

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

July 26, 2021
(IN-PERSON AND MSTEAMS ONLINE)

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Gillespie at 7:00 p.m. Attendance was as follows:

Nicole Gillespie, Councilmember	Thomas J. Merchel, Township Manager/CFO
Sue Mammarella, Councilmember	Patricia L. Hunt, Township Clerk
Quinton Law, Councilmember	Kevin E. Aberant, Township Attorney
Jake Van Dyken, Councilmember (absent)	
David Zipin, Councilmember	

CALL TO ORDER - 7:00 PM: 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 July 23, 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. Van Dyken, who was absent.

DISCUSSION

Reports from Members of Council:

Mr. Zipin had nothing to report.

Mr. Law advised that the Environmental Advisory Committee continues to work on the stormwater management ordinance. The Tree Planting and Preservation Committee is looking for volunteers for tree pruning.

Ms. Mammarella advised that the Appearance Committee reviewed the Moorestown Family Apartments' (Borton Landing Road) application. The committee was pleased overall; it was a nice presentation. The committee will be looking further at colors and materials. Ms. Mammarella advised that she asked the committee to weigh in on the outdoor dining ordinance, and they may have some recommendations. She advised that Better Together Moorestown met and they are close to completing a survey to be sent out to the community.

Mayor Gillespie advised that the Low and Moderate Income Oversight Committee held a special meeting last week to review the proposed development on Borton Landing Road (Moorestown Family Apartments). The Economic Development Advisory Committee (EDAC) will be discussing a monthly food truck event in the Town Hall parking lot sponsored by the Rotary Lunch Club, as well as, the proposed permanent outdoor dining ordinance. Mayor Gillespie advised that the COVID-19 mega site closed last week, but there are still many places to get a vaccine. He also advised that the special needs program had to shut down due to a couple of cases. Mayor Gillespie recognized the 31st anniversary of the Americans with Disabilities Act.

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

August 9, 2021 – 7:00 p.m. (Official Action)
August 23, 2021 – 7:00 p.m. (Official Action)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 07 26 2021: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 07 26 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: Presentation – Retirement of Doug Nims, Director of Public Works: Mr. Merchel read aloud a highly complimentary statement into the record regarding Mr. Nims. All members of Council extended kind words and compliments to Mr. Nims. All wished him well in his retirement. Mr. Nims thanked everyone, including his employees. He noted that the employees care about this town.

Mayor Gillespie opened the floor to the public.

The following residents (Lisa Petriello, 212 Highland Avenue; Gina Zegel, 309 Westover Road; Kathy Logue, 27 Harding Avenue; Kathy Sutherland, 417 North Church Street) addressed Mr. Nims, highly complimenting him, his work and his dedication to the town. They spoke in general and of personal experiences with him, noting he will be hard to replace. They sincerely thanked him for his service.

Mayor Gillespie said thank you; the town is a better place because of you; enjoy your retirement.

ORDINANCES ON SECOND READING: The Township Manager 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 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. Law
ABSENT: Mr. Van Dyken
VOTE: All in favor

Mayor Gillespie asked for discussion by Council. Mr. Law asked for clarification for the public. Mr. Merchel explained the law.

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 25-2021 by title. Ms. Jamanow reviewed seven last minute changes concerning residential parking, impervious coverage, electronic vehicle stations, dedicated storage space, lighting, a sustainability plan and green infrastructure.

Mr. Aberant advised that although they once agreed to the plan, recently PREIT advised that it will not consent to the plan. The Township worked with them to find middle ground. He recommended that Council introduce the ordinance with the changes discussed. The plan will be updated as discussed and be sent to the Planning Board, along with the introduced ordinance for master plan consistency and any recommendations. Mayor Gillespie thanked staff and Heyer Gruel. Mr. Aberant and Ms. Jamanow answered questions from Ms. Mammarella and Mr. Zipin.

**25-2021 ADOPTING THE MOORESTOWN MALL REDEVELOPMENT PLAN
FOR BLOCK 3000, LOTS 2, 3, 3.01, 3.02, AND 5**

Mayor Gillespie asked for discussion or a motion to introduce the ordinance 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: Mr. Van Dyken
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 26-2021 by title. Mr. Aberant reviewed the changes made after discussion at the last meeting. Much discussion was held. Suggested changes were made.

**26-2021 ENACTING CHAPTER 52 AND AMENDING CHAPTER 180 OF THE
CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "ZONING" TO
IMPLEMENT THE NEW JERSEY CANNABIS REGULATORY,
ENFORCEMENT ASSISTANCE AND MARKETPLACE MODERNIZATION
ACT**

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading (with the changes discussed) and set the public hearing date for August 9, 2021 at 7:00 p.m.

MOTIONED BY: Mr. Law
SECONDED BY: Ms. Mammarella

ABSENT: Mr. Van Dyken
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 27-2021 by title. Mr. Aberant advised that this action will help the developer get a perfect score on its tax credit application.

27-2021 AUTHORIZING AND ESTABLISHING TRANSPORTATION FOR THE AFFORDABLE HOUSING DEVELOPMENT TO BE KNOWN AS MOORESTOWN FAMILY APARTMENTS LOCATED AT BORTON LANDING ROAD 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 August 9, 2021 at 7:00 p.m.

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

The Township Manager read Ordinance 28-2021 by title. Mr. Aberant advised that the developer needs a P.I.L.O.T. in order to achieve a perfect score.

28-2021 ADOPTING A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ. BETWEEN THE TOWNSHIP OF MOORESTOWN AND MOORESTOWN FAMILY APARTMENTS LLC

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

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

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

198-2021 AMENDING RESOLUTION NO. 94-2021 AUTHORIZING THE CLOSING OF ROADS IN MOORESTOWN FOR COMMUNITY EVENTS

199-2021 AMENDING RESOLUTION NO. 49-2021 AUTHORIZING SIGNATORIES ON TOWNSHIP CHECKS

200-2021 AUTHORIZING CONTRACT CHANGE ORDER NO. 4 IN THE TOTAL AMOUNT OF \$11,556 IN CONNECTION WITH A PROJECT KNOWN AS WATER POLLUTION CONTROL PLANT SCADA DESIGN

201-2021 RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$20,880,000 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

202-2021 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 \$20,880,000 IN PRINCIPAL AMOUNT FOR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK

203-2021 AWARDING A CONTRACT TO THINK PAVERS HARDSCAPING IN THE AMOUNT OF \$270,115 FOR PROJECT KNOWN AS PERCHERON PARK CONSTRUCTION

204-2021 APPOINTING VARIOUS MEMBERS TO THE PLANNING BOARD

205-2021 APPOINTING VARIOUS MEMBERS TO THE ZONING BOARD OF ADJUSTMENT

206-2021 APPOINTING DOUGLAS L. HEINOLD, ESQUIRE OF RAYMOND COLEMAN HEINOLD LLP TOWNSHIP ATTORNEY AND AUTHORIZING AWARD OF CONTRACT FOR 2021

207-2021 AWARDING A CONTRACT TO ACB SERVICES, INC., FOR JANITORIAL SERVICES IN THE AMOUNT OF \$94,685

208-2021 REJECTING ALL BIDS FOR DIGESTER CLEANOUT AND INSPECTION PROJECT

209-2021 AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

210-2021 AUTHORIZING THE TAX COLLECTOR TO CANCEL AND REFUND TAX OVERPAYMENT

211-2021 RESOLUTION OF THE TOWNSHIP OF MOORESTOWN AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT OF SALE FOR THE PURCHASE A PORTION OF 621 GARWOOD ROAD (COMMONLY KNOWN AS A PORTION OF THE FLYING FEATHER FARM) FROM CHRISTINE RENEE VESAKI

212-2021 RESOLUTION OF NEED IN SUPPORT OF MOORESTOWN FAMILY APARTMENTS LLC IN CONNECTION WITH THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT IN THE TOWNSHIP OF MOORESTOWN

Mayor Gillespie opened the floor for public comment.

Chris Buoni, 246 Nicholson Drive, complimented Council's choice for a Township Solicitor. He asked for clarification on the bond resolution. Mr. Merchel provided same. Mr. Buoni asked if the Township received appraisals on the Garwood Road property. He was advised that two appraisals were done by the Township's appraisers. The County and Green Acres will be contributing to the purchase price.

Fred Sutherland, 417 North Church Street, asked for clarification on Resolution 198-2021; same was given.

Kathy Sutherland, 417 North Church Street, said she is really happy that the Township is purchasing the Garwood Road property. It was clarified that this is not the Flying Feather Farm parcel.

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: Ms. Mammarella
ABSENT: Mr. Van Dyken
ROLL CALL VOTE: All in favor

Mayor Gillespie welcomed to Doug Heinold, Esquire, as the new Township Attorney.

MINUTES: Mayor Gillespie asked for comment or a motion to approve the minutes: June 14, 2021 Official Action and Closed Session

MOTIONED BY: Mr. Law
SECONDED BY: Mr. Mammarella
ABSTAIN: Mr. Zipin on Closed Session minutes
ABSENT: Mr. Van Dyken
ROLL CALL VOTE: All in favor

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

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

MANAGER'S REPORT: Mr. Merchel reported on the recent bond sale. In accordance with N.J.S.A. 40A: 2-34 I hereby submit my report on the 2021 Bond Issue priced on July 15,

2021 and settling on July 29, 2021. The original principal of the projects authorized was \$18,444,000. The anticipated premium bid was used to reduce the PAR amount of bonds offered to \$17,495,000. The additional premium bid was used to resize the issue and adjust the PAR amount to \$17,290,000. The general bonds were issued for a 26-year term, while the utility bonds were issued for a 30-year term.

<u>Successful Bidder</u>	<u>Original Principal</u>	<u>Adjust PAR Bonds Offered</u>	<u>Additional Net Premium Bid</u>		<u>New Principal</u>	<u>Total Interest Payable</u>	<u>True Int. Cost</u>
			<u>To Resize</u>	<u>Excess</u>			
Roosevelt & Cross	\$ 18,444,000	\$ 17,495,000	\$ 205,000	\$ 2,430.24	\$ 17,290,000	\$ 6,245,814.76	1.888715%
General Capital	\$ 13,747,250	\$ 13,010,000	\$ 175,000	1,306.83	12,835,000	4,503,045.00	1.863824%
Utility Capital	\$ 4,696,750	\$ 4,485,000	\$ 30,000	1,123.41	4,455,000	1,742,769.76	1.952722%

<u>Bid Results</u>	<u>Par</u>	<u>Net Premium</u>	<u>Offer Price</u>	<u>TIC</u>
Fidelity Capital Markets	\$ 17,495,000	969,374.11	\$ 18,464,374.11	1.902224%
Robert W. Baird & Co.	\$ 17,495,000	1,469,267.94	\$ 18,964,267.94	1.958224%
PNC Capital Markets	\$ 17,495,000	1,646,218.29	\$ 19,141,218.29	1.972819%

Mr. Merchel advised that construction on the Percheron Park project is expected to begin in mid-August. Once the notice to proceed is issued, the contractor has ninety days to reach ninety percent completion.

Mr. Merchel advised that the Township received approval for the final design phase of the Lenola Streetscape project. Construction should begin in July 2022.

Mr. Merchel welcomed Mr. Aberant as the new Township Manager and Mr. Heinold as the new Township Attorney. He complimented them and thanked Council for the opportunity to serve. He advised of the new employees that will begin work. Mr. Merchel, once again, complimented and wished Mr. Nims well in his retirement.

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

Chris Buoni, 246 Nicholson Drive, supported the Redevelopment Plan but felt Council was moving too quickly and making a mistake with regard to cannabis. He asked how adopting the ordinance makes Moorestown a better place to live. He raised several concerns and asked Council to slow down. He asked that Council permit the conversion of office space into warehouse space.

Kathy Sutherland, 417 North Church Street, commended Mr. Merchel for his work as Manager and Finance Officer. Ms. Sutherland felt that as long as the town provides oversight and security when it comes to cannabis, she is not opposed. She feels that cannabis can be lifesaving for certain medical conditions.

CLOSING COMMENTS BY COUNCIL:

Mr. Zipin congratulated Doug Nims, Doug Heinold, Kevin Aberant and Tom Merchel. Mr. Zipin made comment concerning cannabis. He noted that while he had struggled with the idea a bit, the State has legalized it through the voice of the people; there was overwhelming support of the voters in town as evidenced by the State referendum. He noted that passage of an ordinance will encourage business to come to town. He saw no difference between the sale of cannabis, alcohol and cigarettes.

Mr. Law also congratulated Doug Heinold, Kevin Aberant and Tom Merchel. He expressed his appreciation for the work behind the cannabis ordinance and the amount of discussion that has been held. He felt this is a unique opportunity. He noted all the things that Council has been able to move forward. He said he is proud to be on Council

M. Mammarella agreed with the Mr. Zipin's and Mr. Law's comments on cannabis. She stated that Council has been careful and thoughtful throughout the process and it has a deadline to meet. She felt all would work out. She expressed her appreciation and congratulations to Doug Heinold, Kevin Aberant and Tom Merchel.

Mayor Gillespie advised of her reason for not wanting to use the word marijuana; the term was used to denigrate the use of cannabis and those that used it. Mayor Gillespie thanked Mr. Merchel for his service as Township Manager and welcomed Mr. Heinold and Mr. Aberant.

Mr. Merchel advised that Bill Butler will be stepping into the Director of Public Works role until the Township finds someone to replace Mr. Nims.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 07 26 2021): None
Resolution CS 07 26 2021 (Standard Resolution to Enter Into Closed Session)

ADJOURNMENT: At 9:10 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk