

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

August 5, 2019

The Regular Meeting of the Moorestown Township Council was called to order by Deputy Mayor Gillespie at Town Hall, Council Chamber, 111 West Second Street, Moorestown at 7:02 p.m. Attendance was as follows:

Lisa Petriello, Mayor (absent)	Thomas H. Neff, Township Manager (absent)
Nicole Gillespie, Deputy Mayor	Patricia L. Hunt, Township Clerk
Brian Donnelly, Councilmember	Kevin E. Aberant, Township Solicitor
Michael Locatell, Councilmember	Thomas J. Merchel, Deputy Manager/Director of Finance
Victoria Napolitano, Councilmember	

MAYOR'S STATEMENT: At 7:02 p.m., Deputy Mayor Gillespie read the Open Public Meetings Act statement in full, as printed on the agenda.

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

1. Posting a copy of the Annual Meeting Schedule on the bulletin board in the Municipal Complex and emailing a copy to the Courier Post, Philadelphia Inquirer and all those requesting copies on January 8, 2019.
2. Posting a copy of the amended meeting notice and agenda on the bulletin board at the Municipal Complex.
3. Filing a copy of the amended meeting notice and agenda in the office of the Township Clerk at the Municipal Complex.
4. Forwarding a copy of the amended meeting notice and agenda to the Courier Post and the Philadelphia Inquirer.
5. Forwarding a copy of the amended meeting notice and agenda to each person who has requested copies of the regular meeting schedule.

All of the above posting, filing and mailing have taken place on the 2nd day of August, 2019.

MOMENT OF SILENCE and FLAG SALUTE: At 7:02 p.m., the Official Action meeting began with a moment of silence and the flag salute.

DISCUSSION

Reports from Members of Council: Mr. Locatell advised that he attended the parking lot dedication at the Esther Yanai Preserve. He commended the ceremony and Mr. Yanai for his generous donation to construct the parking lot. Mr. Locatell advised that there is an Environmental Advisory Committee meeting next Thursday.

Ms. Napolitano echoed Mr. Locatell's comments regarding the dedication. She noted how Mr. Yanai said he wanted to make the donation now so that he could see the fruits of his contribution.

Mr. Donnelly advised that the Economic Development Advisory Committee met and it is moving to address solicitor's permits.

Ms. Gillespie commended Parks and Recreation on its showing of Seussical Musical; it was adorable. She commended the talented children and dedicated people that work with them. She advised on the upcoming Telecommunications and Technology Committee meeting.

Ms. Gillespie advised that she received an email from the Strawbridge Lake Beautification Committee who has been invited to apply for a grant from the Stanley Smith Horticulture Trust. There is no cost to the Township; however, the Trust wants to know that the Township supports the application. Funds would be used for gardening at the children's pond and across the street from the children's pond. All supported the application.

Deputy Mayor Gillespie read the upcoming meetings aloud:

1. Upcoming Meeting(s) Municipal Complex – 111 West Second Street
 - a. August 19, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
 - b. September 9, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
2. Agenda Updates, if necessary: None
3. Adopting Consent Agenda Resolution No. CA 08 05 2019: Deputy Mayor Gillespie asked for a motion to adopt the consent agenda resolution.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
VOTE: All in favor

**RESOLUTION APPROVING CONSENT AGENDA
CA 08 05 2019**

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 item(s):

_____ c. Requests that all matters on the Consent Agenda be handled separately.

PRESENTATIONS AND PROCLAMATIONS: None.

ORDINANCES ON SECOND READING: None.

ORDINANCES ON FIRST READING: The Deputy Township Manager read Ordinance 20-2019 by title.

1. **20-2019 AN ORDINANCE AMENDING CHAPTER 168-62 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "TRUCKS OVER CERTAIN WEIGHTS EXCLUDED"**

Deputy Mayor Gillespie asked for discussion by Council. Mr. Locatell expressed his appreciation for the ordinance, noting that the residents on Crider Avenue have been wanting this for a while; he liked it a lot. Mr. Donnelly noted that this issue has been vetted and supported by the Police Department.

Deputy Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for August 19, 2019 at 7:30 p.m.

MOTIONED BY: Mr. Locatell
SECONDED BY: Mr. Donnelly
ROLL CALL VOTE: All in favor

The Deputy Township Manager read Ordinance 21-2019 by title.

2. **21-2019 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$1,500,000 AND AUTHORIZING THE ISSUANCE OF \$500,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE LENOLA TOWN CENTER STREETScape IMPROVEMENT PROJECT TOGETHER WITH ALL RELATED EXPENSES**

Deputy Mayor Gillespie asked for discussion by Council. Mr. Locatell asked why Council would bond \$1.5 million for a \$1 million project. Mr. Merchel advised that \$971,000 is for construction and construction management. Community Development has been working the New Jersey Department of Transportation (NJDOT) to get funding for engineering design (\$366,000). He advised that the Township has an agreement with the contractor, but the NJDOT has not finalized it yet; it is awaiting federal approval. However, everyone feels confident that federal approval will be granted. He advised that he is recommending the \$1.5 million; if not

necessary, it can be cancelled. Mr. Locatell raised concern with the fact that the cost for engineering is \$366,000; the proposal from Alaimo and Taylor Design was for approximately \$120,000.

Mr. Locatell stated that construction was supposed to be done by September and asked if an extension has been granted. Mr. Merchel was not certain that an official extension was granted. Mr. Locatell expressed his dismay. Ms. Napolitano stated Council knew how she felt about changing engineers, but she was amenable because the Township was supposed to get it at no cost. She was not certain she would have agreed had she known it would delay the project by nine months. She expressed her dismay noting that she has to vote in favor as she does not want to stand in the way of progress. Ms. Napolitano noted how long the project has been on the table and there is no design. Mr. Donnelly advised that they want to get all the grant money possible. Ms. Gillespie understood the frustration; the move was to save money. She felt the decision to save \$130,000 was the right decision. Mr. Locatell said he will vote yes, but wanted staff to ensure that the Township has an official extension and that federal approval has been received prior to second reading. Ms. Gillespie and Mr. Donnelly did not have a concern with that. Mr. Donnelly noted that same may further delay. Mr. Merchel advised he would follow up.

Deputy Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for August 19, 2019 at 7:30 p.m.

MOTIONED BY: Ms. Napolitano
SECONDED BY: Mr. Donnelly
ROLL CALL VOTE: All in favor

The Deputy Township Manager read Ordinance 22-2019 by title.

3. **22-2019 - AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 6 AND CHAPTER 158 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN REGARDING STREET TREES**

Deputy Mayor Gillespie asked for discussion by Council. Ms. Napolitano asked that John Gibson (in audience) give background.

John Gibson, 306 East Central Avenue, Chairman of the Tree Planting and Preservation Committee, advised that it was realized that the ash tree was still in the Township ordinance as an acceptable tree; which it is not. It was then, it was determined that the list needs to be updated from time-to-time.

Deputy Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for August 19, 2019 at 7:30 p.m.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
ROLL CALL VOTE: All in favor

NON-CONSENT AGENDA RESOLUTIONS: None

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

1. **136-2019 AUTHORIZING THE TAX COLLECTOR TO CANCEL TAX OVERPAYMENTS**
2. **137-2019 A RESOLUTION AUTHORIZING THE EXTENSION OF THE TAX PAYMENT GRACE PERIOD FOR THE 3RD QUARTER FROM AUGUST 10, 2019 TO AUGUST 30, 2019**
3. **138-2019 AUTHORIZING THE EXPENDITURE OF \$10,070 FROM THE AFFORDABLE HOUSING TRUST FUND FOR SPECIAL COURT MASTER SERVICES RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (JOHN MACZUGA, P.P. AICP OF JDM PLANNING ASSOCIATES, LLC)**
4. **139-2019 AWARDING A CONTRACT IN THE AMOUNT OF \$125,849 TO SPATIAL DATA LOGIC FOR THE PURCHASE, DELIVERY AND MAINTENANCE OF COMPUTER SOFTWARE AND HARDWARE TO ADDRESS PERMITTING, INSPECTIONS, WORKFLOW, CODE ENFORCEMENT, ONLINE PAYMENTS AND OTHER FUNCTIONS OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT**

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

Deputy Mayor Gillespie asked for discussion by Council.

Mr. Locatell advised that the staff has been researching and reviewing software (for the past two years) to update the system in Community Development; he thanked them. He advised that this software creates a whole new opportunity for the department; many man hours will be saved. He briefly advised of the modules and capabilities. Mr. Donnelly asked if the maintenance contract was for three years; Mr. Zappasodi said yes.

Deputy Mayor Gillespie asked for a motion to adopt the resolutions.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
ROLL CALL VOTE: All in favor

MINUTES: June 24, 2019 Regular and Closed Session and July 8, 2018 Regular and Closed Session: Deputy Mayor Gillespie asked for comment or a motion to adopt the minutes.

MOTIONED BY: Mr. Donnelly
SECONDED BY: Ms. Napolitano
ROLL CALL VOTE: All in favor

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
ROLL CALL VOTE: All in favor

MANAGER'S REPORT: CFO's BAN Sale Report: Mr. Merchel advised he held a bond anticipation note sale on July 23 with an August 1 closing. It was \$36,751,750 in principal (majority purchase of 1245 North Church Street); the utility capital was \$32.2 million (majority Hartford Road and North Church Street Water Treatment Plants). The net interest cost is 1.387 which is excellent. This was bid without going out and getting an official rating. Mr. Merchel also advised that the tax bills were mailed out today. The grace period has been extended to August 30; if payment is not received by the 30th, interest is charged back to the 1st.

COMMENTS FROM THE PUBLIC (Items on and off the agenda):

Anthony Zappasodi, Director of Community Development, thanked Council for its support of new software.

Monique Begg, 209 Parry Drive, expressed her concern to hear that the Pennrose site is still a topic of discussion. Mr. Aberant advised that the Pennrose site is no longer a part of the Township's plan. He advised that, based on current zoning, Pennrose has filed for preliminary site plan approval. However, as far as the governing body is concerned, Pennrose is no longer in the Township's approved plan. Ms. Begg felt that the Miles site was far superior to the Pennrose site. Mr. Locatell advised that Pennrose was part of the Township's original plan; they had filed as an intervenor to get involved in the Township's plan. He said they are no longer a part of the plan but they are still an intervening litigant and they are still suing to activate that site for affordable housing. Until that is clear and the Township receives clearance at the compliance hearing, that risk will be there. He said they are moving forward as if they are part of the plan; they are still an intervening litigant. Mr. Aberant clarified that their project is one-hundred percent affordable housing project and the only way (effectively) it would move forward is with municipal support. He questioned whether their application for tax credit funding would be approved if it is not part of the Township's approved plan. He agreed they are part of the ongoing litigation. Ms. Begg asked who owned the property. Council advised that they will find out.

Gregory Lane, Winding Way, advised that the pros of development on the Miles site is it is developed land and near a bus route. He listed the cons. He said he was trying to understand the business deal; the developer will own the property after forty-five years; he felt that was good for the developer, not the Township. Also, the site is not consistent with the well-designed master plan; the Township will be carving out a piece of residential in the middle of a commercial zone; it will be an isolated, the only isolated, community; impact on an already dangerous intersection; and the site requires special zoning and is substantially inconsistent with the existing zoning. He felt Council will be setting precedence with the setbacks; there is no guaranty tax credits will be received. He felt the proposed site is not suitable for the proposed use. He said engaging without

the residents was a mistake that should not be compounded by forging ahead with the adoption of Ordinance 18-2019.

Erin Novack, 201 Haines Drive, advised that there was 2014 traffic study done by the Township; there was never any follow up. She suggested that the Township follow up on that and not just rely on the Walters Group.

Kathy Sutherland, 417 North Church Street, suggested that the Township utilize the Maybury tract for moderate income housing as opposed to throwing into the open space inventory. Ms. Sutherland rallied for a lower speed limit and more speed controls on North Church Street. Discussion was held. Deputy Mayor Gillespie advised that the County is aware of the issues. Ms. Sutherland felt it is time for action. Ms. Napolitano asked if a 3D crosswalk has been considered. Deputy Mayor Gillespie advised that all the speed controls discussed herein were discussed at their meeting with County representatives; the Township is awaiting a plan from the County.

Richard Calhoun, Crider Avenue, thanked Council for addressing the traffic issue on Crider Avenue. He said Anchor and Atlas moving and storage company(ies) is the problem; Coca Cola has not been a problem; they use a different route. He asked how the Township might handle GPS from sending drivers onto Crider. Mr. Locatell advised that once the ordinance is adopted, signage will be erected and it will be enforced. Mr. Calhoun advised that twice a day, you will see a tractor trailer trying to make that turn at the corner of Lenola Road and Camden Avenue; he asked if there was any provision in the Lenola Streetscape plan for signage. Mr. Locatell believed that the plan entailed including a left-hand turn lane from Camden Avenue onto New Albany Road. Ms. Napolitano thought same would help. Mr. Calhoun advised that speeding on Crider Avenue during lunch hours and when work lets out is a problem. He advised that there needs to be more enforcement.

CLOSING COMMENTS BY COUNCIL:

All members of Council thanked the public for attending.

CLOSED SESSION - Resolution No. CS 08 05 2019 - Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (*Affordable Housing*)

Deputy Mayor Gillespie asked for a motion to adopt Resolution CS 08 05 2019 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (Affordable Housing).

MOTIONED BY: Mr. Locatell
SECONDED BY: Mr. Donnelly
VOTE: All in favor

**RESOLUTION NO. TCOA CS 08 05 2019
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.

Deputy Mayor Gillespie advised that Council does not anticipate taking formal action when returning to the public session.

At 7:57 p.m., Council entered into closed session.

At 8:51 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 8:51 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk