

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

February 25, 2019

The Regular Meeting of the Moorestown Township Council was called to order by Mayor Petriello at Town Hall, Council Chamber, 111 West Second Street, Moorestown at 7:05 p.m. Attendance was as follows:

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

Thomas H. Neff, Township Manager
Patricia L. Hunt, Township Clerk
Kevin E. Aberant, Jr., Township Solicitor

MAYOR'S STATEMENT: At 7:05 p.m., Mayor Petriello 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 Courier Post, Philadelphia Inquirer and all those requesting copies on January 8, 2018.
2. Posting a copy of the amended meeting notice and the agenda on the bulletin board at the Municipal Complex.
3. Filing a copy of the amended meeting notice and the agenda in the office of the Township Clerk at the Municipal Complex.
4. Forwarding a copy of the amended meeting notice and the agenda to the Courier Post and the Philadelphia Inquirer.
5. Forwarding a copy of the amended meeting notice and 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 22nd day of February, 2019.

MOMENT OF SILENCE and FLAG SALUTE: At 7:06 p.m., the Official Action meeting began with a moment of silence and the flag salute. Mayor Petriello asked that a special moment of silence be held in memory of Kay Smith, who recently passed away, and her family. Mayor Petriello said that Ms. Smith was a tireless worker for the environment and community.

DISCUSSION

Reports from Members of Council:

Mr. Locatell advised that the Low and Moderate Income Housing Oversight Committee did not meet and he did not attend the Environmental Advisory Committee (EAC) meeting. He advised that the EAC wants to review the flood plain around the sewage treatment plan and perhaps have an engineer perform a vulnerability study.

Mr. Donnelly advised that he and others attended land use training and received their certification. He further advised that the Economic Development Advisory Committee meets tomorrow.

Ms. Gillespie advised the Telecommunications and Technology Committee met. The committee will be focusing on how to use technology in town to better communicate with the public, uses of the Township's fiber optics network, and technology grants. She said the committee asked that she advise members of Council to speak into their microphones (audio and recording problems are mainly due to members not speaking into the microphone).

Ms. Napolitano advised that Sustainable Moorestown has launched an Instagram account (@sustainablemoorestown); she encouraged all to go on.

Mayor Petriello advised that the Tree Planting and Preservation Committee met and they are currently working on the five-year forestry management plan. She advised that the Appearance Committee will be meeting and it is focusing on improving appearances on Main Street.

Mayor Petriello read the upcoming meetings aloud:

1. Upcoming Meeting(s) Municipal Complex – 111 West Second Street
 - a. March 11, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
 - b. March 25, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
2. Agenda Updates, if necessary: None
3. Adopting Consent Agenda Resolution No. CA 02 25 2019: Mayor Petriello asked for a motion to adopt the consent agenda resolution.

MOTIONED BY: Ms. Gillespie
SECONDED BY: Mr. Donnelly
VOTE: All in favor

**RESOLUTION APPROVING CONSENT AGENDA
CA 02 25 2019**

WHEREAS, Consent Agendas include routine items of business which are not controversial; do not require individual discussion; and are voted upon as one item by the Governing Body; and

WHEREAS, any item may be removed from the Consent Agenda by the request of any Council Member; and

WHEREAS, if so removed, said item(s) will be treated as a separate matter(s); and

WHEREAS, the Township Council has reviewed the Consent Agenda and determined that the matters listed are matters which require official action; but do not require further deliberation or discussion.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that it hereby:

- X a. Approves the Consent Agenda as written on the agenda.
- b. Approves the Consent Agenda as written with the exception of the following item(s):

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

PRESENTATIONS AND PROCLAMATIONS: (Due to timing issues, the proclamation was presented prior to the swearing-in and awards ceremony)

1. Proclamation - Black History Month

Mayor Petriello read the following proclamation aloud and presented same to members of the NAACP.

PROCLAMATION

Whereas, during Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual and political development; and

Whereas, Black History Month has its origins in Negro History Week, established in 1926 by Carter G. Woodson and the Association for the Study of African American Life and History; and

Whereas, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

Whereas, the observance of Black History Month calls our attention to the continued need to battle racism and build a society that lives up to its democratic ideals; and

Whereas, the Township of Moorestown continues to work toward becoming an inclusive community in which all citizens – past, present, and future – are respected and recognized as valued members of our community, the state, the country and the world; and

Whereas, the Township of Moorestown is proud to honor the history and contributions of African Americans in our community, throughout our state and nation.

***NOW THEREFORE, I, Lisa Petriello, Mayor of the Township of Moorestown in the County of Burlington, State of New Jersey, do hereby proclaim the month of February 2019 as
Black History Month***

I encourage all citizens to celebrate our diverse heritage and culture, and continue our efforts to create a world that is more just, peaceful, and prosperous for all.

Given, under my hand and the Seal of the Township of Moorestown this 25th day of February in the Year of Our Lord Two Thousand Nineteen. Lisa Petriello, Mayor

Crystal D. Charley, President, Southern Burlington County NAACP, thanked Council and the community. She asked that we celebrate the humanity in everyone. Pictures were taken.

Mayor Petriello advised that Council will skip the next presentation and continue with the meeting until such time as everyone is present, noting there was a miscommunication with the time to be present.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 2-2019 on second reading by title.

2-2019 AMENDING CHAPTER 125, SCHEDULE A, ENTITLED “PARKS AND RECREATIONAL FACILITIES” TO RENAME “LITTLE WOODS” AS “BARBARA RICH’S LITTLE WOODS”

Mayor Petriello advised that the public hearing was continued at the last meeting in order to give members a little more time to investigate the history of the property. Mayor Petriello asked Ms. Gillespie to advise on what she had learned. Ms. Gillespie said the question came up at the last meeting regarding the name “Little” noting the name does not refer to the property size; but, it was named after Silas Little. She advised that she had wondered (at the last meeting) if anyone had spoken with the Silas family. So, since the last meeting she did speak to Silas’ son and granddaughter and emailed with two other sons. Following that, there was a meeting held with her, Maura Dey, Chair of the Open Space Advisory Committee, Ms. Napolitano and the granddaughter, Becky Quinn. Ms. Gillespie advised that they discussed the plans, what was going in to renaming it, Barbara Rich’s tremendous contributions to the town and some history of Silas Little and what he has contributed to forestry in New Jersey. She indicated that in light of those discussions and a lot of other work behind the scenes, she makes a motion to amend the title and body of the ordinance so “Little Woods” will be renamed “The Barbara Rich Preserve at Little Woods.” Mr. Donnelly seconded.

Mr. Locatell questioned the protocol, noting the public hearing was continued from the last meeting. Mr. Aberant advised that a vote should be called on the motion and then the public hearing can continue on the ordinance. He said that when an ordinance is being discussed after introduction, it is very common that it be tweaked (so to speak), so long as there is still opportunity for public comment. He noted that, at this point in time, the public hearing has not been closed, as indicated by Mr. Locatell, and following the motion, the public hearing will be

reopened. He said the question is whether the change to the ordinance is a substantial change (in this case it is not substantial). Mr. Locatell asked that the amendment be made after the public hearing. He did not agree with the order. Ms. Napolitano asked that public comment be taken before discussing an amendment. Discussion was held. Mayor Petriello suggested that Council move forward in accordance with the Township Attorney's advice. Mr. Donnelly advised that he did not have a concern with hearing public comment before discussing the amendment, but suggested that all discussion be held for a few moments in order to allow the Police Department presentations to move forward since all were present and waiting.

Swearing-In and Awards Ceremony

a. Administration of Oath to: Sergeant John Hinshillwood and Patrolman Brian Poe

Chief Lee Lieber thanked Council for providing an opportunity to shine a light on the Department. He expressed his pride for the department.

Chief Lieber gave a background on Patrolman Brian Poe and Sergeant John Hinshillwood. Both were (separately) sworn in by the Mayor. There was great applause.

b. Honorable Service Awards to: Patrolmen Joel Mufalli, Dennis Chesney and Michael Angelus for Outstanding Traffic and Criminal Enforcement

Chief Lieber called Patrolmen Joel Mufalli, Dennis Chesney and Michael Angelus up. He congratulated them on their outstanding performance during 2018, noting they make Moorestown a safer place to work and live; and he presented them with awards and a citation bar. There was much applause.

Ordinance 2-2019 discussion continued.

Ms. Gillespie withdrew her motion to amend the title and body of the ordinance so "Little Woods" will be renamed "The Barbara Rich Preserve at Little Woods."

Ms. Gillespie advised that as a result of the meeting (mentioned above), the recommendation of the Open Space Advisory Committee was to rename the property "The Barbara Rich Preserve at Little Woods."

Mayor Petriello opened the public hearing.

Carol Radomski, 6 Meadow Drive, asked Council to vote in favor of the ordinance. She also asked Council to table the Pennrose site and to do something like it is doing here. She asked Council to identify another site for the affordable housing.

Joan Ponessa, 215 Locust Street, thanked Council. She commended Ms. Rich. She also thanked Council for acknowledging the contributions of Kay Smith. She expressed her appreciation for the community and the fact that all are present to show their appreciation for both of them. She asked that the Township honor the past just as it would future generations.

Greg Adams, 307 Collins Avenue, agreed with the proposed name.

Rebecca Quinn, 708 Maple Leaf Lane, grandchild of Dr. Silas Little, said that the past two weeks have been very emotional for her family, who is very proud of his accomplishments (named them) noting he loved, protected and was a steward of the property he owned, Little Woods, as currently known, for over forty years. She noted that the renaming of the Little Woods has given her an opportunity to learn about Barbara Rich and her life's work. She said it is clear that their impact on the community will be felt for generations to come. She thanked the Open Space Advisory Committee for working with her and their willingness to reach a compromise. She asked that Council honor the past just as future generations would want honored what happened here today. She asked for a compromise that celebrates her grandfather's legacy while showing appreciation to Barbara Rich. She asked that the family be involved with any signage about Silas Little. She thanked Council.

Stacey Jordan, 200 East Central Avenue, read a letter that was sent to Council in support of the ordinance and Barbara Rich – asking Council to vote yes on the ordinance. The letter was signed by eight previous mayors. She noted that Kevin Aberant, former mayor, was not asked to sign the letter due to the fact that he is currently the Township Solicitor.

Dennis Talty, 99 East Walnut Avenue, expressed his support for the ordinance. He commended Barbara Rich and the countless hours she has devoted to the Township and other agencies. He said that Ms. Rich has dedicated her life to open space in Moorestown and encouraged Council to come to a compromise. He advised that there is historical precedent in naming open spaces after members of the Open Space Advisory Committee and STEM.

Harry Mayer, 349 East Main Street, spoke in favor of the ordinance noting that things can and do change. He cited two open spaces that have been renamed. Mr. Mayer commended Mr. Little and suggested that it be named as proposed and a sign at the site telling the story of Silas Woods. He complimented Barbara Rich.

Maura Dey, 183 West Walnut Avenue, felt that Barbara Rich deserves this honor. She hoped everyone would visit and enjoy the space.

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

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

Mayor Petriello asked for discussion or a motion. A motion was made by Ms. Gillespie, seconded by Mr. Donnelly, to amend the ordinance be changed to add the words "The Preserve" and "at" so that it would be "The Barbara Rich Preserve at Little Woods." In support of same, she noted the comments from the public wishing to honor Ms. Rich for her contributions; the amount of work done to come to this agreement; and a lot of people felt this was a way to recognize Ms. Rich without erasing Silas Little. Mr. Donnelly seconded.

Mr. Locatell said he did not support the change; he felt the name in the original ordinance was appropriate. Mr. Locatell advised that he was surprised to learn that Mr. Little sold the property to be used for a wastewater treatment plant. It was after that that the property was sold to Toll Brothers who donated the land to Moorestown (much due to Ms. Rich's relentless pursuit to preserve the land). He felt the name as proposed was giving Ms. Rich second billing (when it should be the opposite). He was not opposed to putting signage on the site concerning Silas Little.

Ms. Napolitano felt that the Township should have naming rights on a parcel, once it takes ownership, if it is not part of the purchase agreement. She expressed concern about the precedence Council is setting. She felt the name as originally proposed was fine and the proposed name does not add a great deal of difference. She said she does not support the amendment.

Mr. Locatell noted that, at the last meeting, he was under the impression that Mr. Little donated or conveyed the property to the Township. He had no idea that he had sold the property knowing that the buyer intended developing a waste treatment plant. He said he understood the family's emotional attachment to the property. However, as far as his contribution to Moorestown's open space, the record shows none. Mayor Petriello indicated it was not her intent to diminish the Little name indicating that the original intent of the ordinance was to recognize Barbara Rich, her contributions to preserving open space and her efforts in preserving this particular property. She felt the proposed amended name does all of that.

Mayor Petriello called for a vote on the motion. Mr. Aberant reiterated that the motion is to change the name in the title and the body to "The Barbara Rich Preserve at Little Woods."

ROLL CALL VOTE: All in favor, with the exception of Mr. Locatell and Ms. Napolitano, who voted no.

Upon the roll call vote, Mr. Locatell noted that he does not agree with the amendment. He thinks "Barbara Rich's Little Woods" is appropriate; it keeps the Little name and honors Ms. Rich in the correct way; therefore, he is voting no to change the name.

Mayor Petriello asked for discussion or a motion to adopt the ordinance as amended.

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

Upon a roll call vote, Mr. Locatell advised that he resented the position he has been put in, but that he will vote yes, reluctantly.

ORDINANCES ON FIRST READING: None.

RESOLUTIONS NOT ON CONSENT AGENDA: None.

CONSENT AGENDA RESOLUTIONS: The Township Manager read the Consent Agenda Resolutions by title.

1. 68-2019 AUTHORIZING A ONE-YEAR EXTENSION OF A CONTRACT TO INTEGRATED TURF MANAGEMENT FOR 2019 CORING AND SEEDING OF ATHLETIC FIELDS IN THE AMOUNT OF \$23,195
2. 69-2019 AUTHORIZING THE CANCELLATION OF CERTAIN WATER AND SEWER CHARGES
3. 70-2019 AUTHORIZING THE PURCHASE OF TWO (2) POLICE VEHICLES (2020 FORD EXPLORER HYBRIDS, WITH EMERGENCY EQUIPMENT INSTALLED, UNDER STATE CONTRACT IN THE AMOUNT OF \$99,694.52
4. 71-2019 AUTHORIZING THE TOWNSHIP OF MOORESTOWN TO USE COMPETITIVE CONTRACTING FOR THE PURCHASE OF PROPRIETARY COMPUTER SOFTWARE AND HARDWARE FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
5. 72-2019 RESOLUTION OF THE TOWNSHIP COUNCIL FOR THE TOWNSHIP OF MOORESTOWN REQUESTING THE SUPERIOR COURT OF NJ PROMPTLY RENDER A DECISION IN THE PENDING CASE ENTITLED PENNROSE, LLC VS. APC ASSOCIATES, LLC

Mayor Petriello opened the floor for public comment.

Fred Sutherland, 417 North Church Street, expressed his concern with Resolution No. 72-2019 jeopardizing the agreement. He reminded Council that it works for Moorestown and all taxpayers.

Carol Radomski, 6 Meadow Drive, applauded Council for its efforts to try and diffuse the situation by adopting Resolution No. 72-2019; however, she also took exception to it finding that it makes the residents look like the bad guys. This resolution was discussed at length. Mr. Aberant indicated that there is a recognition that the ongoing litigation is in limbo and has been stagnant; and, therefore, the Township's plan is in limbo. Council wants clarity on the matter and is requesting that the judge make a decision. After much discussion, Mr. Neff suggested removing the paragraph referring to the residents incurring costs.

Pamela Richards, 304 Colonial Avenue, understood Ms. Radomski's concerns; however, she felt the resolution seeks the empathy of the judge noting that the very people he is trying to protect are being negatively affected by exorbitant legal fees. She thought bringing that point out would have been a good thing.

Greg Newcomer, 235 Fellowship Road, asked if Council is committed to the seventy-six affordable housing units. Mr. Aberant advised that there is a settlement agreement in effect that includes all units in the Township. That agreement is binding. He noted that Resolution No. 72-2019 is not about seventy-six units and neither is the Township's affordable housing plan.

There being no further comment, the floor was closed.

Mayor Petriello asked for discussion or a motion to adopt the resolutions. She noted that the intent of Resolution No. 72-2019 was not to demonize the residents. She said she is okay with removing the subject paragraph, if Council is. There were no objections.

A motion to adopt the consent agenda resolutions, with the revision to Resolution 72-2019, was made.

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

MINUTES: None.

APPROVAL OF EXPENDITURES: Mayor Petriello asked for discussion or a motion to approve the expenditures.

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

MANAGER'S REPORT: Mr. Neff advised that GPS installation in all vehicles and training for same has occurred. He said the system is up and running and it is very impressive.

COMMENTS FROM THE PUBLIC (Items listed on and off the Agenda): Mayor Petriello opened the floor.

Bob Reilly, 9 Gladwynne Terrace, present on behalf of the Moorestown Youth Softball Association. He introduced the other Board members that were present, coaches and players. Mr. Reilly advised that MYSA was before Council last July concerning the condition of the fields. At that time, Council advised there would be movement on building a new field. He asked for the status of the project. Mr. Neff advised that the then planner is no longer with the Township; he has asked the newly appointed planner to revive the planning of that field. Bach Associates is working with the Recreation Advisory Committee. Mr. Locatell took exception to the matter being delayed by a second look. He provided a history on the fields and the KIDS Initiative. He said softball was taken out of the original plan. He advised of various field improvements that have taken place over the years. He said Council approved the softball field but it got looped in and hung up with issues concerning lacrosse.

Mr. Locatell and Ms. Napolitano expressed their dissatisfaction in delaying the improvements any longer. Mr. Locatell advised that there is money in the 2018 budget. Ms. Napolitano advised that Council agreed last year to separate the lacrosse and softball matters indicating that MYSA has waited long enough.

Much discussion was held. Mr. Neff advised that monies were budgeted for the design. The previous planner only had a sketch; engineering and design is needed. Mr. Neff wanted the

Recreation Advisory Committee to look at the plan again and confirm that the location is appropriate and then design can move forward. Ms. Napolitano noted that a majority of Council agreed on the proposed plan last year; a majority of that Council is on Council today. She did not understand why it would need to be relooked at. Mr. Locatell said the location is absolutely perfect. The only hold up was due to lacrosse and its noncommittal to a financial contribution – nothing to do with softball. He asked the Mayor to provide direction to the Manager to move forward. Mayor Petriello said she would defer to the Manager's recommendation. Members of the MYSA Board expressed their disappointment noting there has been no progression; now, it is progressing backwards. Ms. Gillespie advised that Theresa Miller is working on costs and contributions of all sports and fields as part of the Master Plan the Recreation Advisory Committee is working on. No decisions were made.

Elizabeth Dawson, 405 Dawson Street, advised that she served on the Recreation Advisory Committee; things move slowly. She has four children that participated in sports. She said if the project was approved already, move forward with it.

Monique Begg, 209 Parry Drive, on behalf of the students in the Friends Enrichment Program, invited Council to its Empty Bowl Dinner on March 10, 2019. She read the invitation aloud.

Harry Mayer, 349 Second Street, advised that the Conrail crossings are in bad shape; he suggested calling Conrail to maintain the tracks.

Edwin Begg, 209 Parry Drive, advised of solar farms in town. He asked Council to consider performing a study on the return on investment. He felt a forty-to-sixty percent return was plausible and would be worth doing.

Greg Newcomer, 235 Fellowship Road, expressed his appreciation for the Mayor acknowledging the passing of Kay Smith.

CLOSING COMMENTS BY COUNCIL:

Mr. Locatell thanked all for attending. He congratulated Barbara Rich and thanked her for all she has done for Moorestown. Noting all the improvements that have been made to the fields and facilities over the past ten years, Mr. Locatell hoped the softball field project would be moving along, sooner than later.

Ms. Napolitano advised when discussion on renaming a space in honor of Barbara Rich began, the first thought was Waterworks Woods (especially to bring attention to a really nice space that a lot of people do not even know about). She advised that Ms. Rich was reluctant because she felt that Kay Smith was really the driving force behind making that happen. She suggested attaching Kay Smith's name to Waterworks Woods in some way. She felt it would be a fitting tribute. Ms. Napolitano implored Council to keep matters moving forward and to develop a momentum. She felt that it seems Council is taking a step backwards on the softball field improvements and Council lost two weeks on adopting the Barbara Rich ordinance.

Ms. Gillespie thanked the public for attending. She congratulated Ms. Rich noting the renaming was well-deserved and the Township is very fortunate to have Ms. Rich. She thanked Ms. Rich for all she has done. Ms. Gillespie echoed Ms. Napolitano's plea to keep matters moving forward. She advised that Council agreed at the reorganization meeting that it was committed to working together.

Mayor Petriello agreed and said Council and staff will continue to keep things moving forward. Mayor Petriello commended Barbara Rich noting she is a gem in the community.

CLOSED SESSION: None.

ADJOURNMENT: At 8:59 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk