

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

June 24, 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 7:02 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 7:02 p.m., Mayor Petriello 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 Courier Post, Philadelphia Inquirer and all those requesting copies on January 8, 2019.
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 Courier Post and the Philadelphia Inquirer.
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 21st day of June, 2019.

CLOSED SESSION - Resolution No. CS 06 24 2019 - Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (*Affordable Housing*)

Mayor Petriello asked for a motion to adopt Resolution CS 06 24 2019 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (Affordable Housing).

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

**RESOLUTION NO. TCOA CS 06 24 2019
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 of 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.

At 7:04 p.m., Mr. Locatell arrived; Council entered into closed session.

At 7:56 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

MOMENT OF SILENCE and FLAG SALUTE: At 7:56 p.m., the Official Action meeting began with a moment of silence and the flag salute.

DISCUSSION

Reports from Members of Council:

Mr. Locatell stated that the Clap Out on Main Street was a great event; this is what Moorestown is all about, he said. He stated that the Moorestown Environmental Advisory Committee met; he could not attend; it was the same night as the Clap Out. He said the Low and Moderate Income Oversight Committee has not met.

Ms. Napolitano stated that the Township is (almost) officially a Bee City USA.

Ms. Gillespie stated that she had nothing to report on the Recreation Advisory Committee; the committee does not meet in the summer. She stated that the Telecommunications and Technology Committee was asked to review the information about the SCADA at the sewer plant. She added that the 4th of July parade will be held on the 4th of July.

Mr. Donnelly stated that the Economic Development Advisory Committee (EDAC) meets tomorrow; it will address the vendor ordinance. Mr. Donnelly advised that he has received personal emails about the crosswalks, speeding and the lights at crosswalks. He suggested Council look at the issues.

Mayor Petriello stated that the rules and regulations have not come out concerning the rain tax. She advised that she would like to have discussion on the rain tax after the rules and regulations are issued. Mayor Petriello spoke about the conduct at Council Meetings. She found there needs be a certain level of decorum especially during healthy discussions. She reminded all that it is important that everyone maintain a respectful level of dialogue and etiquette when speaking with each other and sharing views.

Mayor Petriello read the upcoming meetings aloud:

1. Upcoming Meeting(s) **Municipal Complex – 111 West Second Street**
 - a. July 8, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
 - b. July 22, 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 06 24 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 06 24 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: None.

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 13-2019 on second reading by title.

13-2019 AN ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 6-2018 AS AMENDED AND SUPPLEMENTED BY APPROPRIATING AN ADDITIONAL \$200,000 AND AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$190,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE RESURFACING OF GARWOOD ROAD, TOGETHER WITH ALL RELATED EXPENSES

Mayor Petriello opened the public hearing. There was no comment. Mayor Petriello asked for a motion to close the public hearing.

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

Mayor Petriello asked for discussion or a motion to adopt the ordinance on second reading.

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

ORDINANCES ON FIRST READING: The Township Manager read Ordinance 16-2019 on first reading by title. Mr. Neff and Mr. Merchel gave a brief explanation.

16-2019 AMENDING CHAPTER 132 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED “PEDDLING, SOLICITING AND TRANSIENT VENDORS”

Mayor Petriello asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for July 8, 2019 at 7:30 p.m.

Mr. Locatell advised that there are additional concerns that needed discussing; he listed them, including ice cream trucks. He asked if provisions concerning ice cream trucks (stops permitted at a maximum of five minutes) can be added to the ordinance this evening. Discussion was held. Mr. Locatell felt the ordinance was being rushed for the food truck event. Ms. Gillespie noted that everyone recognizes there are other issues to be addressed. Mayor Petriello was satisfied with moving forward with the ordinance. Ms. Napolitano asked who currently pays for the background check. Chief Lieber advised that the applicant pays online; in addition they pay a \$75 application fee for a 30-day permit (which is renewable over and over within 365 days of issuance for a fee of \$10 each time). Ms. Napolitano noted that the proposed ordinance does not provide for same; it requires a new permit after the event; same is not cost effective. After much discussion, Council agreed to add language that a permit is renewable for a \$10 fee for any additional one day events within 365 days from the initial permit date. Mr. Donnelly agreed as long as all other conditions are met. All agreed.

Motion to introduce with language added to proposed Chapter 132-14c as stated by Ms. Napolitano and Mr. Donnelly.

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

NON-CONSENT AGENDA RESOLUTIONS: The Township Manager read the non-consent agenda resolution by title.

117-2019 REJECTING ALL BIDS IN CONNECTION WITH THE 2018 LOCAL ROAD PROGRAM PROJECT

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

Mayor Petriello asked for discussion or a motion to adopt the resolution.

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

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

114-2019 GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

115-2019 AWARDING A CONTRACT TO RTW CONSTRUCTION, INC. IN THE AMOUNT OF \$699,140 FOR PROJECT KNOWN AS 2018 MUNICIPAL AID PROJECT – GARWOOD ROAD IMPROVEMENTS

116-2019 AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR 2019-2020

118-2019 AUTHORIZING A ONE-YEAR EXTENSION OF A CONTRACT IN THE AMOUNT OF \$86,085 WITH CNS CLEANING CO., INC. FOR JANITORIAL MAINTENANCE SERVICES

119-2019 AUTHORIZING THE CANCELLATION OF CERTAIN WATER AND SEWER CHARGES

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

Mayor Petriello asked for discussion or a motion to adopt the resolutions.

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

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 5-2019 on second reading by title.

5-2019 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$760,000 AND AUTHORIZING THE ISSUANCE OF \$532,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR VARIOUS IMPROVEMENTS ALONG STRAWBRIDGE LAKE, TOGETHER WITH ALL RELATED EXPENSES

Mr. Neff stated that this ordinance will be broken into two separate ordinances which will be considered individually at a later date.

Mayor Petriello opened the public hearing. There was no comment. Mayor Petriello asked for a motion to close the public hearing.

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

Mayor Petriello asked for discussion or a motion to table the ordinance.

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

The Township Manager read Ordinance 9-2019 on second reading by title.

9-2019 ORDINANCE REPEALING AND REPLACING CHAPTER 97, ENTITLED, "AFFORDABLE HOUSING," OF THE TOWNSHIP OF MOORESTOWN WITH "AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY REQUIREMENTS," TO IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985

Mayor Petriello opened the public hearing. There was no comment.

Mayor Petriello asked for discussion or a motion to continue the public hearing until July 8, 2019 at 7:30 p.m.

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

MINUTES: Mayor asked for discussion or a motion to adopt the minutes.

1. June 10, 2019 Regular and Closed Session
2. June 17, 2019 Special

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

APPROVAL OF EXPENDITURES: Mayor Petriello asked for comment 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 had nothing to report. Mayor Petriello asked where the Planning Board stands with having an approved housing element and where all stands timewise. Mr. Neff said that at the last Planning Board meeting, the need for amendments to the housing

element were briefly discussed in the context of the Board seeking an additional planner to help them review what has been proposed by Council. The Board voted to direct staff to prepare a Request for Proposals for its consideration. Ms. Gillespie asked for confirmation that the housing element must in line with the settlement agreement by the time of the Compliance Hearing otherwise, the Township's settlement agreement could be vulnerable. Mr. Aberant advised that Mr. Edwards would need to answer that question. He advised that the Compliance Hearing will be 120 days from today. Much discussion was held. In closing, Mayor Petriello advised that she was simply trying to understand the timing and deadlines.

COMMENTS FROM THE PUBLIC (Items on and off the agenda):

Edwin Begg, 209 Parry Drive, read an item of interest in Riviera Beach, Florida, where the town had its insurance company pay a ransom of \$600,000 to get access to their software back. He advised of other towns that did not pay ransom and had to pay millions. He said the threat is real. Mr. Neff advised that the Township has an IT Director; this is one of his top priorities. The Township provides training for employees and does what it can to protect its system. Mr. Neff said the issue can be brought up before the Telecommunications and Technology Committee. Ms. Gillespie said she can take it to the Telecommunications and Technology Committee and get feedback. Mr. Begg asked questions; same were answered.

Greg Newcomer, 235 Fellowship Road, advised that he attended today's Fairness Hearing and asked if someone could explain what happened at the hearing. Mr. Neff said the judge found in favor of Moorestown's amendments to the Fair Share Housing Plan. The Compliance Hearing is in 120 days. Mr. Newcomer asked Council to think about how everyone can welcome the people to town. Mr. Newcomer advised that there are an extraordinary amount of lights out in library; to remove and replace them is an enormous job. He thought it may be a good time to buy machinery that can reach them and a good idea to finish the building. He said the punch list never done and the CO was never issued. He thought the building ought to be finished. Mr. Zappasodi said the Temporary CO has been extended. Mr. Neff asked Mr. Zappasodi to look into the punch list.

Fred Sutherland, 417 North Church Street, asked Mr. Locatell how many acres are buildable on the Maybury Tract. Mr. Locatell said he thinks maybe 4. Mr. Sutherland said that there is not just wetlands but there is a swamp. Mr. Donnelly said there is a protected plant species on that tract. Mr. Sutherland said he was at the hearing today with Judge Bookbinder. Mr. Slauch said the Miles building is for sale for \$3 million and town is willing to pay that; then you have to demo. Penrose is worth \$1 million. Mr. Locatell said that Maybury would not qualify for one-hundred percent tax credits. He agrees that the Miles site is not a good result for the town due to the cost. Mr. Sutherland said why not designate where trucks have to park at events. Mr. Locatell said his issue is with the ice cream truck at events on Main Street. Discussion was had. Mr. Locatell wants to protect our businesses. Mr. Sutherland advised of where on Church where he wants speed to be 25mph and if kids are present 15mph. Mr. Locatell said we have asked the County about reduced speed when children are present. It's a good idea. Mr. Sutherland gave his ideas. Ms. Gillespie said we know it is an issue and we are going to continue to pursue it.

Will Creeley, 115 Somers Avenue, member of the Low and Moderate Income Oversight Committee, advised their next meeting is not until July 15. He commended the Mayor about her comments on civility. He said it seemed to him, from the ruling, there is not a lot of wiggle room.

CLOSING COMMENTS BY COUNCIL:

Ms. Napolitano wished everyone a safe and Happy 4th of July and told everyone to come to the parade.

Ms. Gillespie echoed Ms. Napolitano's comments

Mr. Locatell thanked everyone for coming out. He agreed that all need to be civil.

Mr. Donnelly thanked Council for hashing through the transient vendor ordinance. He stated that the ordinance needs more work. He thanked everyone for coming out.

Mayor Petriello thanked all for coming out.

At 9:20 p.m., a motion was made to return to closed session.

MOTIONED BY: Ms. Napolitano
SECONDED BY: Ms. Gillespie
VOTE: All in favor

At 10:03 p.m., Council returned to the public meeting. Due to the sensitivity of the matters, Council had nothing to report.

ADJOURNMENT: At 10:03 p.m., there being no further business, a motion was made to adjourn.

MOTIONED BY: Ms. Napolitano
SECONDED BY: Ms. Gillespie
VOTE: All in favor

PATRICIA L. HUNT, RMC
Township Clerk