

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING
November 29, 2021

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Gillespie at 7:04 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 7:04 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. Mailing 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 November 24, 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 provided an update on leaf collection.

Mr. Zipin hoped all had a happy Thanksgiving. He wished all happy Hanukah and holidays. He advised that he attended the tree lighting at the Community House; it was a nice event.

Mr. Van Dyken advised that he too was at the tree lighting ceremony and that his daughter was interviewed by Fox 29 and will be on the news. He wished all happy holidays. He advised of the date of his upcoming meetings for the Recreation Advisory Committee and Sustainable Moorestown.

Ms. Mammarella hoped all had a good holiday. She advised that the Appearance Committee reviewed proposed signage for a new tenant at the mall. She looked forward to Chase Bank's grand opening on December 1. She looked forward to the holiday parade this weekend. Ms. Mammarella advised that Better Together Moorestown has been meeting; they are still analyzing the data and putting together a presentation for Council (for some time in late January or February).

Mayor Gillespie noted that the tree lighting ceremony was wonderful. MooreKids and Kennedy Kids were collecting for those that are less fortunate. She announced upcoming events: Hanukah celebration at the Community House on Wednesday and the parade and holiday shop on Saturday followed by Main Street Candlelight Stroll. Mayor Gillespie advised that the Economic Development Advisory Committee met; they are reviewing this year's accomplishments and next year's goals.

Upcoming Meeting(s) Hybrid: Mayor Gillespie read the upcoming meetings aloud.
December 13, 2021 – 7:00 p.m. (Official Action)
January 3, 2022 – 7:00 p.m. (Reorganization)

Agenda Updates: None.

Adopting Consent Agenda Resolution No. CA 11 29 2021: Mayor Gillespie asked for a motion to adopt the Consent Agenda.

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

RESOLUTION APPROVING CONSENT AGENDA CA 11 29 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 37-2021 by title. He advised that the ordinance was read on first reading and introduced on October 25, 2021. Following introduction, it was sent to the Planning Board for review and recommendation. It was reviewed and the Planning Board's Planner made recommended changes, which were adopted by the Planning Board. He advised that the ordinance in the packet this evening shows the ordinance with the proposed recommended changes. Mr. Heinold advised that the revisions are non-substantial; they set forth things more clearly. Mr. Aberant advised that after the public hearing, Council may adopt with the recommended changes.

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

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

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

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

Mayor Gillespie asked for discussion by Council. Mr. Law expressed his support for this ordinance and felt it will help to ensure continued business operations.

Mayor Gillespie asked for a motion to adopt the ordinance, with the Planning Board's recommended changes on second reading.

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

ORDINANCES ON FIRST READING: None.

NON-CONSENT AGENDA RESOLUTIONS: The Township Manager read Resolution 286-2021 by title. Mr. Aberant advised this resolution is routine adopted by most towns at this time of year. He advised that after November 1st, municipalities may transfer funds; the transfer is a reallocation and does not change the bottom-line appropriations.

286-2021 A RESOLUTION AUTHORIZING 2021 BUDGET APPROPRIATION TRANSFERS

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

Mayor Gillespie asked for discussion by Council or a motion to adopt the resolution. Ms. Mammarella asked for clarification. Mr. Aberant clarified.

MOTIONED BY: Ms. Mammarella
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.

280-2021 ACKNOWLEDGING TOWNSHIP COUNCIL'S REVIEW OF SALARIES FOR THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 2 FOR THE PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

281-2021 AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$976.00 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 (RAYMOND COLEMAN HEINOLD LLP)

282-2021 AUTHORIZING THE TAX COLLECTOR TO REFUND TAX OVERPAYMENTS

283-2021 AUTHORIZING THE CANCELLATION OF WATER AND SEWER CHARGES

284-2021 AUTHORIZING CONTRACT CHANGE ORDER NO. 2 IN THE DECREASE AMOUNT OF \$3,300 IN CONNECTION WITH A PROJECT KNOWN AS ABOVE GROUND STORAGE TANK INSTALLATION

285-2021 AUTHORIZING SIGNING OF FOUR-YEAR LABOR AGREEMENT WITH THE COMMUNICATIONS WORKERS OF AMERICA - LOCAL 1036

287-2021 APPROVING A COMMUNITY EVENT FOR THE MAIN STREET CANDLELIGHT STROLL SPONSORED BY THE MOORESTOWN BUSINESS ASSOCIATION

Mayor Gillespie opened the floor for public comment. There were no comments.

Mayor Gillespie asked for discussion by Council. Mr. Law asked for an explanation of 284-2021. Mr. Aberant advised that the resolution authorizes a decrease change order which decreases the amount of the overall contract.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: None.

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

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

MANAGER'S REPORT:

Mr. Aberant advised:

- Arcade application. Chapter 87 of the Code regulates automatic entertainment games. Council previously adopted a resolution authorizing the Township Manager to conduct the required public hearing. There is an application pending for a space at the Moorestown Mall; the background check was good; there are no concerns with the application. He advised that the required public hearing will be held tomorrow; assuming no comment or complaint, the application will be approved.
- District 2 leaf collection: The original schedule called for a second pick up the week of November 15, before leaves had fallen. He spoke to Mr. Lloyd who advised another pick up can occur during the week of December 13, and that date has since been changed to the week of December 20th.
- There has been good progress with the digester clean out; it is nearing completion.

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

Roger Boyell, 416 Parry Drive, asked for an update on the following projects: Lenola Streetscape, Percheron Park and painting of the water tank.

Water tank repainting: Mr. Aberant advised that the engineering is underway. It is anticipated that bids will be received in early 2022 and work to start thereafter.

Percheron Park: Mr. Aberant advised that this has been a work in progress. He has been in touch with the engineer and he hoped to be able to report more at the next meeting.

Lenola Streetscape: Mr. Aberant advised that this project is in the final design stage. He did not feel bids would be received until early spring. Mr. Aberant advised that he will provide a more detailed update at the next meeting.

CLOSING COMMENTS BY COUNCIL:

Mr. Law said he was excited to see an arcade coming to the mall. He thanked the Department of Public Works for its work at Yancy Adams Park. He was glad that the digester clean up project is underway.

Mr. Zipin wished all happy holidays.

Mr. Van Dyken wished all happy holidays and hoped all could join in on the upcoming holiday events.

Ms. Mammarella expressed her appreciation for the accommodation of another round of leaf pick up in District 2. Ms. Mammarella reported the sad news of the unexpected passing of the Chairman of the Telecommunications and Technology Committee, Daniel Wilt, on November 13, 2021. She acknowledged his expertise and value to the committee. She extended her condolences to the family, noting he will be very missed.

Mayor Gillespie echoed Ms. Mammarella's comments, noting he will be missed. Mayor Gillespie advised that a County report revealed that there is an uptick in the number of COVID cases and she encouraged all to take precautions, noting there is now a new variant. Mayor Gillespie thanked all for attending and wished all happy holidays.

CLOSED SESSION (IF NECESSARY) (RESOLUTION NO. CS 11 29 2021): Mayor Gillespie asked for a motion to adopt Resolution CS 11 29 2021 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Contractual Relations).

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

**RESOLUTION NO. TCOA CS 11 29 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. (contractual relations)

_____(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 7:40 p.m., Council entered into closed session.

At 8:36 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:36 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk