

TOWNSHIP OF MOORESTOWN  
TOWNSHIP COUNCIL  
OFFICIAL ACTION MEETING

July 8, 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 6:32 p.m. Attendance was as follows:

Lisa Petriello, Mayor	Thomas H. Neff, Township Manager
Nicole Gillespie, Deputy Mayor	Patricia L. Hunt, Township Clerk
Brian Donnelly, Councilmember	Kevin E. Aberant, Township Solicitor
Michael Locatell, Councilmember (arrived 6:45/left 9:01 p.m.)	
Victoria Napolitano, Councilmember	

**MAYOR'S STATEMENT:** At 6:32 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 3<sup>rd</sup> day of July, 2019.

**CLOSED SESSION** - Resolution No. CS 07 08 2019 - Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (*Affordable Housing*)

Mayor Petriello asked for a motion to adopt Resolution CS 07 08 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 (Napolitano and Locatell not present)

**RESOLUTION NO. TCOA CS 07 08 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 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.

At 6:34 p.m., Ms. Napolitano arrived. At 6:34 p.m., Council entered into closed session.

At 7:36 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 7:36 p.m., the Official Action meeting began with a moment of silence and the flag salute.

## **DISCUSSION**

Reports from Members of Council:

Mr. Locatell advised that he saw there will be a zoning application by Fox Meadow will be heard in Maple Shade on Wednesday for an expansion of its amenities. However, an application for a Letter of Determination has been made by Fox Meadow to the New Jersey Department of Environmental Protection (NJDEP). Mr. Locatell thought Council should be aware and that the Environmental Advisory Committee (EAC) may want to review the matter to see what the applicant is seeking and review for potential environmental concerns. He said the Wednesday night meeting is not detrimental, but in the meantime, the Township may want to review the matter. Council agreed.

Ms. Gillespie advised that the Recreation Advisory Committee does not meet during the summer. She advised that the Telecommunications and Technology Committee will be reviewing the SCADA system and the Township's protection against ransomware to ensure it is adequate. Ms. Gillespie thanked all who attended the 4<sup>th</sup> of July Parade.

Ms. Napolitano advised of the upcoming Open Space Advisory Committee and Sustainable Moorestown meetings.

Mr. Donnelly advised there was not a quorum for the Economic Development Advisory Committee (EDAC) to hold a meeting. The committee will be reviewing the vendors ordinance. He advised Planning Board will be meeting on Thursday. Mr. Donnelly suggested Council prioritize reviewing speed limits as he thinks there was another accident.

Mayor Petriello noted it is summertime and asked that drivers be aware of pedestrians and cyclists. She commended the parade. She reported on the upcoming Tree Planting and Preservation Committee meeting.

Mayor Petriello read the upcoming meetings aloud:

1. Upcoming Meeting(s) Municipal Complex – 111 West Second Street
  - a. July 22, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
  - b. August 5, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
2. Agenda Updates, if necessary: Mayor Petriello asked for a motion to amend the agenda to remove Resolution No. 123-2019 from the consent agenda as it is not ready to proceed.

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

4. Adopting Consent Agenda Resolution No. CA 07 08 2019: Mayor Petriello asked for a motion to adopt the consent agenda resolution (as amended).

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

**RESOLUTION APPROVING CONSENT AGENDA  
CA 07 08 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



1. **120-2019** A RESOLUTION AUTHORIZING THE READING OF THE 2019 BUDGET BY TITLE ONLY

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

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

2. **121-2019** A RESOLUTION CERTIFYING THE YEAR 2019 BUDGET COMPLIES WITH STATUTORY REQUIREMENTS

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

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

3. **122-2019** A RESOLUTION ADOPTING 2019 BUDGET

Mayor Petriello opened the public hearing. There were no comments. Mayor Petriello asked for a motion to close the public hearing.

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

Mayor Petriello asked for discussion or a motion to adopt the resolution (2019 Budget).

Mr. Locatell felt Council could have done a better job and not raised taxes. He said Council's reason was due to payment in connection with the mall tax appeals; those will end, he said. He commented on the cost of the new hires; he felt all were not necessary. He named some other areas where monies were not used and/or were recovered. He felt Council could have done a better job.

Ms. Napolitano agreed. She noted that the new hires will cost the Township \$500,000 next year and she felt as though Council were setting itself up. She too noted that the cost associated with the mall tax appeals will fall off in a couple of years. She said she was not happy with the budget; Council could have done better.

Mr. Donnelly stated that there are no special interest groups here and if he is voting to raise taxes, he is raising his own taxes. He is doing it because it needs to be done. He indicated that if there is extra money in the budget next year (due to the sale of a liquor license or something else), then he will vote to lower the taxes.

MOTIONED BY: Ms. Gillespie  
SECONDED BY: Mr. Donnelly  
ROLL CALL VOTE: All in favor, Mr. Locatell and Ms. Napolitano, who voted no.

**ORDINANCES ON SECOND READING:** The Township Manager read Ordinance 16-2019 on second reading by title.

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

Mr. Aberant advised that staff incorporated the language requested by Council at the last meeting (prior to introduction). He noted that said changes are non-substantial.

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  
VOTE: All in favor

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

Mr. Locatell expressed his concern noting that the Moorestown Business Association President feels this ordinance makes things more complicated. He felt that Council needed to create an actual event ordinance that is specific to the event; and the host of the event would pull the permit, that way, there would be accountability if something goes wrong. He felt many issues, that need to be addressed, are not addressed. Ms. Gillespie noted that Council realizes amending the ordinance is not done and that the EDAC will be taking the ordinance up in committee. Mr. Locatell expressed his disappointment and asked if Council can address issues such as this at workshop meetings so these things can be thoroughly discussed. Mayor Petriello said yes; and that she thinks all agree the ordinance needs more work and it will go to the EDAC. Ms. Napolitano asked what the plan was when it goes to the EDAC, noting the Chairman of the EDAC, who is President of the MBA, is not happy with this amendment. Discussion was held. Mr. Locatell expressed his dismay with the process. Mayor Petriello said this is a small piece of a larger ordinance to come. Mr. Zappasodi advised that the EDAC will be making recommendation to Council on an ordinance. Mr. Locatell wanted to see more discussion on issues such as this at workshop meetings.

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

**ORDINANCES ON FIRST READING:** The Township Manager read Ordinance 17-2019 by title.

1. **17-2019 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$550,000 AND AUTHORIZING THE ISSUANCE OF \$285,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE RESURFACING OF BORTON'S LANDING ROAD PHASE II TOGETHER WITH ALL RELATED EXPENSES**

Mayor Petriello asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for July 22, 2019 at 7:30 p.m.

MOTIONED BY: Ms. Gillespie  
SECONDED BY: Mr. Locatell  
ROLL CALL VOTE: All in favor, with the exception of Mr. Donnelly, who abstained

The Township Manager read Ordinance 18-2019 by title.

2. **18-2019 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 180 ENTITLED "ZONING" OF THE TOWNSHIP OF MOORESTOWN BY CREATING THE AMF-7 DISTRICT IN FURTHERANCE OF THE FAIR HOUSING ACT**

Mayor Petriello asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for August 19, 2019 at 7:30 p.m.

MOTIONED BY: Ms. Gillespie  
SECONDED BY: Mr. Donnelly  
ROLL CALL VOTE: All in favor, with the exception of Mr. Locatell, who voted no

The Township Manager read Ordinance 19-2019 by title.

3. **19-2019 AMENDING CHAPTER 46 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED ALCOHOLIC BEVERAGES**

Mayor Petriello asked for discussion or a motion to introduce the ordinance on first reading and set the public hearing date for July 22, 2019 at 7:30 p.m.

Mr. Locatell said we have also discussed package goods and asked if an ordinance is in the que. Mr. Neff said staff is looking at it and asked Mr. Aberant to do a little more legal research; but it can be placed on an upcoming workshop agenda.

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

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

1. **124-2019**      **AWARDING A CONTRACT TO MEDIO CONSTRUCTION CO., INC. IN THE AMOUNT OF \$125,196 FOR THE INSTALLATION OF ADA COMPLIANT CURB RAMPS AT VARIOUS STREET INTERSECTIONS IN CONNECTION WITH THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT**

Mayor Petriello opened the floor for public comment.

Valerie Holmes, 217 Whitter Avenue, advised that some residents place personal items in the depressed area of a curb and that same should not be allowed. Ms. Holmes was advised to see Mr. Zappasodi tomorrow and he will look into. Ms. Holmes felt that the violations needed to be enforced and said that is why more zoning officers are needed.

There being no further comment, the floor was closed.

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

MOTIONED BY:    Ms. Napolitano

SECONDED BY:    Mr. Locatell

ROLL CALL VOTE: All in favor

**OLD MATTERS PROPOSED TO EITHER BE TABLED OR CONTINUED UNTIL JULY 22:** The Township Manager read the Ordinance 9-2019 by title.

1. **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 being no comment and due to the fact that the ordinance is still under review by the professionals, Mayor Petriello asked for a motion to continue the public hearing until July 22, 2019 at 7:30 p.m.

MOTIONED BY:    Mr. Locatell

SECONDED BY:    Ms. Gillespie

ROLL CALL VOTE: All in favor

**MINUTES:** None.

**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:** None.

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

Joseph DiLorenzo, 224 Winding Way, asked if the setback in the AMF-7 zone is the same as the other AMF-1-6 zones. Mr. Locatell said no but they are all site specific. He said this site is tight and because there is commercial use surrounding it, the Planner took liberties with the setback to the adjacent properties particularly if there is parking next to the property. He did not feel that a five-foot buffer area was enough; the setup is not an inviting place to live. Discussion was held on the process taken prior to the ordinance being introduced on first reading and who had input on the drafting of the ordinance. Mr. Neff advised that the public is invited to send any questions to him and he will forward them to the appropriate person for response. Mr. Locatell advised that in the past, a power point presentation was given to the public showing site locations and what would be built on the sites; that process allowed public input. Mr. Locatell said this process is going much faster and in a darker room. Mayor Petriello took exception to Mr. Locatell's comments and disputed same, noting the only presentation made was for the Pennrose site. The past process was disputed. Mr. DiLorenzo expressed concern with what he felt was a lack of public input into this ordinance prior to introduction stating it feels as though the process has been expedited. He asked that the public be afforded the opportunity to see what is proposed before second reading so that it may be prepared to speak knowledgably at the public hearing. Timing was discussed. Much discussion was held. Ms. Napolitano suggested Council should hold a workshop meeting prior to second reading. Again, discussion was held. Mayor Petriello advised that a meeting will be set up prior to second reading.

Kathy Samuels, 406 Park Boulevard, asked why (township-owned land) the Maybury and Nagle sites are not being used. Mr. Locatell advised that those two sites would cost a lot more than the Miles site, noting the developer will apply for tax credits on the Miles site. Ms. Samuels felt the Township is wasting money. Mr. Aberant noted that the Nagle tract is part of the plan (150 units which includes 45 affordable). He said the Nagle site does not have access to public transportation and would be cost prohibitive. Ms. Samuels said she was livid that the sites will not be used for affordable housing as has been in the plan for forty years.

Pamela Richards, 304 Colonial Avenue, thanked Council for its work on the budget and commented on same. She noted that it is the Board of Education budget that raises taxes. Ms. Richards inquired about the paving of Borton Landing Road and development occurring afterwards; she was advised. Ms. Richards provided suggestion on adding more formality into committees, which included the requirement of agendas and minutes. She felt a planning flow chart of objectives and when they will be addressed would be helpful to the process and the public.

At 9:01 p.m., Mr. Locatell excused himself from the meeting.

Carol Radomski, 6 Meadow Drive, asked when the Pennrose site will be rezoned back. Mr. Aberant advised fairly soon. He advised that Pennrose has applied for preliminary site plan approval. Ms. Radomski said rezoning the property is the right thing to do considering what the residents have been through. She asked Council to put the matter on the agenda as soon as possible.

Edwin Begg, 209 Parry Drive, advised that the June 10 and June 24 meeting videos were not posted online and asked why and when they would be. Mr. Donnelly advised that at one of the meetings, the video was not working. Mr. Neff advised it will be posted as soon as possible; the IT staff was out of the office.

Mr. Begg asked for a follow up on the weed control and the use of Roundup in Strawbridge Lake. Mr. Neff advised that an alternative herbicide will be used. "No pesticide" would triple the management costs. Mr. Begg stated that water from the lake could be sucked up into the water plant and distributed around the Township. He asked that a protocol be set to detect any traces and if so, to stop pumping at the Kings Highway Plant and to purchase water. Mr. Begg noted that one year ago the budget increased by \$554,000; this year, the number is \$466,000. So the new budget is \$88,000 less than last year. Mr. Begg advised on another incident of a city paying ransom; it was were hacked and taking a long time to get back to order. He gave a report on other cities hacked and how they responded.

Robert Olivarez, 60 Westbrook Drive, thanked Council for looking into the rezoning at Fox Meadow, Maple Shade. He expressed his concern with the potential negative effect on Strawbridge Lake and surrounding properties, especially in light of the heavy rains that have been occurring. Mr. Zappasodi said he will try to attend the meeting on Wednesday and he will be following up with Maple Shade on the status of matters. He assured Mr. Olivarez that the Township will be glad to assist so the public's voice is heard. Mr. Donnelly noted access to the Freeholders, Assembly and Senate. Mr. Neff advised that staff will also reach out to the EAC for assistance.

Collen Pace, 206 Winthrop Avenue, appreciated what was said concerning Fox Meadow. She said she spent the greater part of the day calling everyone she could think of. She also sent an email to the Army Corps of Engineers; they are interested and may attend on Wednesday.

Valerie Holmes, 217 Whitter Avenue, advised that she lives on the opposite side of the creek and did not receive notice. She showed a picture of the Lenola Shopping Center (flooded) and asked if low income houses were really planned to be developed on the lot. She said the creek thing is a big deal. She asked what was happening with Fox Meadow. Mr. Donnelly said he may reach out to the Freeholders.

Monique Begg, 209 Parry Drive, said that the Township needs affordable housing, but it must concern itself with the environment and where it proposes to build a large number of homes. She advised that for the first time in years, she received a little bit of water in her basement. She urged that Council not invite environmental disasters.

Fred Sutherland, 417 North Church Street, asked for the name of the developer for Miles Technology site. Mr. Aberant advised that there is no developer under contract; someone expressed interest; it is inappropriate to discuss. Mr. Sutherland asked if the developer would be an intervenor. Mr. Aberant said, we are beyond that point. Mr. Sutherland asked what Pennrose is doing; same could not be answered. Mr. Neff advised they did file an application with the Planning Board. Mr. Sutherland asked what the County is going to do about North Church Street. Mayor Petriello advised that a meeting was held with the freeholders, engineer and County staff and the County is supposed to prepare a write up from that meeting; once received, same will be shared with Council. Mr. Neff advised it was a very productive meeting. Mr. Sutherland said the community should have been involved in those discussion on what the problems are on the street. Mayor Petriello felt the matter is getting much more attention than it has in the past and that this is just the start. Mr. Sutherland expressed his frustration. Mr. Donnelly suggested he provide a list and Council will have their voice heard. Mayor Petriello indicated that the County will be performing another speed study after construction is done. The meeting was an interim action. Ms. Gillespie assured Mr. Sutherland that all issues were revisited and she felt confident things would be happening soon.

**CLOSING COMMENTS BY COUNCIL:**

All thanked everyone for attending and their input.

**ADJOURNMENT:** At 9:41 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC  
Township Clerk