

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

October 25, 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
Sue Mammarella, Councilmember
Quinton Law, Councilmember
Jake Van Dyken, Councilmember
David Zipin, Councilmember

Kevin E. Aberant, Township Manager
Patricia L. Hunt, Township Clerk
Douglas Heinold, Township Solicitor

CALL TO ORDER: At 7:00 p.m., Mayor Gillespie read the Open Public Meetings Act statement in full, as printed on the agenda.

MAYOR'S STATEMENT

"Notice of this meeting has been provided in accordance with the Open Public Meetings Act"
by:

1. Posting a copy of the agenda on the bulletin board at the Municipal Complex.
2. Filing a copy of the agenda in the office of the Township Clerk at the Municipal Complex.
3. Emailing a copy of the agenda to the Burlington County Times and Courier Post.
4. Forwarding written notice to each person who has requested copies of the regular meeting schedule.

All of the above posting, filing and mailing have taken place on October 22, 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: None

DISCUSSION

Reports from Members of Council: Mr. Law advised that Better Together Moorestown has 1400+ responses for the survey. He encouraged the public to respond noting how much work has gone into it. He advised that the Environmental Advisory Committee continues to work on the environmental inventory report and the Tree Planting and Preservation Committee attended a conference last week.

Mr. Zipin advised that the Planning Board meets (in person) next week and the Open Space Advisory Committee meeting is upcoming.

Mr. Van Dyken reported on the food truck and Autumn in Moorestown events; both were very successful. He advised that more horses and a carousel are new additions at Percheron Park. He advised that the Department of Parks and Recreation has been very busy (advising of some current programs); he commended Ms. Miller. Mr. Van Dyken advised that the pickle ball court was installed at Jeff Young Park; the hockey rink at Wesley Bishop Park is being rehabbed; and improvements are being made to the softball field at Walker Avenue. Mr. Van Dyken advised that Sustainable Moorestown is diligently searching for an opinion from outside counsel in connection with the water pollution issue; he hoped to have an update soon. In addition, the committee has instituted an “adopt a storm drain” program. He thanked the committee and Ms. Flynn for getting the information out to the public; she has done a great job.

Ms. Mammarella advised that the Appearance Committee is pleased with the design at the mall. The committee will be providing a report for the Planning Board’s review. She advised that the Better Together Moorestown survey will be closing on October 31; there are hundreds of comments in the responses received; great feedback. The results are being analyzed.

Mayor Gillespie advised that the Economic Development Committee meets tomorrow. It wants to create and maintain its own website. Mayor Gillespie advised that Council members attended a retirement dinner for nine police officers. She congratulated them and thanked them for their service. Mayor Gillespie advised that early voting has begun; she advised of the dates and time. She also reported on the recent food truck event that was held by the Moorestown Rotary advising it was terrific and the next one is planned for November 11th. The goal is to hold an event once a month between the months of April and October.

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

November 8, 2021 – 7:00 p.m. (Official Action) - Hybrid

November 29, 2021 – 7:00 p.m. (Official Action) - Hybrid

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 10 25 2021: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

MOTIONED BY: Mr. Law

SECONDED BY: Ms. Mammarella

ABSENT: None

ROLL CALL VOTE: All in favor

RESOLUTION APPROVING CONSENT AGENDA CA 10 25 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 32-2021 by title.

32-2021 AUTHORIZING VACATION OF SBAR BOULEVARD

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

The Township Manager read Ordinance 33-2021 by title.

33-2021 AUTHORIZING EXECUTION OF 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 MALL, LLC (C/O PREIT ASSOCIATES, LP) (NAME TO BE CHANGED TO MT RESIDENTIAL URBANRENEWAL, LLC)

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. Ms. Mammarella asked Mr. Aberant to provide an explanation. Mr. Aberant advised that the agreement relates to the affordable housing agreement with PREIT. He advised that PREIT objected to how the Township's zoning was going to be implemented. There was a protracted disagreement, which was mediated, and the settlement agreement (2020) that was entered into provided for a PILOT agreement; PREIT has agreed to make a payment in lieu of taxes. Council is hereby implementing that part of the agreement.

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

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

The Township Manager read Ordinance 34-2021 by title.

34-2021 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$170,000 AND AUTHORIZING THE ISSUANCE OF \$161,500 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR PRELIMINARY ENGINEER AND DESIGN EXPENSES FOR PAINTING AND IMPROVEMENTS TO THE WESTFIELD ROAD WATER TANK, 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. 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. Zipin
SECONDED BY: Mr. Law
ABSENT: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 35-2021 by title.

35-2021 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$375,000 AND AUTHORIZING THE ISSUANCE OF \$356,250 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR IMPROVEMENTS TO THE NORTH CHURCH STREET WATER TANK, 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: Ms. Mammarella
ABSENT: None
VOTE: All in favor

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

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 36-2021 by title.

36-2021 A BOND ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$360,000 AND AUTHORIZING THE ISSUANCE OF \$342,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE PURCHASE OF PUBLIC WORKS VEHICLES AND EQUIPMENT TOGETHER WITH ALL RELATED EXPENSES

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for November 8, 2021 at 7:00 p.m. Mayor Gillespie complimented the department on their frugality when it comes to maintaining the vehicles and equipment.

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

The Township Manager read Ordinance 37-2021 by title.

37-2021 ENACTING CHAPTER 180-99.6 AND AMENDING VARIOUS SECTIONS OF CHAPTER 180 OF THE TOWNSHIP CODE TO PERMIT OUTDOOR DINING

Mayor Gillespie asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for November 29, 2021 at 7:00 p.m.

Mr. Van Dyken felt that this is an excellent addition to the local laws; it will enhance business and increase business revenues. Ms. Mammarella could not agree more. She said that everyone she has talked to loves the outdoor dining and how it has sparked Main Street.

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

NON-CONSENT AGENDA RESOLUTIONS (PUBLIC HEARING): The Township Manager read Resolution 268-2021 by title.

268-2021 APPROVING PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0322-33-003-006 (HH NJ HOSPITALITY, LLC TO MOORESTOWN BEVERAGE II, LLC)

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 resolution on second reading.

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.

261-2021 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING TRUST FUND FOR SERVICES RECEIVED IN CONNECTION WITH THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY

262-2021 AUTHORIZING A ONE-YEAR EXTENSION OF A CONTRACT TO UNIVAR SOLUTIONS USA INC. FOR PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE

263-2021 ACCEPTING THE RESIGNATION OF CARIN TROY FROM THE RECREATION ADVISORY COMMITTEE

264-2021 AWARDING A CONTRACT TO FRANZEO'S LANDSCAPING LLC FOR SNOW REMOVAL SERVICES IN THE ESTIMATED AMOUNT OF \$25,000

265-2021 AUTHORIZING THE TAX COLLECTOR TO CANCEL 3rd (PARTIAL) AND 4TH QUARTER PROPERTY TAXES

266-2021 AUTHORIZING THE TAX COLLECTOR TO CANCEL 4TH (PARTIAL) QUARTER PROPERTY TAXES

267-2021 APPOINTING DON LLOYD AS CERTIFIED MUNICIPAL RECYCLING COORDINATOR

269-2021 ADOPTING UPDATES TO THE TOWNSHIP'S PERSONNEL POLICIES AND PROCEDURES

270-2021 AUTHORIZING THE CANCELLATION OF WATER & SEWER CHARGES

271-2021 APPROVING AN EXTENSION AGREEMENT WITH VISITING NURSES ASSOCIATION HOME CARE, INC. (300 HARPER DRIVE - BLOCK 3202, LOT 3)

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. Van Dyken

SECONDED BY: Mr. Law

ABSENT: None

ROLL CALL VOTE: All in favor

MINUTES: Mayor Gillespie asked for comment or a motion to approve the May 24, 2021 and October 4, 2021 Official Action meeting minutes. Mr. Zipin noted that the minutes from May 24, 2021 needed to be corrected under roll call to show that Ms. Mammarella was absent (all were not present).

