

**CITY OF NORTHFIELD WORK SESSION
APRIL 11, 2017**

At 6:07pm this meeting was called to order by Municipal Clerk Mary Canesi. This meeting was properly advertised in the Press of Atlantic City in accordance with Public Law 75, Chapter 231.

FLAG SALUTE

The flag salute was led by Mayor Chau.

ROLL CALL

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

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

WORK SESSION TOPICS FOR DISCUSSION

Council President Dewees welcomed everyone to the meeting. He noted the presence of Chief Cummings and moved the discussion of the change in the Fire Ordinance to the top of the agenda.

- Review of DRAFT Ordinance - Amendment to Chapter 25, Fire Department

Councilman Lischin distributed paper copies of the draft ordinance, which had been previously emailed to all of Council.

Chief Cummings reviewed the changes; he explained that the Assistant Chief's position was left in the ordinance so that if we wanted to fill it in the future we could do so without making future changes.

Clerk Canesi stated that if Council was satisfied with the changes that were in the Ordinance, the only language changes are that the assistant chief position is still intact but we had to account for those duties. In addition, we added a second Captain's position; one will be a volunteer and not more than two would be career. The duties of the Assistant Chief are apportioned at the discretion of the Chief if the Assistant Chief's position is vacant. The Ordinance would be sent to legal if the Council was satisfied, after that it would be introduced.

Solicitor Facenda had no additional comments at this time.

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Councilman Perri questioned the Fire Manual, and asked who would handle discipline.

Chief Cummings stated that he had not looked at Fire Manual.

Clerk Canesi had not reviewed the Fire Manual; she was not sure who the appropriate person to look at it would be. She had no purview over the Fire Department as Business Administrator. The process for disciplinary actions would need to be established because there was a layer in the contract above the Assistant Chief in the event of a grievance. The Captains would not be able to handle a grievance, as they are members of the bargaining unit.

Council President Dewees suggested that the Fire Chair and or the Chief look at the Fire Manual.

Councilman Lischin and Chief Cummings agreed to look at the manual.

- Medicine Drop Box – Update

Council President Dewees asked Chief Newman to provide an update on the medicine drop box.

Chief Newman noted that the site visit for the medicine drop box was conducted and the box could go in the Police lobby, with 24/7/365 access. The area was in full view of the cameras. Chief Newman was provided with a letter for the Attorney General's office as well as a written policy. It would take several weeks to order and get the box.

Mayor Chau asked if the disposal of the drugs would result in overtime.

Chief Newman replied no, it had to be done quarterly, tagged and put into evidence. It could be disposed of when we do our bi-annual medicine drop, which would be the easiest method.

All agree to move forward with the installation of the box.

- Potential Land Sale - Update

Council President Dewees distributed a list of land locked City-owned properties to Council for the proposed land sale. He would work with Solicitor Facenda to determine best way to proceed based on the size of each property, and would provide an update at next meeting.

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Solicitor Facenda suggested Council look at the list and determine which they want to sell.

Council President Dewees advised that most if not all were acquired via tax liens.

- Land Donation – Tilton Road

Council President Dewees asked Solicitor Facenda to update Council with regard to the land donation on Tilton Road.

Solicitor Facenda reported that Mr. Santori was still in the process of getting permission from the other owners to pay for the title and environmental work.

- Coin Drop Ordinance

Solicitor Facenda noted that everyone had received the latest copy of the coin drop ordinance; he asked had everyone reviewed it, and did anyone have additional suggestions or changes.

Mayor Chau asked if organizations could apply a year in advance.

Discussion ensued between all of Council and it was agreed that organizations could not apply before January 1st.

Solicitor Facenda advised that would limit the coin drops to April through December.

Mayor Chau suggested that December be off limits as well.

Clerk Canesi asked for clarification that the Police Department could suspend the event due to weather conditions.

Solicitor Facenda confirmed that they could.

All agreed that the lottery procedures shall be similar to Egg Harbor Township's Ordinance, but with our timelines.

- Municipal Code Chapter 220-36 – Hours of activity permitted for transient merchants

Councilman Dewees asked Clerk Canesi to explain the ice cream truck vendor ordinance.

Clerk Canesi explained that the Ordinance pertaining to transient merchants who sells goods on a mobile basis dates back to the 1980's. Currently the ordinance only

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applies to ice cream vendors. The hours for transient merchants were limited to no later than 7:30pm in the evening year round and they could not be out on Sundays or holidays. Did Council wish to allow them past 7:30pm and on Sundays or holidays? Vendors are told that they cannot be out past 7:30pm or Sundays.

Council President Dewees felt the ordinance was antiquated and needed to be changed.

Councilman Lischin suggested that the ordinance be changed to sundown.

Councilman Murray did not want transient vendors to provide services in town on Christmas, Thanksgiving, etc..

Clerk Canesi suggested the dates of April 1st to September 30th.

Solicitor Facenda would work with Clerk Canesi on drafting an ordinance.

Council President Dewees referred to a recent DEP visit noting they had some recommendations to our City Code. He deferred to Clerk Canesi for further explanation.

Clerk Canesi explained that for our Stormwater Permit we were required to file an annual report. The inspector from the DEP visited Public Works and came to the Clerk's Office to go over our Ordinances and our most recently filed report. The only flaw the DEP found was that we did not have a definition of "major development". The information is in the code but they want to see it in the definitions section of the code. The Planning Board did discuss it and had no objections to adding it to the Land Use Ordinance.

Councilman Perri asked if what was provided by the Planning Board would satisfy the DEP.

Solicitor Facenda asked Engineer Nassar if he had any objections.

Engineer Nassar replied no.

All present Council members agreed to proceed.

Engineer Nassar spoke regarding Cresson Avenue drainage. He reported that he met with County personnel and where we would connect to the County system the County's pipe would not allow us to connect with a 24" pipe. This meant that we could handle a 1 year storm with no problem. After a 2 year storm, there may be water for 10-15 minutes. A 10 year storm would generate sufficient flow that it may

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take 30 minutes to drain. There would be a bottle neck where our pipes meet the County system; there was nothing we could do, he was just making Council aware.

AGENDA REVIEW

Council President Dewees asked all to review the regular meeting agenda noting that the minutes from March 28th would not be approved tonight as they were not sent out to Council in time for review.

Council President Dewees made assignments.

PUBLIC SESSION

Council President Dewees opened the meeting to public.

James Kyle, 612 Banning Avenue – asked Council if the driveway on Banning Avenue was a part of the church’s property.

Council President Dewees replied yes.

Mr. Kyle asked why people on the other side of the driveway didn’t get the 200 foot notice in regards to the solar panel installation.

Solicitor Facenda explained that there was an appeal process if the notice requirements were not met.

Councilman Perri advised that there was testimony that the public notice requirements were met; the project had not been finally approved, there were conditions.

Solicitor Facenda suggested that Mr. Kyle contact the applicant’s attorney, and suggest that if the notice requirements weren't met, that they voluntarily re-notice and go back to the Planning Board.

Mr. Kyle asked if the land was tax exempt.

Solicitor Facenda replied that he did not know for certain, but generally, yes.

Mr. Kyle suggested that the land the array was being installed on should not be tax exempt.

Solicitor Facenda explained that was an issue for the Tax Collector.

Council President Dewees asked Solicitor Facenda how a 200’ list was generated.

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Solicitor Facenda replied that it's 200 feet from the property line.

Mr. Kyle asserted that the church was one big lot, including the driveway.

Solicitor Facenda suggested that Mr. Kyle contact the attorney for the applicant, or contact a local land use attorney, and ask them their opinion.

Mayor Chau stated that he was directed by the Planning Board Chair to bring the issues of the tax exempt status to the Council.

Solicitor Facenda reiterated that was an issue for the Tax Collector.

Mr. Kyle stated that the use of tax exempt land for non-tax exempt purposes made the land not tax exempt.

Solicitor Facenda believed the Tax Collector was also a recipient of the notice, which was a trigger to look into the exemption issue. He offered to quickly research.

Solicitor Facenda reviewed the 200 foot list as presented by Mr. Kyle and noted that the assessor was a recipient of the notice.

Barbara Madden, 403 Park Lane - felt the City went around the 2% cap by having a meeting. She asked Council President Dewees what had been done to save money.

Council President Dewees replied that Council continues to explore options.

Mrs. Madden said that years ago the City chose not to collect cell phone revenue when they opted not to put a cell tower on this property at City Hall. The City shared Police to save money but that went bye bye. She sees too many police cars here at City Hall. She believed that Council needed to look at everything.

Mayor Chau offered to provide comment. He explained that police cars are not run on the road 24 hours a day; that would be too much wear and tear. Police cars were not driven like you and I drive, he explained. Shared services were a great thing but they didn't always work. He noted that we did share dispatch with Egg Harbor Township, but we were at their mercy if an increase was proposed. It was difficult to go back. As to the sharing of a Chief of Police, it was a great idea, but there were only 2 towns in the entire state that did it. It sounded great until a thorough examination was done. He explained that we used to have 12 people in Public Works; we now have about 5 men. We saved money by having ACUA pick up trash. In the 1970's it cost \$5,600.00 to dump trash at Price's Pit. When they closed Price's Pit the cost went up to \$1 million dollars. The City recently bought a fire truck, he asked the Chief how old the truck was that was replaced.

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Chief Cummings replied 29 years old.

Mayor Chau said no one was happy to advocate for a tax increase.

Council President Dewees noted that 1.3 cents of this year's increase was the result of tax appeals.

Mrs. Madden said that was because houses were over assessed.

Councilman O'Neill explained that the tax appeals result in a tax increase the following year.

Council President Dewees explained that Council had looked at every department and felt that departments run very lean, but, he understood what Mrs. Madden was saying.

Mayor Chau urged Mrs. Madden to contact anyone from Council with any suggestions.

Mrs. Madden also requested the volume on the ice cream truck lowered.

Jean Leonetti, 38 Cove Avenue, spoke to Council regarding kids playing basketball in the street; basketball noise is 9am to 9pm on weekends and after school until 9pm during the week. There were four basketball courts that she had to listen to. She suggested that it be limited to 2 hours per day.

Council President Dewees explained that kids who were playing on private property weren't violating any ordinances. He asked Solicitor Facenda if he had any suggestions.

Solicitor Facenda said that Council would have to pass an ordinance that restricted when they can play basketball, but it may not be constitutionally enforceable.

Dominic Leonetti, 38 Cove Avenue – said that he can sue the City for violating his rights. Opera music is supposed to played, but police officers have come to his house. There were too many laws favoring kids. He also said that Longport and Margate were going to pass ordinances with 2 hour basketball limits.

Solicitor Facenda asked Mr. Leonetti to produce the ordinances if passed by Margate and Longport.

At 7:14pm Councilman O'Neill left the room.

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

At 7:15pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk