

TOWNSHIP OF MOORESTOWN  
TOWNSHIP COUNCIL  
OFFICIAL ACTION MEETING  
JULY 14, 2010

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Roccato at the William Allen Middle School, Media Center, 801 North Stanwick Road, Moorestown at 6:30 p.m. Attendance was as follows:

Daniel Roccato, Mayor	Christopher J. Schultz, Township Manager
John Button, Deputy Mayor (absent)	Thomas J. Merchel, Deputy Manager/CFO
Seth Broder, Councilmember	Patricia L. Hunt, Township Clerk
Greg Gallo, Councilmember	Thomas J. Coleman, III, Township Attorney
Michael Testa, Councilmember	

Mayor Roccato read the Open Public Meetings Act statement in full, as printed on the agenda. He welcomed everyone to the meeting. Mayor Roccato advised that Mr. Button was on vacation. He also apologized for the change in schedule, but noted that several members would have been unable to attend the meeting on Monday night; so, the meeting was changed to Wednesday.

Under Reports from Council, Mr. Gallo advised that the Planning Board has found the Moorestown Oaks/Lenola area to be an area in need of redevelopment and has referred the matter to Council; same will be discussed during this meeting.

Mayor Roccato announced that the concert series at the Perkins Center will resume next week on the lawn at 7pm. He encouraged the public to attend.

Under Scheduling Items, Mayor Roccato advised that the July 19, 2010 Executive Session Meeting may be cancelled if it is determined that it is not needed. He also advised that the next Official Action meeting will be held on July 26, 2010. He advised that the meeting may be moved to the Library, starting at 7pm.

Mayor Roccato announced that he and Mr. Schultz presented Chris Biggs (Lockheed Martin) with a proclamation. He advised that Chris Biggs has been promoted and will be working for the Secretary of the Navy at the Pentagon. Mayor Roccato spoke highly about Chris Biggs and Lockheed Martin. He welcomed Commander Phil Jordan.

**2010 BUDGET RESOLUTIONS**

The Township Manager read Resolution 114-2010 by title and in pertinent part.

**RESOLUTION NO. 114-2010**

**A RESOLUTION AUTHORIZING THE READING  
OF THE 2010 BUDGET BY TITLE ONLY**

A motion was made by Mr. Gallo, seconded by Mr. Testa, to adopt Resolution 114-2010. Upon a roll call, the vote was unanimous and the motion carried.

The Township Manager read Resolution 115-2010 by title and in pertinent part.

### **RESOLUTION 115-2010**

#### **A RESOLUTION CERTIFYING THE YEAR 2010 BUDGET COMPLIES WITH STATUTORY REQUIREMENTS**

A motion was made by Mr. Gallo, seconded by Mr. Testa, to adopt Resolution 115-2010. Upon a roll call, the vote was unanimous and the motion carried.

The Township Manager read Resolution 116-2010 by title and in pertinent part. He read an overview of the budget. Mr. Schultz read the following into the record: Current budget appropriations are \$22,846,180 and Water and Sewer Utility Budget appropriations are \$7,995,724. **CURRENT BUDGET:** The 2010 budget is \$22,846,180 which represents a \$747,788 or 3.17% reduction in appropriations compared with 2009. Appropriations are \$2,843,740 below the allowable appropriations CAPS amount. The budget utilizes a 98.20% collection percentage for purposes of calculating the reserve for uncollected taxes (2009 actual collection percentage was 98.77%). The township lost approximately \$550,000 in state aid revenues. There was no additional deferral in school taxes. The levy is \$15,293.075 which is \$756,296 less than the maximum levy cap amount allowable of \$16,049,371. The municipal tax rate remains unchanged at \$0.326 that means the average assessed home of \$538,900 will pay \$1,756.81 in municipal taxes (the same as 2009). **UTILITY FUND:** The 2010 budget is \$7,995,724 which represents a \$677,829 or 7.81% reduction in appropriations compared with 2009. The utility experienced a loss in available revenues based upon 2009's low consumption amount. Council must pass the scheduled rate increase ordinance to provide at least \$600,000 in additional rents revenues to balance the budget.

Mr. Schultz advised that he is moving forward with negotiations and the collective bargaining units. He advised that one of the units has agreed to a Memorandum of Agreement and the provisions of same will help this year's budget. He advised that, due to the agreement, there will be no reduction in hours of work for the members of the unit, as long as Council, in closed session, agrees with the terms. He also advised that he has spoken with the Mount Holly union representative (CWA) and he will be following up in a day or two. He advised that some concerns have arisen due to the Governor's new cap law.

Mr. Gallo expressed appreciation to those units that have given back and to those that are still talking. He noted that the municipal tax is a small piece of the overall tax bill and it is with about \$1700 from each that the Township provides many quality services. Mr. Gallo was pleased to report that this is the second year in a row that Council has been able to reduce the operating budget. He advised that this budget is a quarter million dollars less than the 2008 budget. Mr. Gallo felt same was great progress and he hoped to keep doing it.

Mr. Testa expressed his appreciation to the staff for working with Council.

Mayor Roccato opened the public hearing on Resolution 116-2010. There were no comments.

A motion was made by Mr. Broder, seconded by Mr. Gallo, to close the public hearing. The vote was unanimous and the motion carried.

A motion was made by Mr. Gallo, seconded by Mr. Testa, to approve Resolution 116-2010 and to adopt the 2010 Budget. Upon a roll call, the vote was as follows;

AYES: Councilmembers Testa, Gallo, Broder and Roccato  
NAYES: None  
ABSENT: Councilmember Button

Mayor Roccato thanked the Manager and Deputy Manager for their hard work. He stated that adoption of this budget reflected a remarkable accomplishment (no tax increase and no gimmicks). Mayor Roccato congratulated his Council colleagues and stated that this is the most engaged Council he has had the pleasure of working with. Mayor Roccato thanked the employee groups who have shown flexibility and stepped up to the plate. He noted that while the battle was won, the war is not over as health care costs are still out of control and there is a lot of work to be done. Mr. Testa noted that in addition, the Township lost a half million dollars in State aid.

Mr. Schultz read Ordinance 12-2010 on second reading by title and in pertinent part.

**ORDINANCE NO. 12-2010**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

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

A motion was made by Mr. Broder, seconded by Mr. Gallo, to close the public hearing. The vote was unanimous and the motion carried.

A motion was made by Mr. Testa, seconded by Mr. Broder, to adopt Ordinance 12-2010 on second reading. Upon a roll call, the vote was as follows:

AYES: Councilmembers Testa, Gallo, Broder, Roccato  
NAYES: None  
ABSENT: Councilmember Button

Mr. Schultz read Ordinance 13-2010 on second reading by title and in pertinent part.

**ORDINANCE NO. 13-2010**

**AUTHORIZING AMENDMENT TO SECTION 6-53  
OF THE CODE OF THE TOWNSHIP OF MOORESTOWN  
TO ADJUST THE PUBLIC CONTRACT BID THRESHOLD**

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

A motion was made by Mr. Broder, seconded by Mr. Gallo, to close the public hearing. The vote was unanimous and the motion carried.

A motion was made by Mr. Gallo, seconded by Mr. Testa, to adopt Ordinance 13-2010 on second reading. Upon a roll call, the vote was as follows:

AYES: Councilmembers Testa, Gallo, Broder, Roccato  
NAYES: None  
ABSENT: Councilmember Button

Mr. Schultz read Ordinance 14-2010 on second reading by title and in pertinent part. Mr. Schultz advised that management is looking at operational adjustments within the organizational structure. It wants to be prepared whether recruiting or promotion. This ordinance establishes a title and salary range; however, no personnel is being added at this time.

#### **ORDINANCE NO. 14-2010**

**AN ORDINANCE AMENDING ORDINANCE NO. 734 "THE MOORESTOWN TOWNSHIP SALARIES AND COMPENSATION ORDINANCE OF 1973," AS AMENDED AND SUPPLEMENTED, BY PROVIDING FOR AN ADDITIONAL TITLE AND ESTABLISHING A SALARY FOR ASSISTANT ZONING OFFICER/CODE ENFORCEMENT OFFICER**

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

A motion was made by Mr. Broder, seconded by Mr. Gallo, to close the public hearing. The vote was unanimous and the motion carried.

A motion was made by Mr. Broder, seconded by Mr. Testa, to adopt Ordinance 14-2010 on second reading. Upon a roll call, the vote was as follows:

AYES: Councilmembers Testa, Gallo, Broder, Roccato  
NAYES: None  
ABSENT: Councilmember Button

A motion was made by Mr. Broder, seconded by Mr. Gallo, to adopt the minutes from the June 28, 2010 Official Action and Closed Session meetings. Upon a roll call, the vote was unanimous and the motion carried.

Under Residents' Requests and Presentations, Peter Sawyer, 500 Camden Avenue, asked for the status of the Manager's discussion with Google concerning fiber optics. Mr. Schultz advised that the Township is still pursuing the matter.

Roger Boyell, 416 Parry Drive, congratulated Council on a budget with no gimmicks. Mr. Boyell expressed his strong opposition to the current condition of the municipal complex site

and the municipal parking lot across the street. He noted the areas of unsightliness and stated that if the property were privately owned, the owner would have received a violation notice under the property maintenance requirements. He demanded that Council do something about the property conditions. Mr. Schultz advised that he has met with the Acting Director of Public Works and there will be improvements at the municipal complex site. He will speak to him about the municipal parking lot across the street. Mr. Boyell offered to help.

There being no further comment, the public portion was closed.

There were no ordinances on first reading.

Under Consent Agenda Resolutions, the Township Manager read Resolution Nos. 117-2010 through 119-2010 by title and in pertinent part.

**RESOLUTION NO. 117-2010  
AWARDING A CONTRACT FOR UNIFORMS  
FOR THE DEPARTMENT OF PUBLIC WORKS TO G & K SERVICES**

**RESOLUTION NO. 118-2010  
AWARDING A CONTRACT TO LUZON, INCORPORATED FOR  
UNDERGROUND STORAGE TANK REMOVAL AND SITE REMEDIATION**

**RESOLUTION 119-2010  
AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE  
FOR ORLEANS AT MOORESTOWN LLC – WINDERMERE ESTATES  
(A/K/A WEXFORD II) ON-TRACT IMPROVEMENTS**

Mayor Roccato opened the floor for public comment. There being no comment, the floor was closed.

A motion was made by Mr. Broder, seconded by Mr. Gallo, to adopt the resolutions. Upon a roll call, the vote was unanimous and the motion carried.

Under Manager's Report, Mr. Schultz advised that the Mosquito Commission will be spraying on Thursday and he recommended that people stay inside. He advised of the time and location. Mr. Schultz also advised that one of the water tank levels was low and there was a concern for providing adequate firefighting services so a reverse 911 call went to residents late one evening requesting that water usage be kept at a minimum. He apologized for the late call and thanked the public for their cooperation in preserving water.

A motion was made by Mr. Broder, seconded by Mr. Gallo, to approve the expenditures. Upon a roll call, the vote was unanimous and the motion carried.

Under Discussion Items, Mr. Merchel advised that, in March, the Township received a submission from Fiber Technologies, requesting a consent agreement with the Township to run fiber optics in the Township right-of-way. He advised that there exists a non-disclosure

agreement and therefore, the Township does not know who the optics are being run for. Fiber Technologies has represented that the cable will be run on existing poles and they do not believe new poles will be needed or cable run underground. Mr. Merchel advised that the Board of Public Utilities has jurisdiction over these types of companies; however, it is a formality that the Township grant consent, unless there is a genuine good reason why it cannot grant consent. He advised that if there is no objection, he will forward the consent agreement for the attorney's review and schedule a resolution consenting to the agreement for the July 26, 2010 Council meeting. There was a brief discussion. In closing, no objections were raised.

Mr. Gallo advised that over a year ago, the Township began considering the Moorestown Oaks property as an area in need of redevelopment. He reviewed the recent history of the property noting that the residents were removed from the first building and now the building sits vacant and idle. He advised that the Planning Board undertook a study to determine if the property is in need of redevelopment and it was the finding of the board and its professionals that the subject area (defined) met the criteria to be deemed an area in need of redevelopment. However, it is Council's function to implement same. Therefore, the matter has been referred to Council. He noted that Council must decide how to move forward as there are a few options.

Mr. Coleman confirmed what has been done and advised how to move forward. He recommended that Council consider a resolution. He recommended that the Township Manager put together a packet for the development community advising that the Township may provide the tools redevelopers need to redevelop the property(ies). Mayor Roccato stated his understanding of the process, but, asked what is the tool that forces the Oaks to change its behavior or ownership. Mr. Coleman advised, the condemnation tool. He advised that the Supreme Court has taken the lead on what towns can and cannot do under condemnation and with regard to flipping properties for profit or nonprofit. It provides finance incentives to developers through the State and relaxation of taxes such as a PILOT program. Mr. Coleman advised on the current owner and advised that nothing with regard to the site has changed. In conclusion, Mayor Roccato noted that the redevelopment program provides a tool kit that is attractive to developers and there is a stick (condemnation) the Township could use if it chose to. Council agreed to put the necessary resolution on the next agenda.

With regard to outstanding appointments, Mr. Testa advised that the Recreation Advisory Committee does not meet during the summer. The matter was continued.

Ed Kondracki, Esquire and Michael Holt, RMA, were present to discuss water and sewer connection fee issues. Mr. Schultz advised that the Auditor was asked to perform a forensic analysis and simultaneously, staff was asked to look at the fees and a way to incentivize business on Main Street.

Mr. Kondracki advised that there is a statutory formula that requires towns to recalculate fees at the end of each fiscal year. Recalculation has not occurred in Moorestown for several years and as a result, the figure was lost in the history and had to be reconstructed from past records to determine what the capital base is. He explained what capital base is. He advised that staff and the professionals have been reviewing the ordinance to see how it can be improved. He advised that based on the information they have accumulated, a preliminary ordinance has been prepared. However, there is one major policy issue that needs to be addressed by Council, i.e., a

connection fee in connection with a change in use. He advised that the policy may remain as it is or Council could decide that no connection fee will be assessed in connection with a change in use, unless there is an expansion of a facility. The second option could be implemented as an incentive to attract new businesses, such as restaurants, to Main Street. It was noted that an ordinance would be relative to the Township as a whole, not selected areas. He advised that if Council decides to charge a fee for change in use, said fee would have to be discussed. Otherwise, if no connection fee for change in use is assessed, the only time a connection fee would be assessed is for new buildings. This matter was discussed at length. In closing, Mr. Broder was not opposed to a connection fee for a change in use when there was an expansion of the facility involved or for new construction; however, he was opposed to a connection fee for a simple change in use. After many questions and discussion, no decisions were made. Council thanked the professionals for their time.

Under Comments from the Public, Monique Begg, 209 Parry Drive, recommended that if there is a connection fee, same not be cost prohibitive. Ms. Begg supported the development area and hoped a plan would include affordable housing, as well as, commercial. She advised that she has visited with the residents at the Oaks. She commented on the conditions. Ms. Begg suggested that Council consider low income housing for all levels of low income, not just moderate, as there is an increasing number of low income people in need. Ms. Begg asked questions concerning the mosquito spraying; same were answered by the Manager. In closing, she suggested that violators of vandalism be utilized to do community service at the municipal complex.

Edwin Begg, 209 Parry Drive, expressed his concern with the fact that the plywood in the upper window level of the burned-out municipal building was missing. He suggested that the plywood be spray painted the same color as the building and put back in.

Peter Sawyer, 500 Camden Avenue, hoped that all the residents living in the proposed redevelopment area are not just kicked out of their homes. He also hoped the plan would take the handicapped and disabled into consideration.

Richard Koory, 517 Chester Avenue, felt the Township should charge a change in use connection fee; however, provide for exemptions and exceptions. He put forth ideas.

Ben Schoellkopf, 609 Lincoln Terrace, asked if the contract for removal of underground storage tanks was bid. The Manager advised it was. He asked for clarification on the redevelopment area designation; same was given.

Roger Boyell, 416 Parry Drive, advised on his knowledge concerning Fiber Technologies and who they are working for. He said there may be no carrier until after the network is built.

There were no Closing Comments from Council. Mayor Roccato advised that the next Executive Session meeting may be canceled.

At 8:31 p.m., a motion was made by Mr. Broder, seconded by Mr. Gallo, to adopt the standard resolution to enter into closed session for purposes of discussing contract matters

relating to collective bargaining agreements; Pulverizing Inc. Site/Tax Title Liens, Puritan Oil agreement; and architectural services. The vote was unanimous and the motion carried.

At 9:13 p.m., Council returned to the public meeting. Mayor Roccato advised that the July 19<sup>th</sup> Executive Session meeting would be cancelled. Due to the sensitivity of the matters, Council had nothing to report with regard to the matters discussed in closed session. There being no further business, a motion was made by Mr. Gallo, seconded by Mr. Testa, to adjourn. So moved.

PATRICIA L. HUNT, RMC  
Township Clerk