

TOWNSHIP OF MOORESTOWN
TOWNSHIP COUNCIL
OFFICIAL ACTION MEETING

August 19, 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 6:30 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 6:33 p.m.)	
Victoria Napolitano, Councilmember	

MAYOR'S STATEMENT: At 6:30 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 16th day of August, 2019.

CLOSED SESSION - Resolution No. CS 08 19 2019

1. Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (Affordable Housing)
2. Matters Relating to Collective Bargaining Agreements (Collective Bargaining)

Mayor Petriello asked for a motion to adopt Resolution CS 08 19 2019 Authorizing Closed Session for purposes of discussing Matters Relating to Litigation, Negotiations and the Attorney-Client Privileges (Affordable Housing) and Collective Bargaining Agreements.

MOTIONED BY: Ms. Gillespie
SECONDED BY: Mr. Donnelly
VOTE: All in favor (Mr. Locatell not present yet)

**RESOLUTION NO. TCOA CS 08 19 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.

 X (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 6:31 p.m., Council entered into closed session.

At 7:34 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 7:35 p.m., the Official Action meeting began with a moment of silence and the flag salute.

DISCUSSION

Reports from Members of Council:

Ms. Napolitano advised she noticed that the American flags on Main Street were taken down. It was her recollection that Council had requested in the past that they stay up until

September 11th and asked that they stay up in the future until after September 11th. Mayor Petriello agreed with Ms. Napolitano's recollection and asked that the Department of Public Works be so advised.

Ms. Gillespie advised that she met with the State legislators about the Burlington County Energy Aggregation Program (that ended last December); the County is reinstating the program. She felt it may be worthwhile to have them update Council at a future meeting; Council agreed. She advised if the Township is interested, it has to send a letter in by February; she will work on it. Ms. Gillespie advised that the State legislators will have local mobile hours on September 7th at 1000 North Church Street mainly focused on seniors who want to take advantage of the property tax freeze; assistance filling out the forms will be available.

Mayor Petriello reminded all about the food truck event on Wednesday, as well as, the Appearance Committee meeting to be held on Wednesday.

Mayor Petriello read the upcoming meetings aloud:

1. Upcoming Meeting(s) Municipal Complex – 111 West Second Street
 - a. September 9, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)
 - b. September 23, 2019 - 7:00 p.m. (Workshop) 7:30 p.m. (Official Action) (Council Chambers)

2. Agenda Updates, if necessary: Mr. Aberant advised that, in light of Council's discussion concerning Ordinance 18-2019 (n closed session), Resolution 145-2019 should not be acted upon this evening.

Mayor Petriello asked for a motion to amend the agenda.

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

Mayor Petriello asked for a motion to remove Resolution 145-2019 from the agenda.

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

3. Adopting Consent Agenda Resolution No. CA 08 19 2019: Mayor Petriello asked for a motion to adopt the consent agenda resolution.

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

**RESOLUTION APPROVING CONSENT AGENDA
CA 08 19 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: - Moorestown High School procession of a student Homecoming Court down Main Street

Drew Siebel, Moorestown High School Principal, introduced himself. He said he was present to request a one-hour closure of Main Street on Saturday, October 26, 2019 for the procession of the homecoming court. He advised that it is their goal to create a traditional home-style event by including the entire community. He advised that he has spoken with Mr. Neff and Chief Lieber and he will work with the Chief of Police on the planning. Mr. Siebel provided a handout of a map (starting at Chester Avenue and ending at Church Street). Upon questioning by the Mayor, Mr. Siebel advised there are couples from each grade, approximately ten couples paired off. Riding in open-air vehicles, the students are recognized as they progress down Main Street, along with people walking with banners, etc. Thereafter, activities will be held back at the high school. He also advised that it is the speed variation (between normal traffic and parade traffic) and other safety issues which calls for the closing of the street. He advised that set up by the police may begin one to one and a half hours prior to the start of the procession. Mr. Locatell expressed his support. Ms. Gillespie noted that it is near the Halloween parade and suggested thought be given to combining the two events next year. Mayor Petriello asked questions; Mr. Siebel answered same. Mr. Donnelly encouraged Mr. Siebel to communicate with the

Moorestown Business Association (MBA). Ms. Gillespie said that sometimes it is a burden on the businesses on Main Street when the street is closed; that is her only hesitation, but if Mr. Siebel works with the MBA, it will be okay. There being no objection, Mr. Neff advised that the street closing resolution will be placed on the next agenda.

MATTERS OF AFFORDABLE HOUSING

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 18-2019 on second reading by title.

1. 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 advised that Council is exploring another option and will not take final action tonight, but will be opening the public hearing. An unidentified person from the audience stood and asked for a point of clarification. He asked if there will be a hearing again or is this the only opportunity to provide public comment. Mr. Aberant advised that Council is looking at another potential location; and to the extent that becomes feasible, this ordinance will ultimately be tabled. In any case, the public hearing needs to be opened this evening, and after all comments, the hearing will be continued to September 9th; no action will be taken tonight.

Mayor Petriello opened the public hearing.

Harold Ruff, 216 Pleasant Valley Avenue, provided a brief history of his 50+ years in Moorestown. He advised that he is in favor of low-income housing; he is not in favor of the proposed location due to the current high volume of traffic on that road. He said a 2014 study indicated the same; the road was recently improved, the centerline is not in the center of the road (it is closer to his house) and he is afraid of being hit by a car when he checks his mail; the problems associated with the intersection on Route 38; and his and his neighbors' home values depreciating.

Gregory Lane, Winding Way, advised that he is a member of the Residents Action Coalition (Coalition). He said he supports affordable housing, but to continue with this site is willful and wanton (creating a community that the only characteristic is low income); it is separated from any other residential zone; it separated from the rest of the town by a major highway; pedestrian safety; negative traffic impact on Pleasant Valley Avenue and Route 38; proceeding without a legitimate traffic study); disregard of the master plan and established zoning practice (setbacks); the financial deal for the developer). He felt Council was forging blindly ahead to get approval of the site. He asked it take time to study it properly; there are a lot of issues.

Mayor Petriello asked for clarification on the 45-year deed restriction. Mr. Aberant advised that, while not a foregone conclusion, there will be a right to extend those affordability controls.

Erin Nowak, 201 Haines Drive, member of the Coalition, thanked Council for its further exploration into the affordable housing site. She thanked the residents for coming out. She read aloud the Coalition's goals, objectives (including full integration into the town) and intentions to hold Council accountable. She said, we have a community engaged to make sure new residents are not out of place. Ms. Nowak advised that, based upon her research, the Township has a five-percent chance of receiving tax credits in September and only need-based towns will receive tax credits beginning next year. She also advised that the 2014 traffic study is conclusive; in 2014, the Township was unable to make improvements to the intersection (Route 38 and Pleasant Valley) due to environmental constraints and same is not going to change; it is a dangerous intersection.

Kerry Brown, 193 Ramblewood Road, former Planning Board member, thanked Council for volunteering its time. He expressed his dismay with the ordinance providing for twenty-foot setbacks (from fifty feet); the location of the site due to the heavy volume of traffic; and the fact that the residents will not be able to walk. He felt revising the setbacks will be setting precedence. He hoped the alternative site is in a community (not outside of the community).

Joe DeLorenzo, 224 Winding Way, member of the Coalition, advised that the Coalition is asking Council to delay its decision on the Miles site. He noted that he was impressed that Council has delayed the ordinance to consider another option. Mr. DeLorenzo cited certain members' campaign promises. He advised that they do not oppose low income housing; basically, they object to the site; he set forth his reasons, which included costs associated with upgrading the infrastructure; the dangerous intersection; and public safety. Finding Council's potential action to be reckless, he said Council will be exposing itself and the residents. He expressed his concern with the fact that the residents were not made aware of the fact that Resolution 145-2019 would be removed from the agenda and he hoped future agendas will put the residents on fair notice.

Mr. DeLorenzo felt that action to move forward with the Miles site will change the fabric of the community forever. He felt that Council is acting under duress and pressure; noting good faith efforts are part of the law too. He said the Pennrose site was not properly vetted and that is why the Township is being sued.

Monique Begg, 209 Parry Drive, advised that the parents of the children she sees regularly in the Friends Enrichment Program are financially disadvantaged. They feel the people of the town do not like them. She noted the opposition they face regularly. She felt that someone needs to speak up for them; they have the right to live here. She said no matter where Council chooses to place affordable housing the people will come out against it. She preferred the Miles site over the Pennrose site.

Greg Newcomer, 235 Fellowship Road, thanked Council for its work. He advised that the Township's obligation last year started at 6,000 units, a tremendous load on the town. He spoke in favor of the Miles site and potential developer. He advised that the project must contain all 76 units. There is a lot of history and things to understand. He supported a better alternative and thanked Council for looking.

Sage Clayton, 163 Forest Road, complimented Ms. Hunt. Ms. Clayton advised that she qualified for low income housing most of her life. She felt Council should consider a new site. Ms. Clayton asked if there will be a Royal Farms on Route 38. Mr. Locatell said no, there will be a learning center on the site she was referring to. Ms. Sage asked who pays the taxes if and when Miles sells the site. Mr. Aberant advised that is somewhat complicated to answer, but that with development of a site such as this, a payment in lieu of taxes agreement would be entered into; it's a different formula and not the same as a tax bill that the residents receive.

George Prutting, 265 Springhouse Lane, felt Council picked the Miles site pretty quickly and asked how long it has been looking at the new (unnamed) site, questioning whether there has been/will be enough time to properly vet. Mr. Locatell said the alternate site is promising and there are things that need to be vetted and negotiated by Council's next meeting. He confirmed that, should Council pivot (to the alternate site), it will have to get the settlement agreement amended. Upon questioning, he advised that the Township is negotiating with the property owner and potential developer. Mr. Locatell advised that the rush with the Miles site was the tax credit application deadline. That is not a point of urgency now. He felt Council should know how it will be moving forward by the next Council meeting.

Leslie Lane, 232 Winding Way, advised that in the past twenty-seven years, traffic has gone up exponentially. She advised of her concerns at the intersection. She reiterated her questions to Mr. DelDuca at the last meeting and noted how she was not satisfied with the answers. She requested Council provide for a one-hundred year deed restriction on the property as opposed to the forty-five year deed restriction. She expressed her concerns to Council. She asked why the Township is not purchasing single-family homes instead of paying developers. Mayor Petriello advised on how this is one part of the plan. Ms. Lane expressed her support for affordable housing, but opposition to the site finding that the site does not lend to the people joining in the community, but it provides for segregation along a commercial corridor. Ms. Lane suggested increasing the density on the SBAR site. Mr. Locatell and Ms. Gillespie advised why same was not feasible. Ms. Lane urged Council find an alternate site.

Craig Roberts, 345 Springhouse Lane, spoke of seamlessly integrating affordable housing as opposed to forcing people on the other side of the tracks. He urged Council to make any project inclusive within the community so the people can take responsibility and ownership in the community.

Michael D'Angelo, 239 Winding Way, provided a history of affordable housing projects he has been involved with. He said he was always taught you give back to the community what you get out of it. He said they are not against anyone. There is a great concern about the

children's safety at the intersection and the setbacks. He felt that the New Jersey Department of Transportation (NJDOT) could widen the road anytime it feels like it.

Mayor Petriello asked for discussion by Council. None.

Mayor Petriello asked for a motion to continue the public hearing until September 9, 2019 at 7:30 p.m.

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

RESOLUTIONS: None. (Resolution 145-2019 *Resolution Of The Township Council Of The Township Of Moorestown Setting Forth Reasons For Adopting Ordinance 18-2019 Notwithstanding The Planning Board's Finding Of Inconsistency With The Master Plan* was removed from the agenda.)

ORDINANCES ON SECOND READING: The Township Manager read Ordinance 20-2019 on second reading by title.

1. 20-2019 AN ORDINANCE AMENDING CHAPTER 168-62 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "TRUCKS OVER CERTAIN WEIGHTS EXCLUDED"

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

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Gillespie
VOTE: All in favor, with the exception Mr. Donnelly who had stepped out of the meeting for a moment.

Mayor Petriello asked for discussion by Council. There was none.

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

MOTIONED BY: Mr. Locatell
SECONDED BY: Ms. Napolitano
ROLL CALL VOTE: All in favor, with the exception Mr. Donnelly who had stepped out of the meeting for a moment.

The Township Manager read Ordinance 22-2019 on second reading by title.

2. 22-2019 - AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 6 AND CHAPTER 158 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN REGARDING STREET TREES

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

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

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

Mayor Petriello asked for discussion by Council. There was none.

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

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

ORDINANCES ON FIRST READING: None.

NON-CONSENT AGENDA RESOLUTIONS: None.

Mr. Donnelly returned to the meeting

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

1.142-2019 AUTHORIZING THE CANCELLATION OF CERTAIN WATER AND SEWER CHARGES

2.143-2019 AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES

3.144-2019 AUTHORIZING THE TAX COLLECTOR TO CANCEL AND REFUND TAX OVERPAYMENTS

4.140-2019 AUTHORIZING THE EXPENDITURE OF \$27,996.98 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)

5.141-2019 AUTHORIZING THE EXPENDITURE OF \$17,024.18 FROM THE AFFORDABLE HOUSING TRUST FUND FOR CONSULTING SERVICES RELATED TO THE DEVELOPMENT AND IMPLEMENTATION OF A HOUSING PLAN FOR MOORESTOWN TOWNSHIP, BURLINGTON COUNTY (JEFFREY R. SURENIAN & ASSOCIATES, LLC)

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

Mayor Petriello asked for discussion by Council. There was none.

Mayor Petriello asked for a motion to adopt the resolutions.

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

OLD MATTERS PROPOSED TO EITHER BE TABLED OR CONTINUED: The Township Manager read Ordinance 9-2019 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 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 September 9, 2019 at 7:30 p.m.

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

The Township Manager read Ordinance 21-2019 by title.

21-2019 AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, NEW JERSEY APPROPRIATING \$1,500,000 AND AUTHORIZING THE ISSUANCE OF \$500,000 IN BONDS OR NOTES OF THE TOWNSHIP TO BE USED FOR THE LENOLA TOWN CENTER STREETScape IMPROVEMENT PROJECT TOGETHER WITH ALL RELATED EXPENSES

Mr. Neff advised that Council, at the last meeting, requested proof of an extension of time for certain timeframes and approval of the engineering grant by the federal government. He advised that the Township will receive federal approval of the engineering grant by next week; but, it has not received an official written extension, noting that same is not normally given.

Mayor Petriello opened the public hearing.

Roberta Scott, 303 Kenwood Drive, asked questions about the bond; same were answered.

Leslie Lane, 232 Winding Way, asked for clarification on the grant and whether same was in jeopardy. Ms. Napolitano advised. In closing, Mr. Neff advised that the Township is moving forward in good faith; he felt it unlikely that the Township would lose the grant, noting it was the NJDOT who suggested use of one of their pooled engineers, the cost of which is refundable through a grant; and that is the cause of the delay. A brief discussion ensued.

Mayor Petriello asked for a motion to continue the public hearing until September 9, 2019 at 7:30 p.m.

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

MINUTES: Mayor Petriello asked for comment or a motion to approve the minutes.

1. July 22, 2019 Regular and Closed Session
2. August 5, 2019 Regular and Closed Session

MOTIONED BY: Ms. Gillespie
SECONDED BY: Mr. Locatell
ROLL CALL VOTE: All in favor, with the exception of Mayor Petriello, who abstained on the August 5, 2019 minutes.

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):

Pamela Richards, 304 Colonial Avenue, felt there needs to be a Mayor's or Manager's report or Planning document because residents attend meetings and then never hear about the issues discussed again. She asked what happened with the girls' softball field(s). Several months ago there was discussion on new fields and lights or better to renovate existing fields. Mr. Neff advised that after that meeting, a preliminary engineer's report was done to see if the drainage could be improved. He received the draft report last week. He said after it has been thoroughly reviewed, it will be shared with Council and the softball association. Ms. Richards suggested providing an update on matters as they move along. Ms. Richards questioned how it is that a judge can rule on affordable housing on the county and town he resides in. She asked how

that is not a conflict. Mr. Aberant suggested she ask the judge next time she sees him. Mr. Donnelly advised that Pennrose can request that the judge recuse himself.

Greg Newcomer, 235 Fellowship Road, advised that when he was on the Appearance Committee (about 15 years ago), the committee prepared a layout of Lenola Road. He noted that the engineer on the Lenola Improvement Project will be paid for by a grant, saving the Township money and that was Council's intent with its appointment. He felt that the engineer will serve the Township good due to its experience with state and federal grants. He agreed with Council's decision. He commended Mr. Neff, the DPW and the police.

Paul Conlow, 444 North Church Street, advised that the Township has spent \$664,000 in professional fees in connection with affordable housing. He asked how much money was in the trust fund; Mr. Zappasodi said \$1.2 million. Mr. Conlow asked questions about the trust fund; they were answered. Mr. Conlow asked questions about Pennrose and the Pennrose site. He was advised that the Township is not being sued by Pennrose and the Pennrose site is no longer a part of the Township's plan. They still have a pending lawsuit against the residents (trying to get the restrictive covenant lifted). Mr. Aberant advised that once the Township has compliance status, it can revisit the rezoning of the Pennrose site. Discussion was held on the Nagle tract. Ms. Gillespie advised that the Township will give the land to the developer and there will be a thirty-percent set aside for affordable housing on the land. Mayor Petriello noted that the tract is not on a transportation route. Discussion on what is needed for one-hundred percent tax credit was had. Mr. Locatell said the judge ordered the Township to find an alternate site (moving the seventy-five units together). Ms. Gillespie said there are very few sites where the tax credit criteria can be met.

Tammy Maver, 149 West Maple Avenue, asked what is the proposed plan for traffic on Maple Avenue and Dawson Street and Maple Avenue and Church Street. Ms. Gillespie advised that she and the Mayor have met with the County Freeholders and County Engineers in furtherance of the residents' request(s) to have the speed limit lowered. Council just received a memorandum from the County with options. Ms. Maver expressed her shock at the high rate of speed people travel on Maple Avenue and suggested posting the speed indicator sign there for a while (like it was on North Church Street) because it was effective in slowing people down.

Kathy and Fred Sutherland, 417 North Church Street, asked for a status on the speed discussion with the County. Ms. Gillespie advised that Council just received a memorandum and has not had a chance to review it yet. Ms. Sutherland wanted to ensure that discussion continue; Ms. Gillespie agreed. Ms. Sutherland asked if the alternate site spoken about (for affordable housing) was the Pennrose site. Mr. Locatell said not the original Pennrose site. In response to her questions, Mr. Aberant advised that that Pennrose is not suing the Township for damages; it is a party to the declaratory judgment. Ms. Sutherland advised that Judge Bookbinder cited some law on conflict of interest in addressing the residency conflict of interest question raised and he found there was no conflict. With regard to earlier comments, she did not feel that kids would be crossing Route 38 nor did she think people across Route 38 would feel segregated from the rest of the town. She did not want to see builders' remedy as a result. She felt it was a case of NIMBY. She commended Mr. Raviko, a Moorestown developer. Mr. Sutherland suggested

Council expound upon builders' remedy and the detriment same could have along with taxes increasing. Mr. Sutherland suggested installing a walking path like guardrail, like the one on Westfield Road, on Pleasant Valley.

Leslie Lane, 232 Winding Way, said she read in the Moorestown Sun that Council was going out to referendum on the proposed school expansion. She was advised that same was the Board of Education, not Council.

Gregory Lane, 232 Winding Way, took exception to comments inferring that the opposition to the Miles site was NIMBY (not in my back yard) syndrome.

CLOSING COMMENTS BY COUNCIL:

Ms. Napolitano promised Council would keep working on the solution noting it is a complicated issue.

Ms. Gillespie thanked all for attending. She advised that Council does not choose lightly to go into closed session and that it is limited as to what it can discuss in public. She assured everyone that Council is trying to do the right thing.

Mr. Donnelly echoed Ms. Gillespie's comments. He said that prior, to 6:35 p.m. this evening, he was not presented with an alternative site. He further noted that if the Township does not have an alternative site, it will open itself up to builders remedy lawsuits. An alternate site is part of the settlement; there is no choice. He noted how the process moves quickly.

Mayor Petriello said the affordable housing process is complicated and a fluid process. Council shares what it can; if there is something someone wants to know, ask and if Council is able, it will answer the question(s). She said that Council is trying to protect the town and residents.

All thanked everyone for attending and their input.

ADJOURNMENT: At 9:54 p.m., there being no further business, a motion was made to adjourn.

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

PATRICIA L. HUNT, RMC
Township Clerk