MOTIONED BY: Mr. Zipin

SECONDED BY: Mr. Law

ABSENT: None

ROLL CALL VOTE: All in favor, with the exception of Ms. Mammarella, who abstained on the May 24, 2021 minutes.

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

MOTIONED BY: Mr. Zipin

SECONDED BY: Ms. Mammarella

ABSENT: None

ROLL CALL VOTE: All in favor

MANAGER'S REPORT: Mr. Aberant advised:

- The Township has been approached by a family looking to build a whiffle ball stadium (with a dug out and fence); they want to honor their son who passed away this year. They made a presentation before the Recreation Advisory Committee who endorsed the idea. They identified a portion of Memorial Field that is available and a suitable size (he described the location). The family would pay for and be responsible for the construction (via an agreement). They understand prevailing wage is required as well as, insurance. Mr. Aberant advised that the family did not ask for naming rights on the field. Discussion was held. In closing, all members of Council expressed excitement for the project.
- The Friends of the Library would like to use the portion of the library (on a regular basis) that was originally planned for a café' (which never came to fruition) for a book sale area. They would like to enter into a formal agreement with the Township for the use of the space and have agreed to pay for the cost to convert the space (approximately \$25,000). There were no objections from Council.
- Abandonment of existing 8" water main on Main Street (and connect to another 100' over) was included in this year's budget. The main has been problematic for Public Works. Recently, in a staff meeting the engineers indicated that there is not much sense in connecting to existing cast iron pipe since iron pipes will need to be replaced in upcoming years. A new 12" water main in place of them was recommended as the lead and galvanized pipes have to be replaced. Mayor Gillespie said it seems like if the Township went with the original plan, the pipes would have to be replaced anyway because of their age. Mr. Aberant advised that the most cost-effective, long-term plan is to go with the 12". Mayor Gillespie suggested getting a proposal and she noted that there is a good chance to receive infrastructure monies at this time.
- A meeting is scheduled with the Telecom Company.

- Leaf collection is starting up.
- Mr. Aberant advised that the proposed land swap between Lockheed Martin and the Township has been challenged in court; a challenge has also been brought against the Planning Board for action its action. Mr. Heinold advised that a neighbor to the property is objecting to the land swap and the subdivision approval by the Planning Board. He advised that the Township and the Planning Board have filed an answer and a request to have the same judge hear both cases has been made by him. The Walters Group has requested to join the litigation; a motion was filed with the court; and Fair Share Housing has been asked to file an amicus curie; he felt they would support the Township's position. He felt the case would run into the spring. In so far as the Walters Group moving forward, Mr. Heinold advised that injunctive relief has not been sought.

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

Kathy Sutherland, 417 North Church Street, thanked Council for the update on the fair share housing issue.

CLOSING COMMENTS BY COUNCIL: Mr. Law reported he had a chance to work with the school on homecoming. In speaking with a lot of people, there seemed to be a consensus that they would like to see homecoming more of a community engagement. He suggested Council consider a discussion on the subject.

Mr. Zipin reminded all to vote on Election Day.

Mr. Van Dyken thanked Mr. Aberant for his manager's updates noting he feels very informed about what is going on in town.

Ms. Mammarella complimented the Police Department Retirement Dinner that was held and she attended; she thanked all for their service. She reminded all to participate in the Better Together Moorestown survey.

Mayor Gillespie also complimented Mr. Aberant on his Manager's Report. She encouraged all to vote.

All thanked the public for their attendance.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 10 04 2021): None.

ADJOURNMENT: At 8:05 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk