

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
August 23, 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. Attendance was as follows:

Nicole Gillespie, Councilmember	Kevin E. Aberant, Township Manager
Sue Mammarella, Councilmember	Patricia L. Hunt, Township Clerk
Quinton Law, Councilmember	Douglas Heinold, Township Manager
Jake Van Dyken, Councilmember	
David Zipin, Councilmember (recused himself at 9:21 p.m.)	

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. 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 August 20, 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.

PROCLAMATIONS & PRESENTATIONS: Proclamation - National Black Business Month: Mayor Gillespie read aloud and presented the following proclamation. Nika and Alban Corbett, owners of Curate Noir at the mall, (and family) were present to accept the proclamation. They also organized the Black Woman's Expo. Mayor Gillespie expressed her appreciation for all they have done.

PROCLAMATION

WHEREAS, National Black Business Month was founded in 2004 by Frederick E. Jordan Sr. and John William Templeton to recognize the contributions of black-owned businesses throughout the country, and to encourage their continued development; and

WHEREAS, the United States Minority Business Development Agency estimates that there are 2.6 million black-owned businesses in the United States, generating approximately \$150 billion in annual receipts; and

WHEREAS, Moorestown is home to a growing number of innovative black-owned businesses that provide jobs, products and services to residents in our region; and

WHEREAS, Promoting and supporting black-owned businesses helps to close the racial wealth gap in our community and throughout the country, and encourages the flourishing of local communities and culture; and

WHEREAS, Nika and Alban Corbett created Curate Noir as a one-stop shop for black and brown-owned business products at the Moorestown Mall, hosted the first-ever Black Business Expo at the Moorestown Mall on August 7, 2021 and exemplify the power and potential of supporting black-owned business in our community; and

WHEREAS, Moorestonians are encouraged to frequent black-owned businesses during the month of August and throughout the year, and to reflect on the numerous contributions of black entrepreneurs in our community.

NOW, THEREFORE BE IT PROCLAIMED that the Township Council recognizes Nika and Alban Corbett as powerful advocates for black-owned businesses and proclaims August as National Black Business Month in Moorestown.

Given, under my hand and the Seal of the Township of Moorestown this 23rd day of August 2021. Nicole Gillespie, Mayor.

Mr. and Mrs. Corbett thanked Council and the community for all of their support.

DISCUSSION

Reports from Members of Council

Mr. Law advised that Better Together Moorestown is in its last steps. He asked that they be placed on the next agenda in order to make a presentation before Council. He thanked the Moorestown Business Association (MBA) for the food truck event noting that it was a great event. He advised that the Moorestown Rotary will hold a food truck event on September 9th here at the Town Hall.

Mr. Zipin advised that there were technical difficulties at the last Planning Board meeting; a special (re-do) meeting will be held this Thursday. He also complimented the MBA's food truck

event and noted that the upcoming event at Town Hall will serve as an agent to bring people to Main Street.

Mr. Van Dyken advised that there is still time to register for the Recreation Department fall programs. He also complimented the MBA food truck event.

Sue Mammarella reported that the food truck event was fun and the weather was great; she thanked the MBA. She advised on the applications before the Appearance Committee. Ms. Mammarella advised that the Telecommunications and Technology Committee (T&T) met in May and a firm presented an alternative to the internet service in town. She advised that the service would be competitively priced and may generate revenue for the town. Mayor Gillespie suggested that she arrange for a representative(s) from T&T make a presentation before Council at the next meeting or soon thereafter. Ms. Mammarella advised that she will make arrangements.

Mayor Gillespie also thanked the MBA and the organizers noting the process went smoothly. She thanked police and fire noting that it was a team effort and she thanked all that assisted in it. She advised that the Economic Development Advisory Committee (EDAC) meets tomorrow; the committee has been working on the upcoming Rotary food truck event (the proceeds will go to the Department of Recreation) and review of the draft ordinance for permanent outdoor dining.

Mayor Gillespie announced that a Prayer Breakfast at Trinity Church will be held on September 11. It is the 20th Anniversary. She encouraged all to attend.

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

September 13, 2021 – 7:00 p.m. (Official Action)

September 27, 2021 – 7:00 p.m. (Official Action)

Moorestown Environmental Advisory Committee (MEAC) presentation on proposed changes to Stormwater Management Ordinance: Joan Ponessa, 215 Locust Street, Chairperson, MEAC was present. She advised that MEAC has been working on this ordinance for several years. The ordinance is written to address stormwater management in the built-up areas of town. She read aloud the definition of minor development and impervious surface. She advised that there may be some minor development that is exempt. Ms. Ponessa advised that she provided Council with a copy of a Green Infrastructure brochure issued by Rutgers. Mayor Gillespie thanked the committee for all of its work, noting the Township does have its share of stormwater issues. She asked for clarification on the requirements for development of 1,000 or more square feet and the notion that some “may” be exempt. Chris Salvatico, 406 New Albany Road, committee member, explained that if someone were repaving their driveway, they would be exempt; however, if they are expanding the drive, they “may” be exempt. Mayor Gillespie suggested that the language be amended to say “will” be as opposed to “may” be since “may” is subjective.

Mr. Law question/confirmed projects for routine maintenance, such as a leaky roof replacement, would be exempt. He asked for examples of where there are concerns. Mr. Salvatico gave the example of a homeowner who demolished the building on a property and when rebuilding

installed a concrete driveway where there was none before and how same has caused flooding and ice problems. Ms. Ponessa advised that there is a need to control minor construction in the built-up areas in town. She advised that they are trying to control projects that will further contribute to flooding and pollution. Mayor Gillespie asked how same will affect homeowners; she expressed concern with unintended consequences to property owners, such as extensive costs and discouragement as it may seem too daunting. Discussion was held on stormwater management alternatives that would be suggested to homeowners to help control runoff such as a cistern or rain barrel/garden. The idea is to keep the stormwater on site. Ms. Ponessa advised that the New Department of Environmental Protection (NJDEP) is currently working on regulations that are expected to come out at the end of the year. This ordinance is in line with those regulations. Mayor Gillespie suggested incentivizing and educating the residents.

Mr. Zipin asked what a homeowner wanting to put an in-ground pool would have to go through. Discussion was held. Brian Thomas, 207 Andrews Avenue, committee member, advised that a majority of construction in town is small; not requiring compliance with the ordinance. Repairs and renovations are exempt and most homeowners would not hit the 1,000sf threshold. However, it will address situations where a 900sf house is demolished and replaced with a 3,000sf house. It is situations such as this where there is little control and/or oversight.

Mayor Gillespie asked that Mr. Aberant and Mr. Heinold rewrite the ordinance based on comments received and send it back to MEAC for review. Mr. Aberant noted the financial impact on the homeowner and questioned what the financial impact on the Township would be, noting the professional review of each application that would be required. He also questioned the variance process. He suggested that Council be provided with an analysis of the potential costs. Jennifer Otter, 324 High Street, committee member, advised that she spoke with Princeton Township. She advised of their requirements.

All members thanked the committee expressing their appreciation, noting that there are some things that need to be addressed. Mayor Gillespie suggested that the ordinance be reworked and brought back in a couple of months.

Proposed changes to Parks and Recreation Ordinance: Mr. Aberant advised that Council received a draft ordinance. Mayor Gillespie advised that she has questions. Mr. Van Dyken advised that the Recreation Advisory Committee (RAC) has not met. Mayor Gillespie directed that, first, RAC review the ordinance and also, Council be given a clearer view of its overall intent. There were no objections.

Review Draft of Outdoor Dining Ordinance: Mayor Gillespie advised that Council previously generally agreed to make the outdoor dining ordinance permanent; she asked for comment from Council. Ms. Mammarella felt placement of heaters should be on the application and plans. Mayor Gillespie agreed and noted that the existing temporary permits are good until November 2022 which would give time for business owners to plan. Discussion was held on compatibility of tables, chairs, trash receptacles and railing with the building architecture; the application cost of \$1500 (what if entity only has one table); the placement of a barrier by the

establishment on the curb line; exceeding the number of seats as it relates to the required parking; whether a connection fee should be charged if the number of seats are increased. Mayor Gillespie advised that she would bring the discussion before EDAC.

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 08 23 2021: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 08 23 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.

ORDINANCES ON SECOND READING

The Township Manager read Ordinance 29-2021 by title. Mr. Aberant advised of the purpose of the ordinance (improvements at the wastewater treatment plant i.e., purchase and installation of a mechanical bar screen and digester clean out and inspection). If adopted, a contract for the mechanical bar screen can be awarded tonight.

29-2021 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$690,000 AND AUTHORIZING THE ISSUANCE OF \$655,500 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR IMPROVEMENTS TO THE WASTE WATER TREATMENT PLANT, TOGETHER WITH ALL RELATED EXPENSES

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. 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: Ms. Mammarella
ABSENT: None
ROLL CALL VOTE: All in favor

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 30-2021 by title. He provided background.

30-2021 AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "ZONING" (TO REMOVE CONSERVATION SUBDIVISION LANGUAGE)

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for September 13, 2021 at 7:00 p.m.

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

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

224-2021 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$13,400,000 BONDS OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO AND AS REQUIRED BY THE NEW JERSEY WATER BANK

225-2021 RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE TOWNSHIP OF MOORESTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING NOT TO EXCEED \$13,400,000 IN PRINCIPAL AMOUNT FOR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK

226-2021 AWARDING A CONTRACT TO SUB-LEVEL INSTALLATION INC. FOR A PROJECT KNOWN AS MECHANICAL BAR SCREEN INSTALLATION AT THE WATER POLLUTION CONTROL FACILITY IN THE AMOUNT OF \$363,500

227-2021 AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

228-2021 AUTHORIZING THE EXPENDITURE OF \$14,415.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO FAIR SHARE HOUSING FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (TAENZER, ETTENSON & ABERANT)

229-2021 A RESOLUTION REQUESTING APPROVAL OF THE INSERTION OF AN ITEM OF REVENUE AND APPROPRIATION TO AMEND THE 2021 ADOPTED BUDGET (N.J.S.A. 40A:4-87)

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 resolutions.

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

MINUTES: August 9, 2021 Official Action and Closed Session and August 17, 2021 Special and Closed Session: Mayor Gillespie asked for comment 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: Mr. Zipin
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

MANAGER'S REPORT:

Mr. Aberant advised:

- The Swedes Run mowing of the field occurred and herbicide will be applied on the pollinator field.
- The Percheron Park Notice to Proceed to contractor went out today. 90-day start to finish. A preconstruction meeting was held.
- Kelly Flynn, was recently hired to handle public relations and tech issues. She has been busy at work dealing with social media and can gauge interest online. He advised of the significant increase in viewing on social media pages over the past seven days.
- Tax bills were mailed out today.
- He has been in discussions with the IT Coordinator about evaluating and improving the technology in Council Chamber.
- Council needs to decide whether it wishes to continue with in-person meetings or to switch to virtual meetings. COVID cases are on the rise. Planning board meetings will be virtual. After a brief discussion all members agreed to hold meetings virtually. It was suggested that the situation be reevaluated after a month.

COMMENTS FROM THE PUBLIC (Items listed on and/or off the Agenda): Peter Miller, 518 Devon Road, asked questions; in response, he was advised that the Lenola Streetscape project is in the final design stage and a public meeting will be scheduled prior to the end of the year. The site for the Dollar General is being environmentally cleaned up. Sustainable Moorestown is researching the statute of limitations in connection with litigation concerning contamination of the Township's water. During virtual Council meetings, the public will be able to fully participate. The Township will get word out concerning the delays in garbage pick up and the fact that the hauler will not pick up trash cans that over the permitted weight. Mayor Gillespie requested that the public be notified of the issues through social media.

CLOSING COMMENTS BY COUNCIL:

Mr. Law thanked MEAC for its work; Mr. Aberant and Ms. Flynn for their improvements to the Township's social media pages and the increase in public engagement; STEM and Percheron Park Committee for their projects moving forward.

Mr. Zipin wished all a happy and safe Labor Day weekend and said stay safe, wear your mask.

Mr. Van Dyken advised on the upcoming shows sponsored by Moorestown Theater Company.

Ms. Mammarella asked for clarification on the completion date of Percheron Park construction. She was advised ninety days from receipt of the Notice to Proceed (November 23, 2021). Ms. Mammarella advised that she will be talking with Ms. Flynn regarding Better Together Moorestown and the survey. She wished all a happy holiday.

Mayor Gillespie extended a big thank you to Ms. Flynn and advised that she will also be getting website training. She thanked all for attending.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 08 23 2021): Mayor Gillespie asked for a motion to adopt Resolution CS 08 23 2021 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Affordable Housing and Review Bid for Potential Award of Plenary Retail Distribution (Packaged Goods) Liquor License).

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

**RESOLUTION NO. TCOA CS 08 23 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; noting, however, all are welcomed to stay.

At 9:05 p.m., Council entered into closed session.

At 10:14 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 10:15 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