

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

March 9, 2020

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 7:01 p.m. Attendance was as follows:

Nicole Gillespie, Mayor
Brian Donnelly, Deputy Mayor
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 7:01 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 6th day of March, 2020.

Mayor Gillespie advised that at the last meeting, the mall and rehabilitation were discussed. After discussion, it was decided to continue discussion at a workshop meeting. Thereafter, it was reported that the mall is interested in selling the property. Mayor Gillespie advised it would be premature to continue discussions until it is clear as to what that means. For that reason, the resolution concerning rehabilitation at the mall will not be heard tonight.

WORKSHOP (INFORMAL DISCUSSION)

1. Discussion Regarding:

a. Impact on Schools resulting from Affordable Housing: Brian Slaugh addressed Council; he introduced himself. He advised that he worked on the Township's housing plan. Mr. Slaugh reviewed the housing plan (shown on overhead) advising that a number of different mechanisms were used to address affordable housing. He reviewed the various sites, types of

housing and number of units at each site (100% affordable housing and inclusionary development). He explained what inclusionary means (fair market with a certain percentage committed to affordable housing). He reviewed other compliance mechanisms - accessory apartments, unmet need sites (Moorestown mall, Kmart Center and Lenola Shopping Center); the number of units were reviewed. He advised that all required zoning is in place. Looking at estimated population and estimated school children, there are demographic multipliers. Mr. Slaugh explained how averaging of people per home is analyzed based upon census information. In conclusion, he noted that while the developers are not compelled to build the housing, the end result for the number of additional school children in the public school system in the year 2023 would be 639. Discussion was held on the overlay zones. Mr. Slaugh noted that the permissible amenities will help to steer development of the site. It was noted that no one knows if and when the sites will be developed. Mr. Slaugh said that it is rare that a town gets to the end of the round (2025) and all the sites are fully developed. Further discussion on calculating the number of potential students was had. Mr. Locatell wanted the record to be clear that Council does not expect thousands of new students over the next few years.

Due to the time, the Mayor advised that the workshop would be continued to later in the meeting and she called for Official Action to begin.

MOMENT OF SILENCE and FLAG SALUTE: At 7:34 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 he attended Fire District No. 1's swearing in and awards ceremony. He commended Pete Clifford noting he received his 40-year pin. He advised that the Recreation Advisory Committee (RAC) met; he was unable to attend. He provided an update on the Strawbridge Lake projects and noted that RAC is looking to resolve the softball fields issue. He advised that the Low and Moderate Income Housing Oversight Committee did not meet.

Ms. Napolitano advised on the upcoming meetings of the Open Space Advisory Committee (OSAC) and Sustainable Moorestown.

Ms. Petriello announced that she attended the high school play and it was awesome. She advised that the Unified Varsity Basketball Team is heading to the State Championship. She announced the upcoming meetings of the Tree Planting and Preservation Committee, Appearance and Environmental Advisory Committee.

Mayor Gillespie advised that the Economic Development Advisory Committee (EDAC) met; they are discussing a proposal for solar panels on the Pulverizing site; they are also discussing arranging a meeting with the Mayor of Collingswood. Mayor Gillespie advised that she and Ms. Petriello participated in Read Across America at the Roberts School; it was lots of fun.

Mayor Gillespie read the upcoming meetings aloud:

PRESENTATIONS AND PROCLAMATIONS:

1. Proclamation - Inclusion Awareness Day: Mayor Gillespie read and presented the following proclamation. She introduced the representatives present, who in turn, advised of recent “inclusion” activities promoted throughout the schools; thanked many; and handed out bracelets to the public and Councilmembers.

PROCLAMATION

Whereas, more than ever, the world is in need of action for inclusion. In schools, workplaces, and communities, divisions lead to exclusion, social isolation, and social abuse, robbing all of us of the opportunity to learn and grow together; and

Whereas, people with special needs continue to be marginalized and excluded in schools, workplaces, and communities around the world; and

Whereas, Moorestown Township seeks to create a community of acceptance, knowing that inclusion benefits all people. We create an inclusive world through individual acts of inclusion – finding and welcoming those who have been left out, being a teammate, becoming a friend; and

Whereas, under the umbrella of Special Olympics, our Moorestown students with and without special needs play together in Unified sports and clubs and accomplish great things. The Moorestown High School Unified Basketball team won gold at the 2018 Special Olympics USA Games in Seattle; and

Whereas, the “Spread the Word>>Inclusion” campaign encourages people to pledge to look beyond a single group and create socially inclusive spaces for all to learn, work, and live; and

Whereas, Moorestown parents, students, teachers, administrators, and community members work together to promote the full inclusion of individuals with special needs in our schools and community, believing that an inclusive world benefits us all; and

Whereas, the first Wednesday in March has been designated Inclusion Awareness Day by the “Spread the Word>>Inclusion” campaign; and

Whereas, the Moorestown Special Education Advocacy Council (SpEAC) has organized a township-wide campaign to promote inclusion in our schools and community.

Therefore, we, the Moorestown Township Council, do hereby proclaim Wednesday, March 4, 2020 as Inclusion Awareness Day.

Given, under my hand and the Seal of the Township of Moorestown this 9th day of March in the Year of Our Lord Two Thousand Twenty. Nicole Gillespie, Mayor

Presentation - Ordinance Prohibiting Left-turns from Cottage Avenue onto Camden Avenue

Jeff Dey, 6 South Shirley Avenue, also the leader of Land Resource Solutions a development project on Cottage and Camden Avenues, advised that his company received preliminary and final site plan approval from the Township. However, the County Planning Board is requiring the Township pass an ordinance for a right turn only out of the entrance onto Camden Avenue. Mr. Merchel clarified that it is a no left turn off Camden Avenue (not Cottage Avenue). Mr. Aberant advised that an ordinance can be introduced at the next meeting (or two).

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

- 1. 4-2020** Amending Chapter 45A Of The Code Of The Township Of Moorestown Entitled "Alarms"

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

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

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

The Township Manager read Ordinance 5-2020 by title.

- 2. 5-2020** Amending Chapter 79 Of The Code Of The Township Of Moorestown Entitled "Fire Prevention And Protection"

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

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

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

The Township Manager read Ordinance 7-2020 by title.

3. 7-2020 Authorizing Amendment To Chapter 175 Of The Code Of The Township
Of Moorestown To Revise Certain Water And Sewer Rates

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

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

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

The Township Manager read Ordinance 9-2020 by title.

4. 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 opened the public hearing. There were no comments.

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

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

Mayor Gillespie asked for discussion by Council. Mr. Merchel advised this ordinance adjusts the minimum wage rates that will increase over next several years. Also, Ms. Miller is having difficulty finding qualified teachers and felt these rates were more appropriate.

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 8-2020 by title.

- 1. 8-2020** Amending Chapter 125 Of The Code Of The Township Of Moorestown Entitled “Parks And Recreational Facilities”

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

The Township Manager read Ordinance 10-2020 by title.

- 2. 10-2020** Renaming “Water Works Woods” To “Kay Smith’s Water Works Woods” (Part Of Block 2900, Lot 1)

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: None
ROLL CALL: All in favor

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

1. **88-2020** Authorizing The Purchase Of Four (4) Police Vehicles (2020 Ford Explorer Hybrids) Under State Contract In The Amount Of \$207,538.89
2. **89-2020** Awarding A Contract To Beechwood Landscape Architecture And Construction LLC For The Main Street Planter Landscape Renovation And Modification Project (Phase I) In The Amount Of \$21,535.27
3. **91-2020** Appointing Various Members To The Board Of Ethical Standards
4. **92-2020** Supporting The Perkins Center For The Arts' Application For A New Jersey Historic Trust Fund Grant

Mayor Gillespie opened the floor for public comment.

Dave Hess, 834 North Lenola Road, expressed his support for Resolution 88-2020. Mr. Merchel noted how these vehicles have improved over the years.

Gina Zegel, 309 Westover Road, thanked Council for appointing a contractor (Resolution 89-2020) and for following through on the project, noting the request began in 2016.

Kahra Buss, 708 Covington Terrace, Executive Director, Perkins Center for the Arts, thanked Council for its consideration of Resolution 92-2020 so that Perkins can pursue work on the building.

Mayor Gillespie asked for discussion by Council. Mr. Locatell noted that this is the second appointment of an "unaffiliated" to the Ethics Committee; he asked why. Mayor Gillespie advised that the Code says no more than three of the same party; no reason to ask them to affiliate. Ms. Napolitano felt they should declare a party for reasons of transparency. Mayor Gillespie felt the appointment of Lisa Trakis would be a perfect addition. Debate on past versus recent appointment practice was held.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

NON-CONSENT AGENDA RESOLUTIONS: Mayor Gillespie advised that Resolution 86-2020 was tabled under Agenda Updates (earlier in the meeting).

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

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

90-2020 Authorizing The Issuance Of One (1) Club License For The Sale Of Alcoholic Beverages To Moorestown Field Club, Inc.

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

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Petriello
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.

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

MINUTES: January 6, 2020 Reorganization Meeting

Mayor Gillespie asked for comment or a motion to approve the minutes.

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

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:

- the Township's annual debt statement has been filed with the State;
- the proposed budget has been prepared and transmitted to Council;
- recent tax appeals;
- he is moving forward with refinancing;
- he is in various labor negotiations; and
- he has reestablished the Township's relationship with the New Jersey Department of Environmental Protection (NJDEP) in connection with the infrastructure bank.

COMMENTS FROM THE PUBLIC (Items on agenda): Pamela Richards, 304 Colonial Avenue, thanked Mr. Slauch for his presentation. She noted that the public could not see the small print on the overhead and asked for a copy; Mr. Aberant gave her a copy. She commended the EDAC, as well as, Mr. Aberant as the acting solicitor at the Planning Board meeting. Ms. Richards supported the idea of appointing an unaffiliated to the Ethics Board. Mr. Locatell commended the job by Ms. Boren on the Board.

Melissa Acaro-Burns, Brooks Road, advised that she attends the Board of Education (BOE) meetings and has attended the presentation meetings on the referendum. She said the Superintendent said 350 students could result from affordable housing development; he never said more than 350 students. She expressed her dismay with comments made by a Council person; advised of the BOE meeting days and times; and suggested they attend.

Chris Buoni, 246 Nicholson Drive, raised questions concerning the number of students. Same was discussed. He expressed his dismay with the Council concerning its actions with the mall, noting it appears Council was ready to act and the rug was pulled out from under it. He found their action to reckless. Mr. Donnelly indicated that Council agreed to table the matter. Mayor Gillespie advised that recent accounts from the newspaper made the matter more complicated. Mr. Buoni said Council's actions were done in haste. Mr. Locatell advised that redevelopment has been a topic of discussion; it has been an issue of debate.

Kathy Sutherland, 417 North Church Street, suggested that Council set a limit when people ramble; she said other people want to speak too.

There were no further comments.

WORKSHOP CONTINUED (if necessary):

b. Brief discussion of Proposed 2020 Budget: Mayor Gillespie advised that Mr. Merchel will give a brief overview tonight. She advised that Council will have a number of public discussions on the budget. Mr. Merchel reviewed the proposed budget. He reviewed topics in

the budget booklet advising that same will be discussed in more detail at workshops. The document will also be placed on the Township's website. Mayor Gillespie noted that there is money in the budget for the improvements at Percheron Park. She asked if Council agrees to move forward with that project. Discussion was held. All agreed that the design and bid phase (proposal from Environmental Resolutions, Inc./\$19,000) should move forward. Mr. Merchel advised that in addition to the statue the fundraising group felt it may be able to contribute \$50,000 towards construction. Mayor Gillespie felt that once the design and cost of the project are known, there will be more donations

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

Linda Foreman, 12 Murray Road, hoped that Council would not consider passing the 2A Sanctuary Resolution, as other towns are doing, if same comes around. She felt that New Jersey has very good gun laws.

Pamela Richards, 304 Colonial Avenue, appreciated that two copies of the budget were placed in the library. She noted that the public was not able to ask questions of the Directors at the budget meetings last year; and at times there was not enough time allotted to finish with the two departments that were slotted. Ms. Richards said there were projects that were approved and not done last year; she hoped the funds for same will not be double banked.

Doug Maute, 141 Pleasant Valley, advised that he attended the Strawbridge Beautification meeting where the 3rd Annual Paddle Board event was discussed. Questions concerning the vendor ordinance were raised; he asked for the status of the ordinance. Mayor Gillespie advised that Council comments were sent back to the EDAC with recommendations. She felt the ordinance would be introduced at the next meeting or April meeting of Council.

Harry Mayer, 349 East Second Street, indicated that land is in short supply and open space is paramount. He felt the Pulverizing site is better suited for commercial, noting solar can be placed on top of buildings.

There were no more comments.

CLOSING COMMENTS BY COUNCIL:

All thanked public for coming out.

Mr. Donnelly advised that the mall is still on the agenda; but Council tabled it for the foreseeable future. He said the fact that rehabilitation has been tabled in perpetuity, does not have any relation per say on the Township's affordable housing plan; one does not depend on the other. He said the Township's plan will be heard before the judge at a compliance here. He felt Council has done a very good job with the mall and its affordable housing plan.

Ms. Napolitano was glad the resolution for the mall rehab was tabled; she stated she was never in favor of it. She said the item was placed on the agenda with the intention of passing it

and it was only continued because of the outcry. She did not vote to carry it at the last meeting. She expressed concern with the swift movement and transparency.

Mayor Gillespie stated that what happened at last week's meeting is the way government is supposed to work; after a debate, a decision was made to carry it. She felt discussion needs to continue and she expressed support for rehabilitation. She felt Council could have done a better job and said when it comes up again, steps will be taken to make sure that everyone understands what rehab is. She commended the public for its engagement.

CLOSED SESSION: Mayor Gillespie asked for a motion to adopt Resolution CS 03 09 2020 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Affordable Housing).

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

**RESOLUTION NO. TCOA CS 03 09 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.

_____ (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 she did not anticipate formal action when Council returns to the public.

At 9:03 p.m., Council entered into closed session.

At 9:55 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 9:55 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk