

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
JANUARY 26, 2010**

This meeting was called to order by Mary Canesi, Municipal Clerk. It was properly advertised according to Public Law 1975, Chapter 231.

The flag salute was led by Mayor Vincent Mazzeo. Following the flag salute a moment of silence was observed.

**ROLL CALL**

Present: Mrs. Kern, Mr. Martinez, Mr. O’Grady, Mr. Perri, Mr. Smith, Mr. Vain, Mr. Carew

City Solicitor Keith Bonchi and City Engineer Matt Doran were also in attendance.

**7PM PUBLIC HEARING – BOND ORDINANCE**

On a motion of Councilman Vain, second of Councilman O’Grady, all in favor of reading Ordinance 1-2010 by title only.

**1-2010** Bond Ordinance Appropriating One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) And Authorizing The Issuance Of One Million Three Hundred Seventy-Seven Thousand Five Hundred Dollars (\$1,377,500) In Bonds Or Notes Of The City Of Northfield For Various Improvements Or Purposes Authorized To Be Undertaken By The City Of Northfield, In The County Of Atlantic, New Jersey  
*Final Adoption/Open to the Public*  
*Published in the Press with Statement 01/30/2010*

The Municipal Clerk read the ordinance by title, and acknowledged the receipt by the Division of Local Government Services of the requisite supplemental debt statement.

Council President Carew opened the public hearing.

Peri Pantazes, 1 Madison Avenue, asked for an update on County-related drainage work. City Engineer Doran responded that County Engineer Dabundo said the design is almost complete. Pantazes asked if further county approval is required. Carew explained that the County is doing the work on Mill Road, and that the size of underground system required is as of yet unknown. Pantazes stated the portion of the bond that involves fencing should be deleted; \$38,000 is too much and she suggested the public do it ‘Tom Sawyer’ style.

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Jim Leeds, 35 Northfield Plaza, asked that Council vote 'yes' on the ordinance. The fields have greatly improved since he first became involved, with a lot of volunteer man hours and a lot of private money spent by Little League. The existing back stop at the senior league field is rusted out and at least 25 years old; it is not safe and hasn't been for a few years. Some of the fencing is at least 20 years old and has outlived its useful life. Lights go out regularly during games when breakers overheat, which is another safety concern.

Eric Carrier, 606 West Mill Road, supports the bond ordinance. His home has flooded twice and he is out of pocket \$25,000 or more. He asked what will be done to address the corner of Mill and Zion Roads. Carew responded, explaining that Carrier's home is near the Hollywood and Pasadena area, which is one of the top priorities. Carrier asked if the County could become involved; Doran replied that if there is any relief, it should come from the County as both are County roads

Lee Wasman, 2303 Oak Avenue, supports the ordinance in its entirety. He has been involved in Little League for 7 years and for the past 2 has been safety officer. He said he echoes the sentiments of Mr. Leeds, adding that now is the appropriate time to do the work as due to economy cost of labor and materials is favorable.

Tom Evans, 400 Davis Avenue, supports the ordinance and implored Councilmen Martinez and Perri to vote in favor. He said he can't take the flooding any more.

Robert Walsh, 4 Madison Avenue, asked if Council was aware of flooding on Madison Avenue last year. He presented a document to Council President Carew that he claimed indicated the repairs were turned down last year. Carew responded, clarifying that the document is the engineer's proposed capital budget and was not something that was or would be voted on by Council. Mayor Mazzeo explained the capital budget process, adding that last year Council decided to spend \$500k based on budgetary concerns. Mazzeo also explained the 3 year capital plan that is included in each year's budget, and outlined efforts to address drainage problems over the past few years.

Greg Hull, 3 Madison Avenue asked for clarification of what the County is doing and who is paying for it. Doran responded. Hull asked for specifics of what is being done directly to Madison Avenue. Carew replied that there will be a new system to tie into Mill Road; a small pump station may be required due to elevation changes. Hull asked for patch work to the paving on his street. Carew asked Doran to look at the paving. Hull asked if the items in the bond ordinance were voted on individually outside of the vote on the bond ordinance. Carew explained how capital projects are derived.

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Nick Droboniku, 3 Northfield Plaza, President of Northfield Little League, explained the necessity of the fencing and said backstop issues are a genuine safety concerns. The electrical service panel needs to be upgraded. If the ordinance does not pass tonight, the City will have to start over. The drainage needs to be fixed.

Frank McGlynn, 128 East Oakcrest Avenue, said a lot of work at fields is done with volunteer labor and with out of pocket money from volunteers. The fields need the bond; he supports fixing the drainage as well.

Craig Tanzola, 10 Magnolia Court, wants Council to pledge that the electrical panel will be fixed. If fencing and the electrical panel cannot both be done, the electrical panel needs to be done first. He added that last year's reduced capital was necessary or the Mainland High school referendum would not have passed. Carew explained that the electrical will be done by volunteers, led by Carew.

Seeing no others wishing to speak, President Carew closed the public session.

Councilwoman Kern explained the capital budget process, adding that residents make requests of Council all the time, but everything can't be done, all the time. She said projects should not be pitted against each other; we are all working for all of the residents of the town.

Councilman Martinez thanked Mr. DeWeese for meeting him at the fields to go over the safety issues, and thanked the volunteers for their time spent working on the fields as well. He said he recommended spreading out the money to fix flooding problems over a 3 to 5 year plan due to economic concerns, and said we have a responsibility to all taxpayers. All of the projects in the bond will not get done in 2010; regarding fields the money to make the repairs should come from buildings and grounds. Most residents will see a tax increase as a result of the revaluation.

Councilman Perri said surplus for the year is unknown; the tax rate is unknown and debt service is unknown. He said the City needs to know what our finances are before money is spent. The current economic state warrants not passing the ordinance. He said he is not against fixing drainage.

Roll call: Mrs. Kern – yes; Mr. Martinez – no; Mr. O'Grady – yes; Mr. Perri – no; Mr. Smith – yes; Mr. Vain – yes; Mr. Carew – yes. Motion carries for final adoption of Ordinance 1-2010.

President Carew announced a 5 minute recess.

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**AGENDA REVIEW**

President Carew reviewed the agenda.

**READING AND APPROVAL OF MINUTES**

Motion by Councilman Martinez, second by Councilwoman Kern, to dispense with the reading of the minutes of January 5, 2010. They have been posted, distributed to Council and are on file in the Municipal Clerk's Office. Councilman Perri noted an amendment to the minutes regarding his statement after being sworn in. The Municipal Clerk will reflect the change in the approved copy. All present in favor, motion carries for approval of minutes.

**COMMITTEE REPORTS**

Councilman Martinez attended the 1<sup>st</sup> Allsports meeting and was presented with a proposal for field maintenance for Council's review. At the recent meeting of the Planning Board Matt Doran was reappointed as Planning Board Engineer. President Carew suggested that Martinez meet with Councilwoman Kern, Chairperson for Buildings and Grounds, about field maintenance. Martinez invited her to the next meeting.

Councilman Perri said the sewer interlocal committee will meet at 11am Tuesday, and they'll schedule to meet with Linwood next week. Perri reached out to the American Legion to initiate dialogue; they've asked for assistance with building maintenance. Perri spoke with the Mayor and they made suggestions such as fund raisers or events to help. The Legion has been in Northfield for many years, and has asked that as a worst case scenario that the City take over the building and let them use space free of charge. Perri said he's received complaints about street maintenance and lot flooding, and asked for protocol. Carew responded that complaints be referred to the department chair. Mayor Mazzeo said he'd like to set up a meeting to discuss options for the American Legion, and will report back to council.

Councilman Vain said he and Robbie Dollard are working on utilizing the \$41,000 in funding awarded through the safe routes to schools grant. He had a 2<sup>nd</sup> meeting with Chief James and NCS Superintendent Dr. Fipp to discuss a festival, tentatively scheduled for May 22<sup>nd</sup>, to coincide with Dare Day. Vain is looking for volunteers from the community, and said to call or email him if interested. The speed hump at Shepherd Drive will go in when the weather breaks.

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Councilwoman Kern said the Cultural Committee's semi-annual yard sale and community day will be in March. She asked the Committee and the Garden Club, if they wanted to participate in putting shrubbery and flowers around the new Northfield sign at Tilton Road. They are very interested and will get back to Kern. There will be a senior breakfast sponsored by the Municipal Alliance on February 10<sup>th</sup>; Kern said will reach out to Councilman Perri to discuss other possible senior projects the Alliance may sponsor. There was a very successful Coaches Dinner a few months ago; dates are to follow for a repeat of this event. Shared court is going very well. Kern said she got a call from a gentleman whose 4th grade daughter wanted to collect 1,000 teddy bears for children in Haiti; she's already collected more than her goal and Kern asked for any resident who is interested in donating a bear to contact the Municipal Clerk. Council President Carew asked those in attendance from local media to report the teddy bear story.

Councilman Smith said the City will be setting budget meetings for month of February, and provided statistics for the fire department report for the month of December, as well as for the year 2009. Paramedic level service will be going into 24/7 operation as of January 21<sup>st</sup>. Smith said he reached out to Linwood about having the schools in the two Cities share services for treatment of grounds, adding that Somers Point may be involved as well.

Councilman O'Grady suggested adjusting the timing of the traffic light at Cedarbridge and Zion Roads as a solution for alleviating cut-through traffic on Shepherd Drive. Doran said he would write a letter to the State DOT. O'Grady said the Green Team had its 1<sup>st</sup> meeting to establish goals and objectives including reducing operating expenses, creating revenue stream with renewable energy credits and getting sustainable jersey certification. He announced that cell phone recycling would be expanded to include a drop off box here at City Hall in the Clerk's office. He said he is excited that we are adopting the resolution to engage in the LED street light pilot program. O'Grady attended the Library meeting on January 14<sup>th</sup>, and listed upcoming library events. Their next meeting will be February 11<sup>th</sup>.

**MAYOR'S REPORT**

Mayor Mazzeo listed the recent reappointments to the Planning Board, and said Seth Brilliant was reappointed to the Library Board. He asked for a voice vote to approve the reappointments of Andrea Dickinson and Paul Gant to the Birch Grove Park Advisory Board. All in favor; none opposed. Mazzeo said the County is willing to do preliminary design work to put a left turn lane at Mill and New Roads. Our interlocal agreement with Egg Harbor Township for 911 dispatch service went up 4% in 2010, and is up at the end of this year. Linwood and Somers Point recently entered a shared service agreement for 911 dispatch, and suggested the City explore joining

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them for next year. Mazzeo said a deal has been negotiated with ACUA for a \$5 per ton decrease as of May 1<sup>st</sup> for the rest of the year. For the next 3 years, it will decrease by \$4, \$3, and \$2, respectively. In 2010 this will save \$15,000 and an agreement will have to be approved by Council. Mazzeo said he got an email from a resident about Officers Bentz and Ramsi complimenting them for their performance during an emergency situation. He read police department report for the month of December, and said the Oak Avenue settlement date is expected to be February 9th.

**COUNCIL PRESIDENT'S REPORT**

President Carew said he met with the architect designing the Birch Grove Park snack bar, and will meet with the Advisory Board on February 2<sup>nd</sup>. He hopes the snack bar project can go to bid February 16<sup>th</sup>, with bids to be returned March 12<sup>th</sup>, and hopefully awarded March 23<sup>rd</sup>. Carew said \$30,000 previously allotted for the gutter that we weren't able to do will be allocated to other Madison Avenue efforts. In the interim, we'll amend resolution 30-2010 to include an additional \$6000 for the design and inspection of the revised system on Madison to allow Doran to proceed. The new total for resolution 30-2010 is \$30,500.00. Resident Greg Hull again broached the poor condition of the paving on Madison Avenue. Doran advised that the Road Department can look at possible use of cold patch as an interim solution.

**ENGINEER'S REPORT**

The City Engineer's report was provided to Mayor and Council and is on file in the Municipal Clerk's office. City Engineer Matt Doran provided updates to the report as follows: it is hoped that the City can award the 2009 paving project at the February 23<sup>rd</sup> meeting.

Councilman Perri asked for an explanation of \$24,000 for sanitary sewer pump station at Hemsley, as listed in resolution 30-2010. Doran replied that it is an existing municipal system in need of repair. Perri asked for elaboration of the 2010 trails program; Carew responded that at the request of the JIF, some flat bridges over the lakes at Birch Grove Park were removed; this will recreate them. Mayor Mazzeo asked about a split guard rail at Putting Green and the bike path. Doran said it's on top of a water valve and has to be split to allow access; the only other alternatives are having NJ American Water move the valve or we move the rail, or install a removable plate to access the valve. Vain will ask public works to look at it.

**RESOLUTIONS/CONSENT AGENDA**

Councilwoman Kern motioned, Councilman Vain seconded for a consent agenda for resolutions 21-2010 through 35-2010, including the amendment to 30-2010.

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President Carew noted that 34-2010 and 35-2010 were to authorize Executive Sessions of Council, which will be held at the conclusion of the regular meeting. Carew called for an all in favor vote; Councilman Perri dissented but all others were in favor.

- 21-2010** To Establish Rates for Birch Grove Park
- 22-2010** Amending Resolution 6-2010, Northfield Cultural Committee Appointments
- 23-2010** A Resolution Authorizing City Of Northfield To Pay Employee Pension Payments To The Public Employees' Retirement System As To Randy Dennis For The Time Periods Randy Dennis Was And Is Collecting Permanent Worker's Compensation Benefits
- 24-2010** A Resolution Confirming the Reappointment of Judge Henry Broome as Municipal Court Judge for the City of Northfield
- 25-2010** Annual Appointment of Public Agency Compliance Officer
- 26-2010** Authorizing Release of Performance Guarantee and Remaining Cash Guarantee, and Posting Of Maintenance Guarantee For Block 78, Lots 14
- 27-2010** Authorizing 2010 Temporary Capital Budget
- 28-2010** Cancellation of Tax Sale Certificate # 09000125
- 29-2010** Award of Contract Professional Services
- 30-2010** Authorizing Doran to Proceed
- 31-2010** Authorizing the Mayor of the City of Northfield to Endorse the Check from the County of Atlantic for the Purchase of 1913 Oak Avenue
- 32-2010** Establishing the Easter Egg Hunt at Birch Grove Park as a City Event Sponsored by the Northfield Mother's League
- 33-2010** Authorizing the Mayor of the City of Northfield to Execute a Memorandum of Understanding with AC Electric for Participation in a Temporary, Pilot, LED Streetlight Program

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**34-2010** A Resolution Providing For An Executive Session Not Open To The Public In Accordance With The Provisions Of The New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 Regarding Pending Litigation In The Matter Of Jack Trocki Development Co., LLC v City Of Northfield, Et Al, Docket No. Atl-C1130-09 – Status Update

**35-2010** A Resolution Providing For An Executive Session Not Open To The Public In Accordance With The Provisions Of The New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 Regarding Pending Litigation In The Matter Of Jack Trocki Development Co., LLC v City Of Northfield, Et Al, Docket No. Atl-C1130-09 – Discussion of Reservation of Rights Letter

Councilwoman Kern motioned, Councilman Vain seconded to adopt Resolutions 21-2010 through 35-2010. Councilman Smith announced he would be abstaining from the vote on resolution 29-2010.

Roll call: Mrs. Kern – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Perri – no; Mr. Smith – yes; Mr. Vain – yes; Mr. Carew – yes. Motion carries.

**ORDINANCES**

On a motion of Councilman O’Grady, second of Councilman Vain, all in favor of reading Ordinance 2-2010 by title only.

**2-2010** An Ordinance Amending Chapter 73 of the Code of the City of Northfield Entitled Housing  
*Introduction/No Public Input/Published in the Press 1/30/2010*  
*Public Hearing/Final Adoption 2/09/2010*

Roll call: Mrs. Kern – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Perri – yes; Mr. Smith – yes; Mr. Vain – yes; Mr. Carew – yes. Motion carries of for introduction of Ordinance 2-2010.

**PAYMENT OF BILLS**

Councilman Vain motioned, Councilman Martinez seconded, for payment of bills in the amount of \$ 4,229,852.71. Councilmen Smith and Vain, and Councilwoman Kern announced their abstentions from certain line items on the bill list. Councilman Perri questioned the amount of legal fees this early in the year; Solicitor Bonchi replied that the bulk is probably related to Burton Estates but that he does not have that figure in front of him.



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Roll call: Mrs. Kern – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Perri – yes; Mr. Smith – yes; Mr. Vain – yes; Mr. Carew – yes. Motion carries for payment of bills.

**PUBLIC SESSION**

Council President Carew opened this meeting to the public and asked if anyone from the public wished to speak.

Irv McCreight, 2319 Merritt Drive, questioned the necessity of a speed bump on Shepherd in terms of cost-benefit, and asked for a specific location. Vain replied that the hump is already paid for and explained where it will go. Chief James and Councilman Vain both said it is difficult to get residents to agree to have one of the devices placed in front of their homes. Discussion ensued with regard to other possible locations; Mayor Mazzeo suggested a plan for speed humps, saying he wants to be sure we don't put too many. McCreight asked about freezing taxes for seniors. Vain replied that the State has program for a senior freeze, and Bonchi added that the City does not have the authority at the local level to freeze taxes for seniors.

Laura Murphy, 210 West Mill Road, said there have been 25 accidents at her corner since 2001. Recently a car hit her house, and in 2007 a 5 car accident totaled 2 of her own cars as they sat in her driveway. Vain offered to visit the location with Chief James; James said he is working on a letter to ask the County to look at the intersection. Mayor Mazzeo suggested the use of larger stop signs, as have been used in the past. Vain said he will work with the road department and Chief James on a possible solution.

Ann Bonchi, Cedarbridge Road; thanked for council for approving resolution 32-2010. She also thanked them for the sidewalks on Cedarbridge Road.

Ray Adams, 238 Mt Vernon Avenue asked if the paving project on his street from Shore Road to Fuae Avenue is complete, and asked if the rest of the street will be done this year. President Carew said the rest will be done this year, and that the City is not satisfied with the work done thus far, and no bills have been paid. Adams said there are no stripes; can something be put in place? Doran will investigate. Adams asked if Medic 10 is permanently scheduled in Northfield. Councilman Smith said that is his understanding.

Seeing no one else from the public wishing to speak, President Carew closed the public session.

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Councilman Smith read the meeting notices.

**EXECUTIVE SESSION OF COUNCIL**

The Municipal Clerk read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council, and read Resolution 34-2010 by title. City Engineer Matt Doran remained in attendance.

**34-2010** A Resolution Providing For An Executive Session Not Open To The Public In Accordance With The Provisions Of The New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 Regarding Pending Litigation In The Matter Of Jack Trocki Development Co., LLC v City Of Northfield, Et Al, Docket No. Atl-C1130-09 – Status Update

Solicitor Bonchi said this Executive Session will be held to provide Council with an update with regard to a settlement proposal that was made by Dr. Trocki after the Judge denied the preliminary injunction. No portion of this meeting can be made public until any potential litigation is over, the case is completely resolved, and at that point in time, part of it, depending on what it is, may become public.

At 9:09pm, Council entered closed session; they remained in Council chambers. At 9:28pm, on motions properly made and seconded, the closed session was adjourned and Bonchi announced a summary for the record as follows: he provided a status update with regard to the litigation and read the actual settlement proposal from Dr. Trocki, and answered various questions related to the matter. Questions were posed to the City Engineer on the proposal. There will be a vote later on during public session.

**EXECUTIVE SESSION OF COUNCIL**

The Municipal Clerk read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council, and read Resolution 35-2010 by title.

**35-2010** A Resolution Providing For An Executive Session Not Open To The Public In Accordance With The Provisions Of The New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 Regarding Pending Litigation In The Matter Of Jack Trocki Development Co., LLC v City Of Northfield, Et Al, Docket No. Atl-C1130-09 – Discussion of Reservation of Rights Letter

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Solicitor Bonchi said the City received a proposal from the MEL related to coverage on this issue and a buy-out of coverage proposal, and that is what is going to be discussed in this Executive Session. No portion of this meeting can be made public until any potential litigation is over, the case is completely resolved, and at that point in time, part of it, depending on what it is, may become public.

At 9:30pm, Council entered closed session; they remained in Council chambers. At 9:36pm, on motions properly made and seconded, the closed session was adjourned and Bonchi announced a summary for the record as follows: during the executive session, correspondence dated December 30, 2009 from John Dorsey, MEL attorney, was discussed. This included a reservation of rights letter in the Trocki v City of Northfield litigation and a proposal for them to buy us out of the limited coverage they would offer. The cover letter indicated an amount of \$5,000.00 and the release had a figure of \$10,000.00. The City will have to vote on the matter of accepting the proposal or not. Bonchi recommends that we reserve our right to request that the MEL defend us if Trocki amends his complaint.

**RESOLUTION 34-2010**

Councilman Vain motioned, O'Grady seconded, to reject the settlement offer proposed by Dr. Trocki, as discussed in Executive Session authorized by resolution 34-2010.

Roll call: Mrs. Kern – yes; Mr. Martinez – yes; Mr. O'Grady – yes; Mr. Perri – abstain; Mr. Smith – abstain; Mr. Vain – yes; Mr. Carew – yes. Motion carries.

**RESOLUTION 35-2010**

Councilman Vain motioned, Smith seconded, to accept the buy-out option proposed by the MEL, as discussed in Executive Session authorized by resolution 35-2010, with the City reserving its right to request coverage if Dr. Trocki amends his complaint.

Roll call: Mrs. Kern – yes; Mr. Martinez – yes; Mr. O'Grady – yes; Mr. Perri – abstain; Mr. Smith – yes; Mr. Vain – yes; Mr. Carew – yes. Motion carries.

At 9:41pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk