

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
OCTOBER 20, 2009**

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, there was a moment of silence; as Veteran's Day approaches, we must recognize this day for those who serve during peace time, and for those who served to fight for our freedom.

ROLL CALL

Present: Mr. Carew, Mr. Martinez, Mr. O'Grady, Mr. Smith, Mr. Turon, Mr. Vain and Mrs. Kern

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

AGENDA REVIEW

President Kern reviewed the agenda.

READING AND APPROVAL OF MINUTES

Motion by Councilman Turon, second by Councilman Carew, to dispense with the reading of the minutes of October 6, 2009. They have been posted, distributed to Council and are on file in the Municipal Clerk's Office. All present in favor, motion carries for approval of minutes.

FORMATION OF NEW COMMITTEE FOR DRAINAGE INVESTIGATION

President Kern announced the formation of a new committee to address drainage issues. She noted the receipt of the flood investigation report from Matt Doran and thanked him. It is a lengthy report and he will review it during the Engineer's Report. Kern wants to form a committee to review the options; she doesn't think Council can make a decision tonight about which option to take or how we'd pay for it. She also said she wanted to have a special meeting of Council for discussion of 2010 capital projects.

Mayor Mazzeo asked if the Drainage Committee would meet first, and the special meeting would be scheduled afterward; Kern affirmed. Kern asked for volunteers for the committee. Carew, Mazzeo, and Vain volunteered. Kern said she emailed Jim Clark to invite him to participate on the committee but she did not hear back from him yet.

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COMMITTEE REPORTS

Councilman Martinez referred to Resolution 180-2009, and said he is happy we are able to move forward with the Oak avenue property. He thanked Mayor and Council for their hard work in pursuing the purchase, adding that this property could possibly help with flooding relief.

President Kern said Solicitor Bonchi wrote a letter to the County asking if we can use the property for drainage. Bonchi added that we've learned that we can use part of the property for drainage if we didn't take the 25% reimbursement. We are waiting to hear back from the County, but it is in the process. Martinez asked for clarification. Bonchi explained that if we use Green Acres money to purchase the entire tract we can't use any of it for water. If we somehow come up with a plan to use a portion of it, then they will not fund that portion. Councilman Carew stated that through proper planning this is how we get things done and make good things happen; the extra two months worked in our favor. Mayor Mazzeo asked if a portion is used for drainage, can we go to settlement before the deed restrictions are resolved. Bonchi replied that he does not know but recommends that deed restrictions be in place before settlement. He added that he doesn't know if they'll advance the money in this case. Mazzeo said he wants to get the sellers out of the picture and then let the City do what it needs to do. Bonchi reiterated that he's not sure; he can call the County and find out where we stand and then provide a better answer.

Councilman Vain inquired about the environmental clean-up that occurred on the site; if we put water there, and it goes into the ground, is it clean? Mazzeo explained how the clean-up was done; all contaminated soil was removed and replaced. Vain asked if Council was confident that it won't be contaminated water if we use it for drainage. Bonchi explained the 'no further action' letter provision. Mazzeo also explained how Green Acres money can be used for soft costs; securing this funding involved enduring many hurdles, but it was a good thing.

Councilman Turon announced that over the last week the Fire Department was at NCS visiting five hundred K-4th graders teaching fire safety. This week they will be visiting grades K-2. On Saturday, Ace Hardware had their Customer Appreciation Day and the Fire Department was invited to attend and shared in some of the proceeds of the sales that day.

Councilman Vain announced that Atlantic County's census headquarters will be in Northfield this time around, in the FedEx/Kinko's building on Tilton Road; it was in Vineland during the last census. There are employment opportunities with the census; information is available on the table in the City Hall foyer, from the City

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Clerk, or by calling 866-861-2010. Vain said the census' Regional Director will be visiting Council on November 17th to give a brief overview. Results from the traffic counter on Shepherd Drive should be available for the next meeting. Council received an email advising that the bid opening for the Madison Avenue road improvements would be on October 30th at 10am. After the bids are opened, Vain suggested a special meeting to award the contract. This would save two weeks time instead of awarding at the November 17th meeting.

Councilman Carew said at the last meeting he advised Council about the donation of a large parcel of land to Birch Grove Park. He received a telephone call from the Nature Conservancy about the 7 acre piece of property which adjoins Birch Grove Park that is intended to be donated from the estate of some local people to the City as an addition to the park inventory. The Director of Protection for the Nature Conservancy, Delaware Bay Shores Office, is John Keenan. Carew would like to turn the project over to Solicitor Bonchi to determine what needs to be done to go to settlement. Councilman Martinez asked if the property was designated as wetlands, saying in the past he and the Mayor asked if it could be used as a soccer field and it couldn't because it was wetlands. Carew said he did not know. Carew acknowledged Jim Clark in the audience and thanked him and his staff for staying on top of flooding and in staying contact with the County. The hayrides are still in process, tell your friends.

Councilman Smith read statistics from the EMS report for September. The response times for the week of September 27th through October 3rd were under 5 minutes 94% of the time. Atlanticare has instituted a Medic 10 service in Northfield and Linwood. A paramedic-level advanced life support unit transport ambulance was recently put into service. It is the only one of its kind in Atlantic County, and one of two in South Jersey. It will initially operate from 7am to 7pm but hopefully will be 24/7 by the end of the year. Reasoning behind the program is that 55% of residents in these areas require paramedic-level service, and upgrading this unit will bring paramedics to the patients more quickly.

President Kern noted that Atlanticare has been present at all of the Cardinal football games and the Mainland Regional High School games. Carew added that they have been at the A and the B games; he saw the paramedics and it generated a lot of positive conversation.

Councilman O'Grady said the Library Board met on October 8th and will meet again on November 12th. Their costume party is on October 31st from 1pm -2pm. The energy audit RFP is continuing and we will be adding the Library to the audit list. The first meeting of the Northfield Green Team will be some time in the month of

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November. President Kern asked if the photos section of the City website could be updated. O'Grady affirmed and asked that anyone with photos to post send him the pictures on a disk. Kern added that anyone with good pictures of the family fest can drop them off with the City Clerk and she'll get them to O'Grady.

MAYOR'S REPORT

Mayor Mazzeo said he got a letter from the NJ Department of Transportation indicating that we were awarded \$185,000 in grant funds for Mt Vernon Avenue Phase II. Mazzeo had a meeting with Mr. Siganos, the primary donor of the funds used for the motorcycle we obtained through Mr. Binns. There will be a dedication ceremony on November 11th at 4pm; everyone is invited. Mr. Siganos enjoys giving back to the community and we thank him for the generous donation. Another benefit of the motorcycle program is that every two years we get a new one at no cost to us outside of uniforms and other ancillary expenses. There is a Business Personal Property Tax in New Jersey that some communications companies must pay to local municipalities. For 2009, Verizon paid the City of Northfield \$41,455.95 for the lines that run through our town. However, a law from the 1940's says that they only have to pay as long as they have at least 51% of the market or better; Verizon is claiming that in many towns they no longer have the 51% share. As a result Verizon no longer pays this tax in nine municipalities. The Government Finance Officers Association of New Jersey attempting to fight this, and is asking for a one-time donation of \$150.00 to fund further research in order to protect the Business Personal Property Tax. From 2005 through 2009, in excess of \$203,000.00 was paid to the City of Northfield via this tax.

Solicitor Bonchi said he encourages support of fighting this cause; there are several test cases in North Jersey now.

Councilman Carew motioned, Vain seconded to authorize a one-time donation to the Government Finance Officers Association of New Jersey to fund research of the issues related to the Business Personal Property Tax on communications providers.

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

Mayor Mazzeo continued his report; in 2010 the Northfield Police Department is exploring the possibility of becoming an Accredited Department through the Law Enforcement Accreditation Commission. Accreditation is the highest standard of professionalism, and will help the overall performance of the department by updating the policies and procedures with best practices from the law enforcement community.

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When implemented, these changes allow the department to work more efficiently, and reduce the liability of the Police Department. 80% of those who attempt to achieve accreditation in-house do not complete the process. The Rogers Group came in last week to give a presentation; if we move forward they will be asked to return to deliver another presentation to Council.

Councilman Carew asked for the price of participating; Mazzeo said it is approximately \$34,000. Carew asked if this could be done as a shared service with another neighboring town. Chief James responded, saying that Pleasantville has been working on it for three years, as has Margate. To his knowledge neither department is bringing in outside assistance. Mazzeo said he will approach the Mayors in Somers Point and Linwood to gauge their interest.

Mazzeo concluded his report by reading the statistics from the Police Department's September report.

COUNCIL PRESIDENT'S REPORT

President Kern said the speed detector on Shepherd Drive is in perfect spot. On November 21st, the Cultural Committee will hold their annual yard sale at NCS in the cafeteria from 8am to 2pm. Letters were sent to the NCS staff about the implementation of restricted parking on Juniper and Cedarbridge; this will begin October 26th. Retiring Court employee Peggy Mallen will be honored at the November meeting. The annual Veteran's Day program continues at NCS, and the boards created by the students will be on display here at City Hall and elsewhere in town. On October 29th, 8th graders from NCS will visit City Hall and learn about how local government operates. We will be making changes to the auto-attendant on the telephone system at City Hall to make it easier for callers to reach their intended party more quickly. The City Clerk has been working on making these changes, and Kern thanked her. The vendor missed their scheduled appointment today, but the changes should be made soon.

ENGINEER'S REPORT

The City Engineer's report was provided to Mayor and Council and is on file in the City Clerk's office. City Engineer Matt Doran provided updates to the report as follows: Mt Vernon Phase I is 75% complete, and as Mayor Mazzeo said earlier, for Mt Vernon Phase II we received word that we were awarded \$185,000 in grant funds from the NJ Department of Transportation. The estimate to finish from Fuae to Route 9 was over \$300,000 so we won't finish but it's a good continuation. The bid date for the installation of gutter along Mill Road by Madison Avenue has been set

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for October 30th. If we get a good price, we'll contact Council to set up a special meeting to award the bid. The ADA parking on the bike path is about 90% complete; this was entirely grant funded.

Doran read and explained the various options in the drainage report prepared in response to flooding concerns in various areas of town. He said he is looking forward to meeting with the Drainage Committee in the search to find a solution, adding that anyone with questions may obtain his telephone number from the City Clerk. Kern added that the drainage report would also be in the Clerk's Office and available for public inspection.

POLICE CHIEF'S REPORT

Chief James said that the Accreditation process described by Mayor Mazzeo involves comparing existing policies and procedures to best practices in the industry; if you fall below the issues have to be addressed before inspection.

RESOLUTIONS/CONSENT AGENDA

On a motion of Councilman Carew second of Councilman O'Grady all present in favor of a Consent Agenda for Resolutions 176-2009 through 181-2009. President Kern announced that 181-2009 was an Executive Session and would be conducted at the conclusion of the regular meeting.

- 176-2009** Release of Refundable Application Fees by the Planning/Zoning Board
- 177-2009** Release of Escrow Monies by the Planning/Zoning Board
- 178-2009** Authorizing Doran to Proceed
- 179-2009** A Resolution Declaring That In The City Of Northfield Building Conditions Which Are Or May Become Dangerous To Life Or Health Or To The Public Welfare, Or Might Tend To Extend To Conflagration Or Which Constitute A Fire Hazard, Exist Within The City Of Northfield
- 180-2009** Green Acres Enabling Resolution for the Purchase of 1913 Oak Avenue
- 181-2009** 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 Possible Litigation

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in the Matter of Inadequate Drainage and Other Unacceptable
Improvements in the Burton Estates Subdivision

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes;
Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries.

ORDINANCES

On a motion of Councilman Vain, second of Councilman Martinez, all in favor of
reading Ordinance 16-2009 by title only.

16-2009 Amending Ordinance 15-2008, An Ordinance Providing For The
Purchase of Certain Property
Introduction/No Public Input/Published in the Press 10/24/2009

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes;
Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for introduction of
Ordinance 16-2009.

PAYMENT OF BILLS

Councilman Turon motioned, Councilman Carew seconded, for payment of bills in
the amount of \$ 3,117,829.06; Turon, Smith, and Vain announced their abstention
from certain line items on the bill list. Copies are on file in the City Clerk’s Office.

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

PUBLIC SESSION

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

Peri Pantazes, 1 Madison Avenue, thanked Council for finally taking flooding
concerns seriously and doing something about it. She thanked Councilman Vain for
bringing plans to her house for her to view, and asked for an explanation of long
versus short term solutions. Vain clarified. Pantazes said she is amazed that money
was found now that there is an election pending, and feels this could have been
settled in August.

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Robert Webb, 218 West Revere Avenue, said he heard a lot of good things tonight; he hopes council will follow through after the election. He does not agree with shared service of court and dispatch, or with having Atlanticare in town. He says there is no one on duty in the Police Department after midnight. He mentions the now-vacant Arthur Henry site as a good option for relocating the Road Department.

Tom Evans, 400 Davis Avenue, thanked Council President Kern for writing a letter, adding that he hopes something will happen. He said he doesn't see much planning in the way of fixing Davis Avenue. He pays taxes like everybody else and has right to be protected in his home. He implored Council to fix Davis Avenue, and said he will come every week until something gets done. Progress is being made but needs a fix. He will go to the County if he has to; he needs help.

Greg Hull, 3 Madison Avenue, asked for a copy of the drainage report. Kern said Hull could borrow hers. He asked if the lights and dump truck still being purchased. Kern said the capital plan is still in place and has not been amended. Hull asked if the City was buying these items. Councilman Carew said none of the projects are moving forward at this time but the lights and dump truck are still on the table. Hull said he feels the lights and dump truck should be put on hold.

Frank Perri, 7 Haddon Avenue, candidate for 1st Ward Council, asked if the Atlanticare contract had been signed. Bonchi replied that he got an email two hours ago that it was signed. Perri said he wanted his previous OPRA request fulfilled. He asked who decided to allow Atlanticare to keep their own times; Linwood is doing it through their dispatch. He said the numbers are misleading as they are creating them themselves. He said he wishes he had a private contract to keep his own times. Northfield is the only City in the County that allows a contractor to keep their own times; the numbers are misleading to the public. If it is not in the contract then Northfield should require the times go through dispatch like police and fire. He asked if the new paramedic service means there will be an increase in cost. Councilman Smith said there is only a charge for a paramedic if one is required. Perri asked what would happen if the only ambulance in town is a paramedic unit. Smith replied that the patient would be billed at the rate for the level of service the call required. Perri said he thought the RFP was for BLS, not paramedic. He said there have already been billing errors. He asked if bid packages been prepared for any of the capital projects. Kern replied that they had not. He asked for an explanation of the abstentions by Council members from bill list; Kern explained that abstentions are for single line items and said that Perri asked her to abstain from school items when he was Mayor.

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Mayor Mazzeo said if Atlanticare is using Medcom, the City is not getting full service from dispatch and in the budget cycle we should look at a reduction in fees as they are now only dispatching police and fire, instead of EMS also. He asked if anyone knew why Linwood does it differently. If it's a shared service why isn't it the same in both towns?

Robert Walsh, 4 Madison Avenue, thanked Councilman Vain for coming to his house and showing them plans. He thanked Councilman Carew for taking abuse from his neighbors and Mayor Mazzeo for his assistance.

President Kern said Council does not think of commentary from residents as abuse, they are working together. She said she takes offense at suggestion that money was found because an election is near.

Jim O'Neill, 7 Cara Court, asked if Council will investigate getting money back from the Northfield Rescue Squad. He asked if anyone had looked at what they have in the bank so we can get some of it back, to alleviate flooding and to provide taxpayer relief. Kern said no one had done so, but that it should be looked at and possibly will be in the future. O'Neill said in 2007 the Northfield Rescue Squad asked for City funding at the same time they got a \$120,000 donation to Somers Point; did Council know that before they gave them the funding? Kern said she read about it in the paper, so no. Mazzeo replied that he did not. O'Neill asked if Council had known they had that money in the bank, would they have given them City funds. Mayor Mazzeo replied that this is a difficult question; he said he does not know.

Robert Pantazes, 1 Madison Avenue, said they have been complaining for twenty years about flooding, and he is insulted that it's taken that long. President Kern replied that Council cannot speak to what happened twenty years ago. Pantazes said Councilman Vain said he'd fix it three years ago. Vain replied that repairs were made, and that we had three ten-year storms hit at once. It hasn't flooded like this in the three years he's been on Council.

Steve Scheffler, 2110 Sutton Avenue, candidate for 2nd Ward Council, said he is glad to hear that Councilman Vain is visiting homes and that we are addressing these problems. He said he disagrees that this is not election-motivated, and is upset that no one visited his law office with plans, like Vain did with the Pantazeses. He said Council should work as a team, and asked why Vain didn't visit his law office with plans. He said he has heard solutions for everything but Mill and Oak Avenues.

Matt Doran replied that if we are successful in replacing the line down to Maple Run, it will help. Councilman Vain said he showed the Pantazeses plans because he had

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plans to show; he did not have anything to show Scheffler. Vain said that when volunteers were asked for to serve on the drainage committee, no democrats volunteered. Councilman Martinez said he did not volunteer because one of the sites is in front of his house. Mayor Mazzeo noted that he is a democrat, and he volunteered.

Scheffler continued; he said he feels Council does try but they are just not able to get things done. Councilman Carew said Scheffler never mentioned drainage as a concern last year. Scheffler said it was not his place while Solicitor to do so.

Robin Margulies, 20 Jack Sloan Court, Burton Estates, said there are several of her neighbors in attendance. They have met and they are ready to have something done. The improvements to common areas are five years overdue. She said Trocki decided not to build on the last two lots and did not have to finish the work until all the houses were done; with the last two houses not built, he didn't have to finish. She heard that some members of Council do not support pulling the bond. Repairs that were done were done poorly and are now worse than before. Trees died. She wants the bond pulled. The money is there to fix what needs to be fixed; the money won't come from the City. It is appalling that the developer is being allowed to get away with not doing the right thing. She thanked Councilman Carew, the Police Department, and anyone else who was involved in stopping the developer from dropping Somers Point Marina sludge in her neighborhood.

Craig Tanzola, 10 Magnolia Court, said a month ago he mentioned pulling Trocki's bond. The City should not become responsible for the retention ponds in that area. Regarding asking Wawa if we can buy the land, Tanzola said we should ask them for it first, if they find out there are residents in trouble maybe they'll help for free. He said he's had differences with Steve Scheffler but acknowledged that Scheffler said we should pull the bond last year. Tanzola said Council should not let Trocki dump on the residents of Burton Estates or saddle the rest of us with a bill.

Ray Adams, 238 Mt Vernon Avenue, said Council President Kern stated she didn't know how much money the Northfield Rescue Squad had in the bank. He said since they were audited every year he is sure everyone on Council knows how much money they had. He said they received money from Northfield before the donation from Somers Point was received. As far as giving it back, the money from the City was for service provided as per the Memorandum of Understanding; service that was provided in full. They fulfilled their contract, so to give money back would be absurd.

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David Goldstein, 116 Dolphin Avenue, said he is not running for election, and he is not a democrat or a republican. He thanked Council for representing the public. He does not think Council should feel bad or take things personally; it is a thankless job to be an elected representative. He said he is hearing that there are better ways to do things from other people in the community, and that residents should be able to give advice to Council to allow them to make better and more informed decisions. The number-one goal in this town is to make sure that everyone feels safe and secure. Joan Brennan was honored twice on the front page in the AC Press for her volunteer service; we can get people to do things if we ask. H referred to the ethics ordinance which was passed despite opposition. He questions Council's priorities in purchasing lights before every citizen feels safe and secure. We should be happy when things finally do go right. A few years ago he lived on Davis Avenue and came to a few meetings and asked for garbage can, but he couldn't get Council to get Dunkin Donuts to put a trash can in. Eventually it did happen, but if you can't get Dunkin Donuts to put a can in should you be evaluating how to fix hundreds of thousands of dollars in drainage repairs? Business people in town should be asked for their advice and opinions.

Councilman Carew corrected Goldstein's statement that Council could not get Dunkin Donuts to put a trash can in; they did do so upon Council's request.

Sanford Leavy, 10 Catherine Place, said it has always flooded in Northfield. He said he is very disappointed to hear some of the personal attacks, some of the heckling. We are all neighbors. He feels it is very wrong that this behavior is happening.

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

Councilman Smith read the meeting notices.

President Kern announced that Council would now be entering Executive Session as authorized by Resolution 181-2009.

181-2009 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 Possible Litigation in the Matter of Inadequate Drainage and Other Unacceptable Improvements in the Burton Estates Subdivision

The City Clerk read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council; she also read Resolution 181-2009 by title. The Resolution was adopted during the consent agenda. Solicitor Bonchi

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announced that the session has been authorized to discuss possible litigation with Jack Trocki Development Company involving Burton Estates. No portion of this meeting can be made public until that 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, but we'll do our best to make it all become public.

At 8:50pm, Council entered closed session; they remained in Council chambers. At 9:03pm, 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 we were talking about possible litigation and different issues involving Burton Estates and a resolution will be voted upon shortly that will state what decision will be made. Other issues discussed involved potential costs, time, and length of litigation. At this point in time, these discussions are privileged and cannot be made public until after this potential litigation has been totally resolved.

Carew motioned, Vain seconded, for the adoption of Resolution 182-2009, to have the City Solicitor draft a letter to Jack Trocki Development Co., LLC, indicating that the proposed settlement is rejected; if he does not agree to comply 100% with the Planning Board resolution as interpreted by our Municipal Engineer within 10 days, that Bonchi is authorized to obtain from the Municipal Engineer a statement as required by the Sun National Bank Irrevocable Standby Letter of Credit to make a claim against said Letter of Credit to allow the City of Northfield to make a claim and use those monies to complete the project.

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

At 9:05pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk