

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

February 24, 2020

Mayor Gillespie advised that the video equipment is not working; repairs are in the works.

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Gillespie at Town Hall, Council Chamber, 111 West Second Street, Moorestown at 7:04 p.m. Attendance was as follows:

Nicole Gillespie, Mayor
Brian Donnelly, Deputy Mayor (partial)
Lisa Petriello, Councilmember
Michael Locatell, Councilmember
Victoria Napolitano, Councilmember

Thomas J. Merchel, Township Manager/CFO
Patricia L. Hunt, Township Clerk
Kevin E. Aberant, Township Solicitor

MAYOR'S STATEMENT: 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 Annual Meeting Schedule on the bulletin board in the Municipal Complex and emailing a copy to the Burlington County Times, Courier Post and all those requesting copies on January 7, 2020.
2. Posting a copy of the agenda on the bulletin board at the Municipal Complex.
3. Filing a copy of the agenda in the office of the Township Clerk at the Municipal Complex.
4. Forwarding a copy of the agenda to the Burlington County Times and the Courier Post.
5. Forwarding a copy of the 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 21st day of February, 2020.

WORKSHOP (INFORMAL DISCUSSION)

1. Discussion Regarding:

a) Proposed Transient Vendor Ordinance Amendments: Mayor Gillespie advised that the Economic Development Advisory Committee (EDAC) has been working an ordinance which Council has received a revised copy of. She advised that the Kate Wilson, Chairperson, is present to answer any questions. Council reviewed the ordinance and provided various comments. Ms. Wilson advised that the EDAC will review the changes and submit a redlined version back to Council for further review.

b) Presentation – Open Space Advisory Committee – Water Works Woods

Maura Dey, Chairperson, Open Space Advisory Committee (OSAC), provided a background on resident, Kay Smith:

- Founding member of Save the Environment Moorestown (STEM)
- Moorestown Environmental Advisory Committee, Chairperson and member (many years)
- Set up natural care procedures for open spaces (still in effect today)
- Began her work at Water Works Woods
 - performed site assessment document used to inventory native and invasive species;
 - set goals for removing invasive species
 - worked to maintain the woods and educate others
 - helped to design the trail
 - wrote a six-page document called the Water Works Woods Nature Challenge (Year 2007)

Ms. Dey said OSAC wants to keep the name, Water Works Woods, but add Kay Smith’s name – “Kay Smith’s Water Works Woods.” There were no objections by Council. Mayor Gillespie said she would like to introduce the ordinance at the next meeting.

RESIDENTS REQUESTS & PRESENTATIONS (Items not listed on the Agenda):

Chet Dawson, 909 Heritage Road, member of and on behalf of STEM, advised that Council was given a proposal for the future use at Swede Run. He presented the following: the main part of the field could remain a grassy meadow (attracting birds for nesting) and wildflowers (attractive and support nature) along both sides of Westfield Road. This scenario would require one mow each year in late fall. Council thanked Mr. Dawson.

Dennis Talty, 302 North Washington Avenue, attorney on behalf of Flying Feather Farm. He asked Council to dedicate whatever resources and staff necessary to make acquisition of the property a priority. He advised that, on December 12, 2019 a meeting was held with the appraiser and he was told six weeks for the appraisal, which he has not seen yet. He advised that the family needs to address the estate. Mr. Zappasodi advised that he had an emergency call with the appraiser on Friday and he told them to expedite the appraisal. He advised that they hadn’t had access, but have been given the contact information.

Amanda Skoumbourdis, 4 Deer Rest Road, thanked Council, the Board of Education and the Police Department for considering her neighbors’ concerns. She advised of students trespassing on their properties and inappropriate acts by them. She appreciated anything that could be done. Mayor Gillespie advised that she spoke with the Superintendent and he is looking into some possibilities. She advised that they are also having conversation with the County Freeholders; and they continue to work on the matter.

There were no other comments. With a few minutes left until 7:30 p.m., Mayor Gillespie called for a two-minute break.

MOMENT OF SILENCE and FLAG SALUTE: At 7:32 p.m., the Official Action meeting began with a moment of silence and the flag salute.

DISCUSSION

1. Reports from Members of Council

Mr. Locatell advised that the schedule for the water treatment plants is still on track (Hartford Road in April and North Church Street in May). He advised of upcoming committee meetings. Mr. Locatell stated that the school is blaming their building on the Township's affordable housing plan. He asked if Council could hold a workshop with the school in order to get the real numbers. He felt their numbers were inaccurate finding that the Township is looking at 169 students. Mayor Gillespie advised that she had asked previously for estimates. She had no objection to a workshop. Mr. Donnelly suggested Mr. Slauch be present. Mayor Gillespie said she does not know how you get from 820 to 169 students. But, Council will meet with Mr. Slauch and the Superintendent will be invited.

Ms. Petriello advised that the middle school had its spring production; she commended all involved. Ms. Petriello provided an update on upcoming committee meetings. She advised that the Tree Planting and Preservation Committee seeks to clamp down on the illegal cutting of trees.

Mayor Gillespie advised that the EDAC meets tomorrow. She advised that she and the Deputy Mayor, Brian Donnelly, attended a ceremony at the Moorestown Mall this weekend. Veterans were honored and she and the Deputy Mayor were presented with the New Jersey Meritorious Service Award. Mayor Gillespie advised on the upcoming 2020 Census and the importance of participating in it.

Mayor Gillespie read the upcoming meetings aloud:

2. Upcoming Meeting(s) Municipal Complex – 111 West Second Street
 - a. March 9, 2020 – 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
 - b. March 23, 2020 – 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
3. Agenda Updates: None.
4. Adopting Consent Agenda Resolution No. CA 02 24 2020: Mayor Gillespie asked for a motion to adopt the consent agenda resolution.

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

**RESOLUTION APPROVING CONSENT AGENDA
CA 02 24 2020**

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:

- 1. Moorestown Police Department Awards Ceremony
 - a. Exemplary Service to the Community: Ptl. Brian Poe; Ptl. Alex Humes; Ptl. Joel Mufalli
 - b. Life Saving Efforts: Ptl. Alex Humes; Ptl. Brian Poe; Ptl. Michael Toscani

Chief Lieber thanked family, friends, Council and the Township Manager for their time this evening. He called Ptl. Brian Poe; Ptl. Alex Humes; Ptl. Joel Mufalli forward. He recognized their exemplary work in criminal law and traffic safety. Chief Lieber presented them with their pin and Mayor Gillespie presented them with a Certificate.

Chief Lieber called Ptl. Alex Humes; Ptl. Brian Poe; Ptl. Michael Toscani forward. He recognized their exemplary work in saving a life and presented them with their pin. Mayor Gillespie presented them with a certificate.

Mayor Gillespie thanked these officers and the entire force.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 2-2020 by title.

2-2020 An Ordinance Of The Township Of Moorestown Amending Chapter 180 Entitled “Zoning” Of The Township Of Moorestown By Creating The MX-1 And MX-2 Districts In Furtherance Of The Fair Housing Act

Mayor Gillespie opened the public hearing.

Greg Scott 303 Kenwood Drive, asked for clarification. Mayor Gillespie advised that the ordinance provides for an overlay zone at the Kmart Shopping Center and the Moorestown Mall; it creates the possibility of residential use, in support of the Township’s affordable housing plan.

Chris Buoni, 246 Nicholson Drive, advised that, at the last meeting, a hotel as a conditional or permitted use was discussed and he thought to go from a conditional use to a permitted use would be a substantial change. Mayor Gillespie advised that no changes were made since introduction. Mr. Locatell advised that this ordinance addresses an overlay zone for the Township’s unmet need; it is not part of the Township’s Round 3 obligation. He advised that he views the ordinance as a place holder; and they are discussing with the mall what the mall may look like. He said Council is moving forward with the ordinance as written for the compliance hearing.

There were no further comments.

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

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

Mayor Gillespie asked for discussion by Council. Ms. Napolitano said she thought Council was going to have a closed session meeting to go over some of PREIT’s suggested changes with Mr. Slauch. Mr. Merchel advised that he and the Township Attorney met with representatives of PREIT. Timing for a special closed session meeting was not realistic. Mr. Merchel apologized for not notifying Council.

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

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

The Township Manager read Ordinance 3-2020 by title.

3-2020 Refunding Bond Ordinance Of The Township Of Moorestown, In The County Of Burlington, New Jersey, Providing For The Current Refunding Of All Or A Portion Of Certain General Improvement Bonds And Certain Water-Sewer Utility Bonds Of The Township, Appropriating \$20,100,000 Therefor And Authorizing The Issuance By The Township Of Refunding Bonds In The Aggregate Principal Amount Of Not Exceeding \$20,100,000 For Financing The Cost Thereof

Mayor Gillespie opened the public hearing.

Edwin Begg, 209 Parry Drive, thanked Mr. Merchel and Council for saving the town money.

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

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

Council comment: None.

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
AYES: Councilmembers Gillespie, Locatell, Napolitano, Petriello
NAYES: None
ABSTAIN: None
ABSENT: Mr. Donnelly

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 4-2020 by title.

4-2020 Amending Chapter 45A Of The Code Of The Township Of Moorestown Entitled "Alarms"

Matthew Orsini, Fire Official, was present. Mr. Locatell advised that he spoke with Mr. Orsini and his questions were answer. Mr. Orsini answered the questions of Council.

Mayor Gillespie asked for discussion by Council. Mr. Locatell advised that the amendments were difficult to read because redline changes were not provided.

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for March 9, 2020 at 7:30 p.m.

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

The Township Manager read Ordinance 5-2020 by title.

5-2020 Amending Chapter 79 Of The Code Of The Township Of Moorestown
Entitled "Fire Prevention And Protection"

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

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for March 9, 2020 at 7:30 p.m.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: Mr. Donnelly
ROLL CALL: All in favor

The Township Manager read Ordinance 6-2020 by title.

6-2020 An Ordinance Of The Township Of Moorestown Amending Chapter 180
Entitled "Zoning" Of The Township Of Moorestown By Rezoning A
Portion Of Land As AMF-1 Affordable Multi-Family Zoning District,
And Modifying The Standards Of The AMF -1 Zoning District

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

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for March 23, 2020 at 7:30 p.m.

MOTIONED BY: Ms. Petriello
SECONDED BY: Mr. Locatell
ABSENT: Mr. Donnelly
ROLL CALL: All in favor

The Township Manager read Ordinance 7-2020 by title.

7-2020 Authorizing Amendment To Chapter 175 Of The Code Of The Township
Of Moorestown To Revise Certain Water And Sewer Rates

Mr. Locatell felt the first tier increase was a little too much. Ms. Petriello also raised question. Mr. Merchel advised that these rates are still low compared to some other towns. He advised of the capital expenses and all the funding invested into the water infrastructure. He advised that the debt service has increased significantly and the surplus is severely dipping. He advised of lost connection fees stating the Council needs to right the ship right now. He assured Council that he would not have recommended an increase without it being warranted; and even with the increases, it is still a good buy. The increase would go into effect on April 1, 2020. Mr. Locatell conceded and suggested revisiting the rates after the Township negotiates with New Jersey American Water.

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for March 9, 2020 at 7:30 p.m.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: Mr. Donnelly
ROLL CALL: All in favor with exception of Ms. Napolitano who voted no.

The Township Manager read Ordinance 9-2020 by title. He provided a brief explanation.

9-2020 An Ordinance Amending Ordinance No. 734 “The Moorestown Township Salaries And Compensation Ordinance Of 1973,” As Amended And Supplemented, By Adjusting The Salary Ranges For Certain Part-Time Employees

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

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for March 9, 2020 at 7:30 p.m.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: Mr. Donnelly
ROLL CALL: All in favor

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

80-2020 Authorizing Contract Change Order No. 3 In The Total Increased Amount Of \$130,662.29 In Connection With A Project Known As Hartford Road Water Treatment Plant Improvements

81-2020 Authorizing Contract Change Order No. 2 In The Total Deduct Amount Of \$142,681.31 In Connection With A Project Known As The North Church Street, Centre Street And Cedar Street Water Main Replacement

- 82-2020** Awarding A Contract To Brightview Landscapes, LLC For Lawn Maintenance And Landscape Services In The Amount Of \$86,961
- 83-2020** Authorizing the Tax Collector to Refund a Tax Overpayment
- 84-2020** Authorizing the Cancellation of Certain Water and Sewer Charges
- 85-2020** A Resolution Of The Township Council Of The Township Of Moorestown In The County Of Burlington, State Of New Jersey, Authorizing Execution Of Developer Agreement Between The Township And Community Options, Inc.

Mayor Gillespie opened the floor for public comment.

Edwin Begg, 209 Parry Drive, commented concerning Resolution Nos. 80-2020 and 81-2020 in combination saying this seems to be a continuation of a “financial estimating inexactitude.” Mr. Merchel advised that 81-2020 is a deduct. He advised that with a \$13 million project, changes will occur. Mr. Begg suggested, in the future, looking for a different engineer, a second estimate, a project manager.

Pamela Richards, 304 Colonial Avenue, commented on the water rate increase suggesting households of one or two conserve water; it is the mansions that use a lot of water. Mr. Merchel provided an explanation. She asked that he be sure that the tiers make sense. She felt people conserving water should be rewarded. Noting that water is precious, she supported the increase and suggested educating the public.

Mayor Gillespie asked for discussion by Council. With Regard to Resolution 82-2020, Ms. Petriello asked that edging and trimming at the athletic fields (backstops, fencing, etc.) be considered an addition in the specifications.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

Mr. Merchel teleconferenced Mr. Donnelly into the meeting

NON CONSENT AGENDA RESOLUTIONS: The Township Manager read the resolution by title.

- 86-2020** Authorizing the Planning Board of the Township of Moorestown to review a proposed resolution determining that Block 3000, Lots 2, 3, 3.01, 3.02 and 5 should be determined to be an area in need of rehabilitation

Mayor Gillespie opened the floor for public comment.

Greg Scott 303, Kenwood Drive, asked for clarification. He was advised that this has to do with the mall property and the local redevelopment and housing law. This resolution is a necessary step in order for the Township to create a redevelopment plan; this is procedural. It will be referred to the Planning Board for review. The goal is to enhance the mall area.

Doug Maute, 141 Pleasant Valley Avenue, expressed concern. He felt there is no reason to rush with this resolution; more time is needed for public awareness and input. He did not understand the benefit to rehabilitation. Mayor Gillespie said Council will be seeking the Planning Board's concurrence that this is an area in need of rehabilitation. Mr. Locatell, added, to affirm our belief. Mr. Maute questioned whether the Planning Board had enough time to do the review in forty-five days (otherwise, it is a default, yes). Mr. Aberant advised that there is a distinction between redevelopment and rehabilitation. Council asks the Planning Board to perform a study to determine an area in need of redevelopment. The statute says that Council may determine, by resolution, that an area is in need of rehabilitation, and then sends the resolution to the Planning Board for review. There was much discussion. Mr. Locatell said this is not the only way to move the process forward; he was not aware that Council was declaring the area in need of rehab. Ms. Napolitano also raised question to adopting the resolution. A brief discussion was held. Mr. Locatell said there is no urgency to adopt tonight; Council can sit on it and determine whether this is the right direction to go.

Pamela Richards, 304 Colonial Avenue, felt that the resolution would be affecting the lives of a lot of people. She felt it was a bombshell agenda and Council was moving too fast without disclosing enough information.

Chris Buoni, 246 Nicholson Drive, asked for clarification; Mr. Aberant provided same. Mr. Buoni provided advice on the process and disagreed with Mr. Aberant. He expressed his opposition to the process. Ms. Napolitano felt the residents should know what Council is opening the door to.

Doug Maute, 141 Pleasant Valley Avenue, reiterated his concern and urged Council to vote no.

Marie Kern, 8 Meadow Drive, asked questions about the forty-five day timeframe. Discussion was held. Mr. Aberant said the purpose is to ask the Planning Board to review the proposed resolution and get its response. Thereafter, Council will consider a resolution finding this is an area in need of rehabilitation. The Township prepares the development plan which requires public input. The question of timing was raised several times; why the rush. Ms. Kern asked Council to reconsider voting on the resolution this evening.

There being no more comment, the floor was closed.

Mr. Donnelly advised that Council is not acting in a non-transparent way, the resolution needs to be sent to the Planning Board to begin the dialogue and that is what they are trying to effectuate. He said Council is initiating a process to begin dialogue.

Ms. Petriello agreed with Mr. Donnelly. Ms. Napolitano felt that this would open the door, not a dialogue. She expressed her extreme dismay with this item being placed on the agenda noting she only received it at 1 p.m., this afternoon. She felt this is a huge matter and will have an enormous implication of the future of the town. She said they never agreed, as a Council, that rehab was the route they would take. She said she will not pass the resolution today.

Mayor Gillespie said there is quite a bit of misunderstanding about what is being proposed. She acknowledged Council could have been more clear on what rehab is. She suggested continuing consideration of the resolution to the March 9, 2020 meeting and seeking a report from the Planner advising whether the mall meets the criteria for rehabilitation.

Mr. Aberant advised that a motion to continue would be required. Ms. Napolitano requested that a public presentation on the differences between redevelopment and rehabilitation be held; she asked what the urgency was.

Mayor Gillespie asked for a motion to continue Resolution 86-2020 until the March 9, 2020 Council meeting.

MOTIONED BY: Ms. Petriello
SECONDED BY: Mr. Locatell
ABSENT: None (Mr. Donnelly participated by telephone)
ROLL CALL VOTE: All in favor with the exception of Ms. Napolitano, who voted no.

NON CONSENT AGENDA RESOLUTIONS - PUBLIC HEARING: The Township Manager read the resolution by title.

87-2020 Awarding One (1) New Club License For The Sale Of Alcoholic Beverage To Moorestown Field Club, Inc.

Mayor Gillespie opened the public hearing.

Chris Boney felt the minimum bid should have been higher.

Maura Dey, 6 South Shirley Avenue, asked about its location in connection with the school. Mr. Aberant advised that the distance meets the letter of the law.

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: None
ROLL CALL VOTE: All in favor

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

Mayor Gillespie asked for a motion to adopt the resolution.

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: None
ROLL CALL VOTE: All in favor

MINUTES: There were no minutes for approval.

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: None
ROLL CALL VOTE: All in favor

MANAGER'S REPORT: Mr. Merchel advised that he has finished the 2020 budget and will be delivering same to Council shortly.

COMMENTS FROM THE PUBLIC (Items on and off the agenda): Pamela Richards, 304 Colonial Avenue, thanked Council for continuing action on the rehab resolution. She asked that all attachments necessary are part of the public packet. She encouraged transparency. She noted that Council should have had a consultant at the meeting.

Kate Wilson, 2 Split Rock Place, advised that the conversation on the mall worried her as the mall has been limping along. Mr. Locatell advised that the Township has been in contact with the mall and want to help the mall evolve into its next version. He expressed his frustration with receiving the paperwork today.

Ms. Napolitano stated that she has no issue working with PREIT; what is good for them is good for the town. She said she has a concern with the rehabilitation and redevelopment processes and entering into an agreement with a publicly traded company. She felt the suggested process circumvents the Planning Board process.

Chris Buoni, 246 Nicholson Drive, asked about the working surplus. Mr. Merchel advised. After a brief discussion, Mr. Merchel advised that he could speak to Mr. Buoni offline.

Harry Mayer, 39 East Second Street, provided Council with a handout and recommended that it not purchase land in order to construct a solar field, as recommended by Sustainable Moorestown. He said solar can be placed on top of buildings, such as a school, and advised of the benefits; to purchase land is silly.

WORKSHOP CONTINUED (if necessary): Not necessary.

CLOSING COMMENTS BY COUNCIL:

All thanked public for coming out and supported its engagement with Council.

Ms. Petriello congratulated the police officers that were honored earlier in the meeting.

CLOSED SESSION: Mayor Gillespie asked for a motion to adopt Resolution CS 02 24 2020 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Affordable Housing) and Employment Relationship (Professional Appointments)

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
ABSENT: None
VOTE: All in favor

**RESOLUTION NO. TCOA CS 02 24 2020
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.

 X (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.

At 9:37 p.m., Council entered into closed session.

At 10:22 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 10:23 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk