favor of legalization at the General Election last year (State question). He advised on the areas of regulation.

Mr. Hines advised of various materials the committee reviewed. He advised that no action will be taken this evening and suggested introduction of an ordinance on July 26, 2021; referral to the Planning Board on August 5, 2021 and adoption on August 9, 2021. He reviewed the recommendations as follows:

Licenses - Allow all six licenses

Limits - No limits on number of licenses

Municipal Taxes - Tax at the maximum allowable levels

Allowed locations

- SRC, SRC-1 and BP-1 with the following exceptions:
- Outside of designated drug-free zones (1000' from schools, 500' from parks)
- Consider exception from 500' rule from parks if requires crossing Route 38 (multi-lane highway)
- Restrict to indoor locations - no outdoor growing or storage Require odor mitigation plan consistent with industry standards No minimum lot size
- Growing in existing facilities only - no new construction

Public Consumption

- Ban consumption rooms at retail locations
- Ban consumption of any form in public places
- Civil fine of \$200 for violations

Township resource demands

- Police resources should be consistent with liquor, anticipated to be minimal to no additional resources from current level
- Ban sales to intoxicated individuals
- Require submission of a security plan to police

Sign Restrictions

- Maximum size limit
- Allow only "cannabis," not "marijuana," "pot," "weed," etc.

Hours restrictions

- 8 am to 10 pm Monday – Saturday and noon to 6 pm Sunday

Questions, answers and discussion was between Council and Mr. Hines. Mayor Gillespie thanked Mr. Hines and the subcommittee. She noted that no matter how anyone feels, cannabis is legalized and delivery into the Township cannot be prohibited. She asked if this is an opportunity Council wishes to pursue as a revenue source. Mayor Gillespie advised that what was presented will be placed on the website. Council will have a more thorough discussion at the next meeting.

Discussion - Outdoor Dining Ordinance – Mayor Gillespie asked if Council wants to make some of the existing (sunset) ordinance permanent. Ms. Mammarella expressed her support adding that perhaps there are more improvements that can be included. Mr. Van Dyken noted that some businesses have adjusted their business plans and invested for outdoor dining; he felt it would be wrong to curb that. He indicated he would like to add more outdoor activities and resources for the businesses on Main Street. Mr. Zipin agreed noting he would like to expand same into Lenola, noting he feels outdoor dining is a draw to the businesses. He supported the idea. Mr. Law echoed the comments. He felt, over the past year, the business owners have had a chance to see what works and what does not. He felt it was a move in the right direction. He also said he would love to chat with the business owners to get their thoughts. Mayor Gillespie advised that she will take it to the EDAC and work with Mr. Aberant to see what needs to be done.

Agenda Updates: None

Adopting Consent Agenda Resolution No. CA 06 28 2021: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 06 28 2021

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.

PROCLAMATIONS & PRESENTATIONS

Proclamation - Juneteenth Celebration. Mayor Gillespie advised this was presented on June 19 at the Second Annual Celebration held at Perkins Center for the Arts. Mr. Law indicated that presenting the proclamation was a special moment.

PROCLAMATION

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and

WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH" combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and

WHEREAS, the 2nd annual Juneteenth celebration in Moorestown will take place at Perkins Center for the Arts on June 19, 2021 and will feature vendors, music, art and education.

NOW, THEREFORE BE IT PROCLAIMED that the Township Council proclaims June 19 as Juneteenth in Moorestown and urge all citizens to become more aware of the significance of this celebration in African-American History and in the heritage of our nation, our state and our town.

Given, under my hand and the Seal of the Township of Moorestown this 19th day of June in the Year of Our Lord Two Thousand Twenty One. Nicole Gillespie, Mayor

Mayor Gillespie advised that a power point presentation was given at the last meeting concerning Ordinance 20-2021 and that she wanted to go through the presentation once again so that everyone is on the same page. She presented the presentation.

Highlights:

- Nagle tract has part of plan since 1980; it was purchased in 1988 for affordable housing.
- The tract has been in the past three rounds of the Township's Affordable Housing Plan.
- The proposed additional affordable units for the development increasing from thirty percent will alleviate the Township's obligation for providing market to affordable rate housing and providing accessory apartments.

- The Township will save \$2.4 million by shifting from thirty percent to fifty percent affordable units.
- The Township had to select a developer for the tract so application for tax credits could be made. If the Township does not get the tax credits, it will have to step back into the market to affordable housing and accessory apartments. Walters Group was appointed the developer.
- Thereafter, Lockheed Martin and the Department of the Navy sent a letter development could not occur on the tract as same would be a national security risk. Lockheed Martin offered to swap out the land; reimburse the Township for any additional cost that may be incurred.
- The Township has two options – say no and risk having the Nagle tract taken by eminent domain; or accept the land swap and additional funds. If not, the Township will have to buy another tract of land and get a tax credit application in by August 31st.
- The Township would be at risk of losing its compliance standing and subject itself to builder remedy lawsuit, while the Township is still obligated to building the units, in addition to a risk of significantly increasing the number of units due to the builder remedy lawsuits, which leave the Township powerless.
- If the Township accepts the land swap, it will continue to be immune to builder remedy lawsuits.

Mayor Gillespie did not feel that subjecting the Township to builder remedy lawsuits was a responsible thing to do. She advised that the developer's concept plan is shown on the Township's website; she reviewed same with the public. She advised that the developer must file for site plan approval before any construction can begin and the application will include a traffic study. She advised that traffic issues can be addressed before the Board.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 20-2021 by title.

20-2021 AMENDING CHAPTER 180 ENTITLED "ZONING" OF THE TOWNSHIP OF MOORESTOWN TO REZONE BLOCK 7401, PROPOSED LOT 1.02 (UNNUMBERED LOT ON BORTON LANDING ROAD) TO AMF-6 ZONING DISTRICT, AND TO REZONE BLOCK 7401, LOT 3 (200 HARTFORD ROAD) TO BP-2 ZONING DISTRICT

Mayor Gillespie opened the public hearing.

Ronald Gasiorowski, Esquire, 54 Broad Street, Red Bank, advised that he was retained this morning to represent the neighbor across the street from the site. Mr. Gasiorowski raised question about the fact that Lockheed Martin was not aware of the zoning of the Nagle tract; the authenticity of the letter from the Navy; the basis for finding the development to be a security risk; the integrity of the developer; etc. In closing, he urged Council to put it somewhere else; hear from the public; and not to approve the two ordinances before it on second reading

Andrew Wisniewski, 1 Brooks Road, expressed opposition due to traffic safety concerns.

Catherine Riccardi, 368 Salem Road, expressed opposition, stating she did not receive notice; finding it unfair to the homeowners around there; and it to be all about the money, not the people.

Navin Gupta, 412 Salem Crossing Road, expressed opposition stating he feels cheated; there are school safety issues; property values will be ruined; and the Township only provided notice to property owners within two hundred feet and that is why Ms. Riccardi did not receive notice.

Dave Lees, 356 Salem Road, expressed opposition due to him building his home and five years later finding out there will be affordable housing in his backyard – not acceptable.

Dina Hays, 29 Apple Orchard Road, expressed opposition indicating concern with traffic; spending their life savings and property values going down; people are not aware of this; time and transparency is needed.

Kate Wilson, 2 Split Rock Place, expressed support and advised that she has been attending Council meeting for years; this is not new news; if the Township loses compliance status and has to deal with builder remedy suits, it will cost everyone money; she questioned how much new land would cost the taxpayers; expressed concern with comments from Mr. Gasiorowski questioning the authenticity of the Navy's letter; and noting that Walters Group wanted to build on the Nagle site. She encouraged Council to move forward.

Greg Newcomer, 235 Fellowship Road, advised that when the tract was pledged for affordable housing, Martin Marietta or RCA owned the land. The business of the company is different now; it is US Defense (security for men and women on our defense ships). He was opposed to the threat of builder remedy lawsuits allowing developers build where and what they want; He noted that he is a senior citizen and does not want his property taxes to increase. He supported Council moving forward.

Robert Connor, 144 Country Club Drive, asked if the contract with Lockheed Martin has been signed and if it is available to the public. Mr. Aberant advised that it has not and until it is executed, it is not a public document. Mr. Connor expressed concern about certain things not being specifically listed in the contract to ensure all additional costs are covered; he, as a taxpayer, is not paying a dime for this project; he wants Council to make Lockheed Martin do more; he wants to see the contract before he agrees to anything.

Tom Riccardi, 368 Salem Road, stated that low-income housing has a stigma.

Kate Wilson 2 Split Rock Place, indicated that when speaking about the character of people living in affordable housing you are referring to our police, teachers' assistants, single parents, etc. and affordable housing provides opportunity for those that might not otherwise have an opportunity.

Mr. Law indicated he is willing to discuss the land swap, but, he will not listen to negative comments about the character of the people. He noted that hundreds of people that live in the community, including his family, live in affordable housing. He found that the no one can make judgment about who may potentially live in these homes. He said they are police, Council men and women, teachers, etc. He asked that people speak factually.

Andrea Wisniewski, 1 Brooks Drive, felt Council did not understand the negative traffic impact this will have. She asked, wouldn't this be a great open space.

Navin Gupta, 412 Salem Crossing Road, raised concern with the negative impact of additional traffic.

Collen O'Hara, 348 Salem Road, expressed opposition; she felt that, in addition to the traffic issues, the development will stick out like a sore thumb; it is not integrated with the community. She asked if she will be able to connect into the public sewer. Mr. Aberant advised that her property is not inside the sewer service area; she would have to petition the New Jersey Department of Environmental Protection; a brief discussion was held. She expressed her opposition noting the addition of school buses and public transportation.

Kameron Rabenou, 161 Pheasant Fields Lane, asked if Lockheed Martin will develop the Nagle tract. Mr. Aberant advised that they want it available for its testing systems. Mr. Rabenou felt that Lockheed Martin should agree not to sell it to someone else for other purposes.

Tom Riccardi, 368 Salem Road, asked if it will still be farmed; it kicks up dust.

Ronald Gasiorowski, Esquire, 54 Broad Street, Red Bank, asked if alternate locations were discussed with Lockheed Martin. Mr. Aberant advised that numerous discussions were held with staff. Lockheed Martin was limited on what was available and being a conflict. The subject property was suitable.

Fred Sutherland, 417 North Church Street, asked if it would be possible for Council to petition NJDEP to extend sewer to houses on Salem Road. Mr. Aberant was not aware of the process. Mr. Merchel showed the sewer service area on an overhead projector.

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

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

Mayor Gillespie asked for discussion by Council.

Ms. Mammarella recognized the public's concerns; she expressed her sympathy noting that the matter has been in existence for a long time; the matter with the Navy came out of left field and

surprised everyone. But, the issue of national security cannot be questioned. Ms. Mammarella assured all that Council makes its decisions on what they feel is in the best interest of the town; and it must protect the town against builder remedy lawsuits. She expressed her appreciation for the public input and for expressing their positions.

Mr. Van Dyken expressed his appreciation for the public's presence and concerns. He advised that Council has held several public meetings on the matter and noticed same in accordance with the law. He reiterated that this matter fell upon Council a few months ago and Council must make a decision to protect all residents. He deferred to the Township Attorney on comments concerning the draft contract with Lockheed, but felt same would be attorney/client privilege.

Mr. Zipin indicated that the proposed development is fifty percent affordable and fifty percent market rate; the units are identical. The developer had no say or option in the land swap. He advised that, from what the developer has represented, a three-bedroom market rate unit will rent for \$2,700 a month. He did not feel that same represented something outside of the character of the neighborhood. He advised that the town does have the option of purchasing properties and renovating them, but the town/taxpayers pay for that. He noted that the Nagle tract has been in the plan for forty years and the project is proposed to be relocated one thousand feet. He noted that projects are planned all around town; all of them will have an impact on the traffic and schools. Mr. Zipin noted affordable housing provides opportunity for officers, single parents, teachers, etc. and does not have a negative effect on surrounding housing. A formal traffic study will be done. He advised that it has been stated that the effect on the traffic will be one additional car per minute; the school has traffic issues with our without the project. He added that Lockheed Martin will be providing a shuttle twice a day; it will not be public transit.

Mr. Law appreciated all comments and concerns. Mr. Law noted that the additional costs are being covered and he agrees the Township should get what it can for the inconvenience. He took exception to the comment that this is all about money; he suggested the timeline be reviewed; and stated that any suggestion of collusion is false. He objected and felt not any Council member would want to be in this position. Council must consider what it can do in the best interest of the taxpayers and moving the project will save the taxpayers \$2.7 million and the Township will recoup any additional costs.

Mayor Gillespie noted that this has been in discussions long before this Council and these discussions and arguments concerning property values and traffic impacts have been made on every site for affordable housing. She advised that these units will have an impact on traffic no matter where it is located. If Council does not move forward with the land swap, same will put the Township at a tremendous risk.

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

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

The Township Manager read Ordinance 21-2021 by title.

21-2021 AUTHORIZING THE EXCHANGE OF THE PROPERTY OWNED BY THE TOWNSHIP OF MOORESTOWN COMMONLY KNOWN AS THE NAGLE TRACT, LOCATED AT 200 HARTFORD ROAD AND ALSO KNOWN AS BLOCK 7401, LOT 3, WITH A 12.5 ACRE PARCEL OF LAND OWNED BY LMC PROPERTIES, INC. LOCATED ON BORTON LANDING ROAD AND KNOWN AS PROPOSED BLOCK 7401, LOT 1.02 WHICH IS A PORTION OF EXISTING BLOCK 7401, LOTS 1 AND 2

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

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

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Van Dyken
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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 22-2021 by title.

22-2021 AUTHORIZING THE ACCEPTANCE OF THE CONVEYANCE FROM PARKERS BEND RETIREMENT COMMUNITY LLC OF REAL PROPERTY COMMONLY KNOWN AS 1 OAKLY DRIVE, ALSO KNOWN AS BLOCK 8801, LOT 4.03 IN THE TOWNSHIP OF MOORESTOWN

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for July 12, 2021 at 7:00 p.m.

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

The Township Manager read Ordinance 23-2021 by title.

23-2021 AN ORDINANCE AMENDING ORDINANCE NO. 734 “THE MOORESTOWN TOWNSHIP SALARIES AND COMPENSATION ORDINANCE OF 1973,” AS AMENDED AND SUPPLEMENTED, BY PROVIDING FOR SALARY ADJUSTMENTS FOR CLERICAL AND PUBLIC WORKS EMPLOYEES COVERED UNDER THE LABOR AGREEMENT WITH THE COMMUNICATIONS WORKERS OF AMERICA – LOCAL 1036

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for July 12, 2021 at 7:00 p.m.

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

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

1. **171-2021** ACCEPTING THE RESIGNATION OF RYAN VANDER WIELEN FROM THE PLANNING BOARD
2. **172-2021** AUTHORIZING THE EXPENDITURE OF \$4,035.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO FAIR SHARE HOUSING FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (TAENZER, ETTENSON & ABERANT)
3. **173-2021** AUTHORIZING CONTRACT CHANGE ORDER NO. 3 IN THE TOTAL AMOUNT OF \$26,110 IN CONNECTION WITH A PROJECT KNOWN AS WATER POLLUTION CONTROL PLANT SCADA DESIGN
4. **174-2021** AUTHORIZING THE EXPENDITURE OF \$495.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (CGP&H)
5. **175-2021** AUTHORIZING THE EXPENDITURE OF \$1,861.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (SURENIAN, EDWARDS, & NOLAN LLC)
6. **176-2021** 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 \$4,485,000 IN PRINCIPAL AMOUNT

7. **177-2021** 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 \$13,010,000 IN PRINCIPAL AMOUNT

8.178-2021 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$17,495,000 GENERAL OBLIGATION BONDS, SERIES 2021, CONSISTING OF \$13,010,000 GENERAL IMPROVEMENT BONDS AND \$4,485,000 WATER/SEWER UTILITY BONDS OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE
9. **179-2021** ACCEPTING THE RESIGNATION OF JOHN FERRY FROM THE LOW AND MODERATE INCOME HOUSING OVERSIGHT COMMITTEE
10. **180-2021** AUTHORIZING RENEWAL OF A RETAIL LICENSE FOR 2021-2022
11. **181-2021** ACCEPTING THE RESIGNATION OF STEVEN PAZIENZA FROM THE PLANNING BOARD
12. **182-2021** AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES
13. **183-2021** AUTHORIZING THE TAX COLLECTOR TO CANCEL AND REFUND TAX AND WATER OVERPAYMENTS
14. **184-2021** APPOINTING KEVIN E. ABERANT AS TOWNSHIP MANAGER AND ESTABLISHING A SALARY
15. **185-2021** APPOINTING MARK HICKMAN TO THE OPEN SPACE ADVISORY COMMITTEE
16. **186-2021** APPOINTING VARIOUS MEMBERS TO THE PLANNING BOARD
17. **187-2021** AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR SWEMCO, 1215 NORTH CHURCH STREET (BLOCK 3901, LOT 3) PRELIMINARY AND FINAL SITE PLAN - PHASE 1

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

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

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: None.

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

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

MANAGER'S REPORT: None.

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

Kathy Sutherland, 417 North Church Street, stated that the Township has traffic problems everywhere. The Walters Group has a great product and the site will be managed. She thanked Council for its efforts on getting the crosswalk traffic signage on North Church Street. She inquired about the balance in the affordable housing trust fund; Mr. Merchel said around \$700,000 (estimate without looking).

Greg Newcomer, 235 Fellowship Road, advised that any new housing will bring more traffic.

Robert Conner, 144 Country Club Drive, expressed his disappointment. He felt there will need to be a left-hand turn traffic light at the site and the Township should not incur any costs for it.

CLOSING COMMENTS BY COUNCIL:

Mr. Law thanked Mr. Merchel and Mr. Polkiewicz for the improved technology (tonight's meeting). He thanked Mr. Merchel for his work as Township Manager and congratulated Mr. Aberant on his appointment. Mr. Law acknowledged the concerns expressed this evening and noted Council will keep them in mind when moving forward. Mr. Law stated that perception is reality and felt Council should discuss improved ways of getting information to the residents so that they have all the facts. He thanked all for staying and their respect for a proper forum.

Mr. Zipin echoed Mr. Law's comments and thanked Mr. Merchel for his work and welcomed Mr. Aberant. Mr. Zipin asked Mr. Aberant if it would be plausible to enter into a contract prior to adopting the ordinance. Mr. Aberant advised that the ordinance allows the transaction to occur. Mr. Zipin advised that there is still time for the Planning Board to review the traffic study; it is not a done deal.

Ms. Mammarella thanked the public for their comments. She thanked Mr. Merchel for his great work on the budget. She expressed appreciation for Mr. Aberant's appointment noting it is incredible that he will be the Township Manager and that there will be no loss of continuity in the transition; same is great for Council and the town.

Mayor Gillespie thanked the public for their comments and participation. She felt Council's decision and action is right for the town as a whole. She thanked Mr. Merchel and welcomed Mr. Aberant noting she is glad to have him.

CLOSED SESSION (IF NECESSARY) (RESOLUTION CS 06 28 2021): Mayor Gillespie asked for a motion to adopt Resolution CS 06 28 2021 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Affordable Housing).

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

**RESOLUTION NO. TCOA CS 06 28 2021
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.

At 10:06 p.m., Council entered into closed session.

At 10:50 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 10:51 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk