

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

April 6, 2020

(This meeting was held telephonically due to COVID-19)

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 4:01 p.m. Attendance was as follows:

Nicole Gillespie, Mayor	Thomas J. Merchel, Township Manager/CFO
Brian Donnelly, Deputy Mayor	Patricia L. Hunt, Township Clerk
Lisa Petriello, Councilmember	Kevin E. Aberant, Township Solicitor
Michael Locatell, Councilmember (arrived 4:09 p.m.)	
Victoria Napolitano, Councilmember	

MAYOR'S STATEMENT: At 4:01 p.m., 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 Burlington County Times, Courier Post and all those requesting copies on January 7, 2020.
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 Burlington County Times and Courier Post.
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 3rd day of April, 2020.

Mayor Gillespie asked for all to be patient as this is Council's first virtual meeting. She advised the public how the meeting will run. In closing, she advised that Council will go into closed session and reconvene the public meeting at 4:45 p.m. with a 5:00 p.m. start time.

MOMENT OF SILENCE and FLAG SALUTE: The Official Action meeting began with a moment of silence and the flag salute.

CLOSED SESSION: Mayor Gillespie asked for a motion to adopt Resolution CS 04 06 2020 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges: (Affordable Housing).

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

**RESOLUTION NO. TCOA CS 04 06 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 that Council shall return to the Official Action portion of the meeting.

Mr. Locatell arrived at 4:09 p.m.

At 4:10 p.m., Council entered into closed session.

At 5:04 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

Mayor Gillespie thanked the public. She advised that this is the first Official Action

meeting of Council since its emergency meeting on March 16. She advised that all Council members are participating telephonically; the meeting is audio only. She advised that everyone, except Council, will be muted. The floor will be opened for public comment. She reviewed the ground rules and advised how and when the public will be called upon to speak.

Adopting Consent Agenda Resolution No. CA 04 06 2020: Mayor Gillespie asked for a motion to adopt the consent agenda resolution.

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

**RESOLUTION APPROVING CONSENT AGENDA
CA 04 06 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:

- _____ 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.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 6-2020 by title.

- 1. 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 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
ABSTAIN: 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. Petriello
ABSENT: None
ABSTAIN: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 8-2020 by title.

2. 8-2020 Amending Chapter 125 Of The Code Of The Township Of Moorestown
Entitled "Parks And Recreational Facilities"

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

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

MOTIONED BY: Ms. Napolitano
SECONDED BY: Mr. Locatell
ABSENT: None
ABSTAIN: 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. Petriello
ABSENT: None

ABSTAIN: None
ROLL CALL VOTE: All in favor

The Township Manager read Ordinance 10-2020 by title.

3. 10-2020 Renaming “Water Works Woods” To “Kay Smith’s Water Works Woods”
(Part Of Block 2900, Lot 1)

Mayor Gillespie opened the public hearing.

Joe and Joan Ponessa, 215 Locust Street. Mr. Ponessa advised that Kay Smith was the founding member of Save the Environment Moorestown (STEM) and served on it and in the field up until shortly before her passing. He said she was a force of nature in supporting and working towards preserving open spaces. Ms. Ponessa advised that she worked with Ms. Smith on the EAC and the cleanup of trails. She said she was her friend and an amazing person – so very dedicated to the Township. Both expressed their support for the ordinance.

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

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

Mayor Gillespie asked for discussion by Council. Ms. Napolitano thanked Council for responding to the recommendation, noting it is very well deserved. She hoped this would draw attention to Water Works Woods and what it has to offer.

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

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 11-2020 by title.

1. 11-2020 An Ordinance Of The Township Of Moorestown, County Of Burlington, New Jersey Appropriating \$3,740,000 And Authorizing The Issuance Of \$3,553,000 In Bonds Or Notes Of The Township To Be Used For The 2019/2020 Roads Resurfacing Program

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for April 20, 2020 at 7:30 p.m.

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

The Township Manager read Ordinance 12-2020 by title.

- 2. 12-2020** An Ordinance Of The Township Of Moorestown, County Of Burlington, New Jersey Appropriating \$325,000 And Authorizing The Issuance Of \$80,750 In Bonds Or Notes Of The Township To Be Used For Improvements To Farmdale Road, Together With All Related Expenses

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for April 20, 2020 at 7:30 p.m.

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

- 3. 13-2020** An Ordinance Amending And Supplementing Bond Ordinance No. 21-2013 And 14-2017 As Amended And Supplemented By Appropriating An Additional \$475,000 And Authorizing The Issuance Of An Additional \$450,000 In Bonds Or Notes Of The Township To Be Used For Various Improvements To The Water And Sewer Utility Infrastructure

Mayor Gillespie asked for a motion to introduce the ordinance on first reading and set the public hearing date for April 20, 2020 at 7:30 p.m.

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

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

1. **93-2020** Authorizing A Second One-Year Extension Of A Contract To Woolston Company, Inc. For The Removal, Transportation And Disposal Of Wastewater Sludge(s) In An Amount Not To Exceed \$55,170
2. **94-2020** Authorizing The Expenditure Of \$39,300.27 From The Affordable Housing Trust Fund For Consulting Services Related To The Development And Implementation Of A Housing Plan For Moorestown Township, Burlington County (Clarke Caton Hintz)
3. **95-2020** Authorizing The Expenditure Of \$17,850 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. ACIP Of JDM Planning Associates, LLC)
4. **96-2020** Authorizing The Expenditure Of \$10,750.72 From The Affordable Housing Trust Fund For Consulting Services Related To The Development And Implementation Of A Housing Plan For Moorestown Township, Burlington County (Surenian, Edwards & Nolan, Formerly Known As Jeffrey R. Surenian & Associates, LLC)
5. **97-2020** Authorizing The Cancellation Of Certain Water & Sewer Charges
6. **98-2020** Resolution Of Need In Support Of The Application Of Moorestown Housing Associates, LLC To The New Jersey Housing And Mortgage Finance Agency In Connection With The Development Of A One Hundred Percent Affordable, Multi-Family Housing Project In The Township Of Moorestown
7. **99-2020** Resolution Of The Township Of Moorestown Authorizing The Mayor To Execute An Option Agreement With Moorestown Housing Associates, LLC Regarding The Development Of Real Property Known As 307 Harper Drive
8. **100-2020** Appointing A Municipal Housing Liaison For The Administration Of Moorestown's Affordable Housing Program
9. **101-2020** Awarding A Contract To Univar Solutions USA Inc. For Purchase And Delivery Of Liquid Sodium Hydroxide For Potable Water In The Amount Not To Exceed \$82,000
10. **102-2020** A Resolution Amending And Supplementing The 2020 Temporary Budget
11. **103-2020** Awarding A Contract To American Asphalt Company, Inc. In The Amount Of 376,188.20 For Project Known As FY19 NJDOT Municipal Aid Borton's Landing Road Improvements
12. **104-2020** Authorizing P & A Construction, Inc. to Withdraw the Bid It Submitted in Connection with a Project Known as the 2018/2019 Road Overlay Program

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

Mayor Gillespie asked for discussion by Council. Ms. Petriello said that the agreement, related to Resolution 99-2020, does not say that the property needs to be used for this development. Mr. Aberant advised that Pennrose needs to demonstrate that it has an interest in

the property being developed (this demonstrates site control); there will be a separate developer's agreement. Ms. Petriello asked, with regard to Resolution 101-2020, why this chemical is required. Mr. Locatell advised that it is required with the new treatment. Mr. Merchel advised that it will be needed at the Hartford Road Water Treatment Plant as well.

Mayor Gillespie asked for a motion to adopt the resolutions.

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

MINUTES: None.

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

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

MANAGER'S REPORT: Mr. Merchel advised Council on the settlement agreement concerning the Sears tax appeal. Mr. Merchel advised that the tenant at 1245 North Church Street has requested a month-to-month extension on the lease agreement until August. He recommended Council agree; Council agreed.

COMMENTS FROM THE PUBLIC (Items on and off agenda): There were no comments.

CLOSING COMMENTS BY COUNCIL:

All thanked public for coming out.

Mr. Locatell thanked all that participated in the meeting. He thanked Township staff noting all the services being provided.

Ms. Petriello agreed and also gave a shout out to the community for supporting each other. She advised that the work at Strawbridge Lake (Children's Pond and Haines Drive) is ongoing. She advised that all can sign on to the Recreation Department's website for exercise. Finally, she encouraged everyone to complete the 2020 census, advising of the benefits.

Mr. Donnelly echoed all comments, noting this is a historic moment. He thanked staff for organizing the first ever virtual meeting. He commended the community for stepping up in this time. He acknowledged that many are fighting for their lives; it is real. He said is proud to serve with Council and staff.

Ms. Napolitano thanked staff for getting Council through the meeting, which went very smoothly. She thanked all staff members that keep the town running noting they are essential workers. She encouraged all to continue being supportive and kind to one another; and to stay home and stay well.

Mayor Gillespie also echoed the comments made. She thanked the public and staff, expressing her appreciation. She thanked the public for adhering to the orders and for supporting each other.

ADJOURNMENT: At 5:44 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk