

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
July 12, 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 7:07 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 (absent)
Patricia L. Hunt, Township Clerk
Kevin E. Aberant, Township Attorney

CALL TO ORDER: At 7:07 p.m., Mayor Gillespie read the Open Public Meetings Act statement in full, as printed on the agenda. (The livestream did not work in the beginning of the meeting.)

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. Mailing 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 July 9, 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 with the exception of Mr. Merchel, who was absent.

DISCUSSION

Reports from Members of Council

Mr. Law advised that the Environmental Advisory Committee continues to work on the storm water maintenance ordinance; he has requested a one-page summary for Council's review. Mr. Law thanked all for their volunteerism in connection with watering the flowers on Main Street; they look great.

Mr. Zipin advised that Ms. Petriello has been appointed to the Planning Board; a few additional appointments will be made in the near future. He advised he and the Mayor have meetings with those that have responded to the Request for Proposals (RFP) for Township Attorney. He will also be meeting with the Mayor regarding redevelopment at the mall.

Mr. Van Dyken advised that he had to work and could not attend the recent Sustainable Moorestown meeting. The Recreation Advisory Committee does not meet again until September; fall sports enrollment is open.

Ms. Mammarella thanked all for attending. She thanked the Public Works employees for the great job they did in cutting down a tree on her street. She advised that the Appearance Committee will be reviewing plans (on July 21) for the apartment complex to be developed on Borton Landing Road. The Better Together task force is working on a survey for residents and businesses in town.

Mayor Gillespie advised that the Economic Development Advisory Committee is working on cannabis regulation recommendations; a webinar on microbreweries and two distribution liquor licenses; and arranging for a monthly food truck event. The Low and Moderate Income Oversight Committee will hold a special meeting on July 21 to review the future development on Borton Landing Road (Walters Group); the public is welcomed to attend. She advised that the Township received seven proposals in response to its RFP for Township Solicitor and they are talking with the applicants; anticipated appointment date is July 26.

Mayor Gillespie advised that the Township has received (over) \$1 million dollars in connection with the American Rescue Plan, which will help to make up for lost revenues and increased costs. The Township will receive the second half next year. Mayor Gillespie advised that the Township recently received (again) a Triple-A bond rating and complimented Mr. Merchel. She advised of the benefits that are derived from that rating.

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

- a. July 26, 2021 – 7:00 p.m. (Official Action)
- b. August 9, 2021 – 7:00 p.m. (Official Action)

Agenda Updates: None

Adopting Consent Agenda Resolution No. CA 07 12 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 07 12 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.

Discussion - Cannabis Subcommittee Recommendations and Draft Ordinance Regarding Municipal Regulation of Cannabis: Mayor Gillespie advised that Mr. Hines gave a presentation at the last meeting. Mr. Aberant drafted the ordinance, which Council just received. She asked Mr. Aberant to review the ordinance. Mr. Aberant reviewed each section of the draft ordinance.

Council discussion, questions and answers were had. Mayor Gillespie asked whether there should be a prohibition within a certain distance of residential uses, schools and parks. Mr. Aberant will look at same. All members were in favor of allowing issuance of all six (types of) licenses. Discussion on locations was held. Council agreed on the SRC, SRC-1 and BP-1 zones, noting it is better to be restrictive now with the option of expanding in the future. All agreed there would be no restrictions on delivery licenses; no sense since the Township cannot prohibit delivery in town from outside of town. Mayor Gillespie advised that she would work with the Township Attorney based on Council comments this evening. The ordinance will be introduced on July 26. Discussion was held on police enforcement. Discussion was held on the use of the revenue. It was suggested that the Council's intent (to use the funds to reinvest into the community) be placed in a "whereas" clause.

Mayor Gillespie opened the floor for public comment.

Kathy Sutherland: 417 North Church Street supported a 200' set back from residential uses.

Chris Buoni, 246 Nicholson Drive, noted that since moving here, he has seen a lot of changes happening very quickly; he asked what the rush is. He expressed his support for medical marijuana, but found distribution to be another matter. He advised that articles he has read have found that in towns that have legalized marijuana, the crime rate has increased; he questioned the ability to enforce the law when someone is under the influence. He suggested waiting to see what happens in other towns.

Claudia Morano, 425 Oldershaw Avenue, asked some questions; they were answered. Ms. Morano wanted to see the revenues used for property tax relief.

Greg Newcomer, 235 Fellowship Road, noted that seven years ago, the topic of alcohol sales was being discussed; many were afraid of what would happen; but zoning restrictions and laws were put in place and certain types of uses were allowed. Council is in the same place now; it is trying to control something and it could be a benefit.

PROCLAMATIONS & PRESENTATIONS – None.

ORDINANCES ON SECOND READING: The Township Attorney read Ordinance 19-2021 by title.

19-2021 AMENDING CHAPTER 180-73 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED “OFF-STREET PARKING REQUIREMENTS”

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

Mayor Gillespie asked for a motion to continue the public hearing until August 9, 2021.

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

The Township Attorney 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 opened the public hearing. There were no comments.

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

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

The Township Attorney 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 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. 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. Law
SECONDED BY: Mr. Zipin
ABSENT: None
ROLL CALL VOTE: All in favor

ORDINANCES ON FIRST READING: The Township Attorney read Ordinance 24-2021 by title.

**24-2021 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 July 26, 2021 at 7:00 p.m.

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

2021 BUDGET RESOLUTIONS: Prior to reading the titles, Mr. Aberant gave a brief description of each resolution.

Mayor Gillespie opened the floor for public comment on any of the budget resolutions.

Greg Newcomer, 235 Fellowship Road, asked Council to consider solar in various parts of town and to make an allocation for the Pulverizing site.

There being no further comments, the floor was closed.

The Township Attorney read the resolution by title.

**189-2021 FOR INTRODUCTION AND APPROVAL ON FIRST READING OF
THE 2021 BUDGET, AUTHORIZING PUBLICATION OF BUDGET, AND
PROVIDING FOR A PUBLIC HEARING ON THE BUDGET ON AUGUST 9,
2021 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT TOWN HALL, 111
WEST SECOND STREET**

Mayor Gillespie asked for discussion or a motion to approve on first reading and set the public hearing date for August 9, 2021 at 7:00 p.m.

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

The Township Attorney read the resolution by title.

**190-2021 A RESOLUTION ESTABLISHING THE TAX LEVY FOR YEAR
XXIII OF THE MOORESTOWN OPEN SPACE, RECREATION AND
FARMLAND AND HISTORIC PRESERVATION TRUST FUND PROGRAM**

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

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

The Township Attorney read the resolution by title.

191-2021 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 Council for discussion or a motion to adopt.

Mr. Zipin sought clarity; Mr. Aberant assured him that the Township is in full compliance.

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

The Township Attorney read the resolution by title.

194-2021 A RESOLUTION TO ANTICIPATE CERTAIN MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS

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

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

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

188-2021 AUTHORIZING THE EXPENDITURE OF \$3,870.52 FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (CLARKE CATON HINTZ)

192-2021 ACCEPTING THE RESIGNATION OF MARK WILLIAMS FROM THE ZONING BOARD OF ADJUSTMENT

193-2021 AUTHORIZING EXTENSION TO SHARED SERVICES AGREEMENT WITH CINNAMINSON TOWNSHIP TO PROVIDE TAX ASSESSOR OFFICE SUPPORT SERVICES

195-2021 ENDORSING THE AMENDMENT TO THE MASTER PLAN HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE MOORESTOWN TOWNSHIP PLANNING BOARD TO ENABLE THE TOWNSHIP TO FULFILL ITS AFFORDABLE HOUSING OBLIGATIONS

196-2021 APPOINTING GREG NEWCOMER TO THE LOW AND MODERATE INCOME HOUSING OVERSIGHT COMMITTEE

197-2021 ADOPTING AN AMENDED SPENDING PLAN

Mayor Gillespie opened the floor for public comment.

Fred Sutherland, 417 North Church Street, asked if Mr. Newcomer will be replacing Jack Ferry on the Low and Moderate Income Oversight Committee and who will be Chairman. Mr. Aberant advised that the replacement is correct and the committee will elect a chairperson.

Kathy Sutherland, 417 North Church Street, indicated something Mr. Newcomer had said at a meeting in the past, which she found insulting and felt that Mr. Newcomer would be better suited for the Zoning Board. Mayor Gillespie felt that Mr. Newcomer will be an excellent member.

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

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: June 24, 2021 Special and June 28, 2021 Official Action and Closed Session:
Mayor Gillespie asked for comment or a motion to approve the minutes.

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

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):

Dennis Talty, Esquire, representing the owner/s of the Garwood Road Property and Flying Feather Farm, inquired about the status of the sale agreement with the Township. He sought a commitment to move forward from Council and its attorney. Mr. Aberant advised that there should be a resolution on the next meeting. Mr. Talty thanked Council.

Jeffrey Baron, Esquire, 1307 Whitehorse Road, Voorhees, also representing the owner/s advised that the property is an institution and the sisters have health issues. He encouraged Council to move forward in order to preserve this institution.

There being no further comment, the floor was closed.

CLOSING COMMENTS BY COUNCIL:

Mr. Van Dyken looked forward to hearing comments on cannabis. He felt Council is doing the best it can.

Mr. Zipin congratulated Mr. Merchel on receiving a Triple-A rating.

Mr. Law acknowledged his appreciation for the in-depth conversation and advised that Council will take all comments into account, noting that they will tread carefully but they are also up against a deadline. He noted that articles he has read indicated the opposite when it comes to higher crime and legalizing cannabis. Mr. Law congratulated Mr. Merchel on the Triple-A rating. In response to comments made by Ms. Sutherland, Mr. Law believed that Mr. Newcomer is committed to this community. He complimented and congratulated Mr. Newcomer on his appointment.

Ms. Mammarella also complimented Mr. Merchel on the Triple-A rating. She expressed her appreciation to all who participate in government and volunteer their time on boards and

committees. She also thought that Mr. Newcomer is dedicated to the community. Ms. Mammarella stated that with regard to cannabis, positive things do happen; opioid use usually goes down and that is a really good thing.

Mayor Gillespie also congratulated Mr. Merchel on the Triple-A rating.

CLOSED SESSION (IF NECESSARY) (RESOLUTION CS 07 12 2021): None

ADJOURNMENT: At 9:02 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk