

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

At 7:11pm, this meeting was called to order by Mary Canesi, Municipal Clerk. It was advertised in the Press of Atlantic City in accordance with Public Law 1975, Chapter 231.

**FLAG SALUTE**

The flag salute was led by Mayor Chau followed by a moment of silence.

**ROLL CALL**

Present: Lischin, Murray, O'Neill, Perri, Piergiovanni, Travagline, Dewees

Mayor Chau, Solicitor Kris Facenda, Engineer Nassar and Chief Newman were also in attendance.

Council President Dewees introduced Mayor Chau and announced the Mainland Regional High School Boys Swim Team State Champions.

Mayor Chau announced that it was indeed an honor to take this opportunity to recognize all of the boys for what they had done for their team, their school, and their community. All are very proud of their accomplishments. Mayor Chau was confident that the boys had the talent and ability to win the State Championship next year. He asked Coach Booth, Coach Denn and Councilman Murray to assist with presenting certificates.

Coach Booth announced the names of the boys in attendance; noting that other boys were still swimming.

The 2016-2017 Swim Team consisted of the following:

TJ Aldridge, Chris Bradley, Liam Coyle, Tigue Devine, Mark Giannantonio, Wen Long Ke, Justin Liu, Brian McGroarty, AJ Reynolds, Brian Perez, Brett Clauhs, Nick Dinofrio, Glenn Lasco, Matt Lawler, Joe Rogers, Skylor Booth, Michael Carroll, Artur Menezes, Jack Scott, Erik Truong, Kyle Booth, Colin Cooke, Evan Denn, Michael Erdman, Liam Garbutt, Robert Kernan, Destin Lasco, Andrew Middlesworth, Charlie Sher, Justin Wray and managers Amber Denn, Nicole Klein and Julia Pettit.

Coach Booth thanked the City of Northfield for the welcome from the fire trucks when they returned home, and said it was something they will never forget.

Councilman Murray stated that he had been in the area for a long time and involved in athletics; in his memory, this is the most dominant start to finish he's ever seen. He told them keep up the hard work and go for it again next year.

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

*At 7:18pm Council President Dewees announced a five minute recess.*

*At 7:21pm Council President Dewees resumed the meeting.*

**READING AND APPROVAL OF THE MINUTES**

On a motion of Councilman Murray, second of Councilman Piergiovanni, all present were in favor of approving the minutes of the March 14, 2017 meeting of Council without formal reading. They have been posted, distributed to Council, and are on file in the Municipal Clerk's Office.

**COMMITTEE REPORTS**

**Councilman Perri** - Sewer Inter Local, Planning Board, Senior Citizens, Shared Services

Councilman Perri reported that last Thursday the seniors met at the library. Joseph Adams was the guest speaker, he was the resident who did the model of the Somers Brick Yard, he was in his 90s and a lifelong resident. Mr. Adams gave an impressive and interesting presentation. The Planning Board has a meeting next Thursday, with the St. Gianna solar panels on the agenda. He congratulated the Mothers' League for the outstanding spaghetti dinner, and thanked the Mayor for his sauce; I mean gravy.

**Councilman O'Neill** - Court/Violations, Library

Councilman O'Neill asked about patch needed for the library parking lot.

Engineer Nassar noted that it seemed like there was a problem with the subgrade. The cost for the repair should be less than \$3,000.00.

Council President Dewees responded that he would work with Engineer Nassar and would call him the next day.

**Councilman Piergiovanni** – Insurance and Safety, Chamber of Commerce, Municipal Alliance, Northfield School

Councilman Piergiovanni had no report.

**Councilman Travagline** – FAN, Sign Sub Committee, Shared Services, Green Team Advisory

Councilman Travagline reported there was a Family Association of Northfield meeting this month, the basketball program was wrapping up a very successful season, and they would include more Linwood grades next year. The graduation games went well. He congratulated all teams that won championships on all levels.

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

He said FAN had also discussed requirements for the fall football season, including the fields and coaches. The Association also discussed the possibility of year-round basketball, including year-round clinics, to prepare them for advanced programs as they moved from grade school into high school. He was trying to get a shared service meeting set up between the two towns, and would hopefully have an update soon.

Councilman O'Neill asked about the sign ordinance.

Councilman Travagline replied that everything was relatively complete and had been handed over to the Solicitor; it was a sensitive issue but it was being discussed in committee.

**Councilman Murray** - Finance/Collections, Mainland Regional, Economic Development, Traffic Safety

Councilman Murray reported that tax appeals had to be in by the 31st, and they had been running consistent this year as they had in the past several years, so it looked like our ratable base would be affected again. He would report back when the deadline to file had passed.

**Councilman Lischin** – Fire Department/EMS, Inspections, Code Enforcement, Housing/Zoning, Technology/MRHS Channel 2, Cultural Committee, Green Team, Sign Sub Committee

Councilman Lischin announced that once the budget was approved we would move forward with hiring the 2 part time firefighters. He thanked the Mainland student for video services and announced that the meeting would air Thursday.

**Council President Dewees** - Buildings/Grounds, Athletic Fields, Bike Path, Veterans' Park, 1<sup>st</sup> Street Playground, Birch Grove, Public Works, Roads, Engineering, Little League/Babe Ruth, Sign Sub Committee, Traffic Safety

Council President Dewees reported that Public Works was finishing up with cleaning the easement; he thanked the employees and Council for making it possible.

Councilman Travagline asked about work on Mill Road.

Council President Dewees asked if he meant the County project.

Councilman Travagline asked for an update about our portion of the project.

Council President Dewees advised that letters went out to residents asking if easements would be granted; hopefully would have more to report soon.

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

**MAYOR'S REPORT**

Mayor Chau reported that the Library Board had an application before the Planning Board to have a sign replaced on the property and it was rejected because they were in a residential zone and it was not a permitted use. Solicitor Facenda was working on having an old easement removed that would allow us to move forward with the two bus shelters. Last week he had the privilege of being taped by SJ News; the video is now on our website. Mayor Chau praised the wide variety of restaurants and eateries that Northfield had to offer. This Monday and Tuesday would be promotional testing in the Police Department for Sergeants, Captain and Lieutenant. He asked Council for their support in authorizing the Resolution of appointment for our newest police officer. He noted that there were 3 officers on injury leave. Mayor Chau also reported that he received a letter from a resident praising Officers Dever and Geiger.

Councilman O'Neill added that he had two businesses recently that wanted to say they were very happy with the Building Department; they said our employees were very professional and timely.

Councilman Perri asked if the new officer was a certified police officer.

Mayor Chau responded that he was a Class II.

**CITY ENGINEER'S REPORT**

Engineer Nassar reviewed updates to the Engineer's report as provided to Council. Bay Drive and the 2015 Road Paving Project punch lists and final items should be complete soon. South Jersey Gas paving would continue over the next several weeks, with many streets getting full-width restoration as a result. He noted several older areas where substandard paving work had been previously done had also been brought to the attention of the Gas Company.

Councilman Travagline asked if what was done on Sutton Avenue was final paving.

Engineer Nassar replied that they would be finished tomorrow; the City cannot force beyond what the Ordinance provided for. What was done on Sutton Avenue was the maximum allowable.

Councilman Travagline predicted that residents would come in to complain about the chopped up paving.

Mayor Chau asked when the South Jersey Gas project would be completed.

Engineer Nassar did not know for sure but it may be until July or August before they were out of the area.

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

Mayor Chau noted the recent blockage of the front of City Hall without notice; he did not feel we received the proper communication, at no fault of the Engineer. He did send a letter to the County as a result.

Councilman O'Neill asked about Shore Road.

Engineer Nassar replied that the restoration had to be done to the County's standards.

Councilman Perri expressed frustration that areas were patched, and not full-width. The jobs needed to be micromanaged by the Engineer and his department. Insufficient time for settling was being allowed, and depressions were showing already.

**PUBLIC SESSION/FIVE MINUTES PER SPEAKER**

Council President Dewees opened the public session.

Seeing no one wishing to speak Council President Dewees closed the public session.

**RESOLUTIONS / CONSENT AGENDA**

Council President Dewees stated that all matters listed under the Consent Agenda are considered to be routine in nature, and having been reviewed by Council, will be enacted by one motion. Any item may be removed from the Consent Agenda at the request of any Council Member and if so removed, will be treated as a separate matter. Any items requiring expenditure are supported by a Certification of Availability of Funds.

The Executive Session of Council will be held at the end of the meeting, and we will come back in public session to make a comment for the record after the executive session has concluded. Any vote made on subjects discussed will be made in public.

Councilman Perri motioned, Councilman O'Neill seconded for Resolutions 85-2017 to 90-2017, to be voted on by Consent Agenda.

- 85-2017** Amending the Job Description for Firefighter/EMT
- 86-2017** Authorizing Award of Contract without Public Advertisement for Bids to Intercon Truck Equipment Inc.
- 87-2017** A Resolution Approving Participation with the State of New Jersey Federal Grant Program Administered by the Division of Criminal Justice, Department of Law and Public Safety
- 88-2017** To Approve the Hiring of Keith J. Lyons for the Position of Police Officer

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

- 89-2017** 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(b) (7) Regarding Litigation and Matters Falling within the Attorney Client Privilege Requiring Confidentiality – Mt Laurel Litigation
- 90-2017** Amending Resolution No. 81-2017, Regarding The Rate Of Pay For Harry Cohen, Seasonal Concession Stand Attendant For Birch Grove Park

Councilman Travagline reiterated his concern about the purchase of the crane truck, but acknowledged safety of the employees and recommendation of professionals as being taken into account. He felt the other town should help fund the equipment.

Roll call: Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri –yes; Mr. Piergiovanni –yes; Mr. Travagline –yes; Mr. Dewees – yes; Motion carried to vote by consent agenda.

Councilman Perri motioned, Councilman O’Neill seconded for Resolutions 85-2017 to 90-2017, to be adopted by consent agenda.

Roll call: Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri –yes; Mr. Piergiovanni –yes; Mr. Travagline –yes; Mr. Dewees – yes; Motion carried to adopt the consent agenda.

**ORDINANCE**

Councilman Lischin motioned, Councilman Murray seconded to adopt Ordinance 4-2017, as amended.

- 4-2017** An Ordinance Amending Chapter 215 of the Code of the City of Northfield Governing Land Use and Development, as Amended by Resolution No. 84-2017 on March 14, 2017  
*Third Reading / Public Hearing / Final Consideration*  
*Final Publication in the Press of Atlantic City April 1, 2017*

The Municipal Clerk read the Ordinance by title, and stated that this was the public hearing after which the matter may be considered for adoption. Since introduction and amendment, the full Ordinance , in original form and as amended, has been posted in the lobby of City Hall and on the City website. Copies were made available at no cost in the office of the Municipal Clerk between the hours of 9:00am and 4:00pm, Monday through Friday to any member of the public who requested same. If adopted the Ordinance would be published in the Press of Atlantic City on April 1, 2017.

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

Council President Dewees opened the public hearing, seeing no one wishing to speak he closed the public hearing.

Roll call: Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri –yes; Mr. Piergiovanni –yes; Mr. Travagline –yes; Mr. Dewees – yes; Motion carried to adopt Ordinance 4-2017.

**PAYMENT OF BILLS: \$ 1,668,951.90**

Councilman Piergiovanni motioned, Councilman Travagline seconded, for payment of bills.

Roll call: Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri –yes; Mr. Piergiovanni –yes; Mr. Travagline –yes; Mr. Dewees – yes; Motion carried.

Council President Dewees read the meeting notices.

Council President Dewees announced an Executive Session as authorized by Resolution 89-2017.

**89-2017**        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(b) (7) Regarding Litigation and Matters Falling within the Attorney Client Privilege Requiring Confidentiality – Mt Laurel Litigation

The Municipal Clerk read the resolution by title and deferred to the Solicitor for further explanation.

Solicitor Facenda explained that the Executive Session was in regard to a settlement agreement which would be presented to Council for approval together with an application from Mason Properties requesting intervention regarding the City’s housing plan. Minutes would be kept and released when required and permitted by law, but the timeframe is unknown. Council would move to Mayor's Office for the executive session.

Clerk Canesi announced that Council would return to the public and make statement for the record.

*At 7:57pm Council moved to the Mayor’s Office for the Executive Session.*

*At 8:28 the Executive Session of Council was adjourned, and the Regular Meeting resumed in Council Chambers.*

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

Solicitor Facenda announced that the Executive Session had concluded. Council would consider a resolution authorizing a negotiated settlement with Max Gurwicz and Sons, which would be assigned as resolution 91-2017. Solicitor Facenda read the resolution in its entirety into the record.

**91-2017 AUTHORIZATION FOR NEGOTIATED SETTLEMENT**

**WHEREAS**, on April 3, 2014, MAX GURWICZ & SONS, INC., a New Jersey corporation and HERZEL GURWICZ, an individual, (collectively “Gurwicz”) expressed interest in pursuing an inclusionary development on its property located at Block 17, Lots 4, 7, 8, 9, 10, 11 & 12 on the City of Northfield’s Tax Map and Block 2208, Lot 10 in Egg Harbor Township; and

**WHEREAS**, Gurwicz’s proposed inclusionary development included 265 rental units, plus an on-site manager’s unit, fifteen percent (15%) of which will be affordable to the region’s low and moderate income households (hereinafter the “Gurwicz Project”); and

**WHEREAS**, to assure that the Gurwicz Project generates affordable housing credits to be applied to the City of Northfield’s (“City”) affordable housing obligations, the affordable units within the Proposed Project shall be developed in accordance with Southern Burlington County NAACP v. Township of Mt. Laurel, 67 N.J. 151 (1975), Southern Burlington County NAACP, et al v. Township of Mt. Laurel, 92 N.J. 158 (1983), the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) and its implementing regulations, and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) (collectively the “Relevant Affordable Housing Laws”); and

**WHEREAS**, on May 16, 2014, the City filed a complaint seeking declaratory relief styled In the Matter of the Application of the City of Northfield, Atlantic County, Docket No. ATL-L-2050-14 (hereinafter “DJ Action”) which included (1) a request for the Court to enter a protective order while Northfield drafts, adopts, and endorses a Housing Element and Fair Share Plan (hereinafter “Affordable Housing Plan”) to address Northfield’s current affordable housing obligations as well as any future obligations to be set forth in the Round 3 affordable housing regulations proposed by the New Jersey Council on Affordable Housing (“COAH”); and (2) an Order approving the Affordable Housing Plan to be adopted by Northfield while under the immunity provided for by the protective order; and

**WHEREAS**, on January 20, 2015, Gurwicz was permitted to intervene in the DJ Action; and

**WHEREAS**, Gurwicz negotiated with the City in good faith to reach an accord for the Inclusionary Development on the Property, and those negotiations

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

culminated in the Developer's Agreement and the implementing Ordinance, which permits as of right the Gurwicz Project as an inclusionary development.

**WHEREAS**, on April 1, 2015, this Court conducted a "fairness hearing" consistent with East/West Venture v. Bor. of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), and approved the Developer's Agreement and its implementing Ordinance as being fair and reasonable to the protected class.

**WHEREAS**, on the same date, the Court entered a Declaratory Final Judgment of Fairness And Reasonableness of Developer's Agreement.

**WHEREAS**, on March 3, 2016, Gurwicz appeared before the Planning Board of the City of Northfield and was granted preliminary and final major site plan approval, with waivers, and minor subdivision approval, for the Gurwicz Project.

**WHEREAS**, the Parties worked in good faith to establish the operational capacity of the City's Davis Avenue Pump Station to determine whether it could handle the sanitary sewer flows from the Gurwicz Project. An agreement could not be reached. The Parties sought assistance from this Court to reasonably settle the matter with no success.

**WHEREAS**, the Parties now agree that an upgrade to the Davis Avenue Pump Station is needed to accommodate sanitary sewer flows from the Gurwicz Project.

**WHEREAS**, on or about October 19, 2016, Gurwicz filed a Motion to Enforce Litigant's Rights against the City in the DJ Action;

**WHEREAS**, on December 12, 2016, the Court, on its own motion, to avoid confusion between the DJ Action and the separate claims brought by Gurwicz in its Motion to Enforce Litigant's Rights, severed the Gurwicz Motion to Enforce Litigant's Rights from the DJ Action and assigned it new Docket Number ATL-L-2673-16, as captioned above; and

**WHEREAS**, the Parties agree that there are significant contested issues of fact and law prevalent in the captioned actions and, for that reason, all Parties desire to fully, finally and amicably resolve and settle in full any and all claims they may have related to: (i) providing sanitary sewer to the subject development; and (ii) the sewer connection fees set forth herein, and specifically excluding any other claims or causes of action that may arise in the future related to any other documents the parties have executed as recited above.

**BE IT RESOLVED**, to accomplish the amicable resolution of the claims asserted in the above referenced litigated matters, on terms and conditions set forth in

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
MARCH 28, 2017**

the Settlement Agreement attached hereto, the City hereby approves the Settlement Agreement and each and every of its terms and conditions.

**BE IT FURTHER RESOLVED**, that the Mayor for the City of Northfield is hereby authorized to execute the Settlement Agreement attached hereto forthwith.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the City Council of Northfield, held this 28<sup>th</sup> day of March, 2017.

Councilman Perri motioned, Councilman Murray seconded to adopt Resolution 91-2017.

Roll call: Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri –yes; Mr. Piergiovanni –yes; Mr. Travagline –yes; Mr. Dewees – yes; Motion carried.

At 8:32pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk