

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
MAY 16, 2023**

At 6:41pm this meeting was called to order by Municipal Clerk Mary Canesi, who welcomed the audience. This meeting was properly advertised in the Press of Atlantic City on January 7, 2023 and in accordance with Public Law 75, Chapter 231.

FLAG SALUTE

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

Present: Councilwoman Bucci; Councilwoman Carfagno; Councilman Dewees; Councilman Leeds; Councilman Notaro; Council President Polistina; Mayor Chau

Absent: Councilman Smith*

**Councilman Smith was absent when attendance was taken but arrived at 6:44pm.*

Solicitor Facenda, Engineer Nassar, and Chief VonColln were also in attendance.

READING AND APPROVAL OF THE MINUTES

On a motion by Councilman Leeds with a second by Councilman Dewees, all members present were in favor of approving the minutes of May 2, 2023 without formal reading.

MAYOR'S REPORT

Mayor Chau read Police Department statistics for 2022 and April 2023, and from the first half of 2022 versus the first half of 2023.

At 6:44pm Councilman Smith arrived.

Mayor Chau announced he would like to move forward with the Police Department promotion proposal.

Council President Polistina stated the committee had met and that he'd forwarded the ordinance to Labor Counsel Curio for review.

Chief VonColln reported that the Police Department recovered three stolen motor vehicles recently, including the vehicle owned by Ms. Brennan's neighbor. He added that the majority of vehicles involved had been unlocked at the time of the incidents.

CITY ENGINEER'S REPORT

Engineer Nassar reviewed the Engineers Report as previously distributed to Council. He noted there had been a meeting between he, Clerk Canesi, and representatives of

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the Department of Transportation, to review the automated grant system process; it should be smoother now.

PUBLIC SESSION/FIVE MINUTES PER SPEAKER

Council President Polistina opened the public portion of the meeting for any person to comment on any subject, he asked that they state their name and address for the record and observe the five-minute limit per speaker.

Seeing no one wishing to speak, Council President Polistina closed the public comment portion of this meeting.

RESOLUTIONS

Council President Polistina read the following statement: “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.

On motion of Councilwoman Bucci, seconded by Councilwoman Carfagno, all members present were in favor of voting on 112-2023 through 117-2023 by Consent Agenda.

- 112-2023** Authorizing Northfield Fire Department to Apply for a Grant from the New Jersey American Water Company
- 113-2023** Resolution Inserting an Item of Revenue in the 2023 Budget
- 114-2023** Approval of Application for a Coin Drop - Family Association of Northfield
- 115-2023** Authorizing Schaeffer, Nassar, Scheidegg Consulting Engineers to Proceed with Engineering Services for the Project known as Surveying the Existing Stormwater System
- 116-2023** Authorizing Execution of Medical Services Director Agreement
- 117-2023** Participant’s Resolution - Leap Implementation Grant

Councilwoman Bucci motioned, Councilwoman Carfagno seconded, to adopt the Consent Agenda.

Roll Call: Mrs. Bucci – yes; Mrs. Carfagno – yes; Mr. Dewees- yes; Mr. Leeds – yes; Mr. Notaro – yes; Mr. Smith – yes; Mr. Polistina – yes; Motion carried.

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ORDINANCE

Councilman Notaro motioned, Councilwoman Carfagno seconded, to adopt Ordinance 7-2023.

7-2023 An Ordinance Amending Chapter 233, Article II, Section 233-5 of the Code of the City of Northfield Governing Use of Power Lawn Equipment
2nd Reading / Public Hearing / Final Consideration 05/16/2023

The Municipal Clerk read the Ordinance by title, and stated that there would be a public hearing, after which the matter would be considered for final adoption and if approved, thereafter published. Since introduction, the full Ordinance has been posted in the lobby of City Hall and on the City website, and copies have been 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.

Council President Polistina opened the public hearing.

Steve Downey, 5 Golfview Drive, read from the preamble of the ordinance, and said he did not believe the changes are 'reasonable' to the residents in the area. Mr. Downey and immediate neighbors know this is not reasonable, as it has started as early as 5-7am. If approved would jackhammers also be allowed this early, or was it just his neighborhood? He read statistics about the decibel levels of power lawn equipment. This has affected his special needs child. His new neighbor is a parent of two small children. It was a quality-of-life issue and it is not reasonable to the residents who are affected. He asked why mirroring Linwood's 7am time start was not being considered. He asked the Council to reconsider; he had been a Northfield resident for 18 years.

Councilman Notaro asked had it been an issue for 18 years?

Mr. Downey replied no, it started in 2021.

Council President Polistina asked was there a time that would be acceptable?

Mr. Downey had told the Country Club that 7am would be reasonable. The Country Club was in violation every single day; if they are approved for 6:30am, are they going to start at 3:30am?

Councilman Leeds, to Solicitor Facenda, asked, as a resident does Mr. Downey have the right to sign a complaint against them, for the ordinance violation?

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Solicitor Facenda replied, yes

Kevin Balistreri, on behalf of Atlantic City Country Club, stated that he was at the last meeting, along with several residents who live along the course. Additional residents are here tonight in support of the ordinance change. Many towns have carveouts in their noise ordinances for golf courses. He noted that other loud noises are permissible; this aligns lawn equipment with those other noises.

Nick Borro, General Manager for Atlantic City Country Club, was here to support the ordinance change. It was a seasonal change. Most golfers like to golf early and they need to be able to cut the grass ahead of the first golfers of the day. Without this change they will not make a profit. Theirs is not a high-margin business.

Councilman Notaro asked, do the first and second fairways get cut at 6am or is it just the boxes?

Mr. Borro explained the cutting schedule; only the putting green needed to be cut every day.

Councilman Notaro asked, could a means other than the cart path be used to access the green?

Mr. Borro replied yes. The entire process for a hole is 15-20 mins.

Council President Polistina noted if we could make it work for both parties, that is the best solution. If it was approved tonight and there were more complaints, we would be back here again addressing that carveout.

Councilman Smith asked Mr. Borro if they were cutting greens and fairways at 6am, and they have been?

Mr. Borro replied yes, and yes.

Councilman Smith asked what was the earliest tee time?

Mr. Borro responded 7am; they need to get on the course at 6am for the 7am tee time. They could start tee times at 6am, but they are not.

Councilman Notaro suggested doing the fairways later.

Mr. Borro could not speak to what mower, green, fairway, etc. would be louder. But all three processes were done concurrently.

Council President Polistina asked did something change in 2021?

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Mr. Borro replied, no.

Councilman Leeds stated they were blatantly ignoring the laws and should be cited for every day.

Frank Rich, 103 Hemsley Place, has lived there since 1987. He has not had a problem with the noise. Like Mr. Borro said it's 15-20 minutes and it's done. There were many more homes, he guessed he'd been there so long it didn't bother them. He was in favor of the carveout. He had been a member of ACCC for 55 years.

Martin Graser, 8 Golfview Drive, stated with the change of seasons they change when they cut and the tee times change. If you have a problem with a golf course, why are you living on a golf course?

Doug Fraser noted that his family owned the golf course for years, he started working on the course when he was nine or ten years old, and was cutting the grass by the time he was twelve. There were just as many people who lived on the course then as now. He appreciated Mr. Downey and offered his thoughts and prayers to the afflicted child. The Frasers and the Ottingers were and always have been law abiding. Today's riding mowers are much quieter; the Country Club was trying hard. He was superintendent of the course for 20 years and never had a complaint. He knew the Country Club was willing to work with the neighbors. Golfers at the Country Club spend money in the other businesses in Northfield, too.

Sarah Graser, 8 Golfview Drive, stated she does not really notice the mowing, she hears it but it is just a short period of time. She noticed the NJ Transit buses and trash trucks more than the mowing. She empathized with Mr. Downey and the other neighbors who were closer to the first fairway. She also believed that if you buy a house on a golf course, you are going to find balls in your yard and mowing is part of maintaining a golf course. The fact that the County Club was willing to compromise should count for something and should be considered.

Bridgit Downey, 5 Golfview Drive, stated that only since 2021 this has occurred; once at 4:45am. And even though they are saying it is only 15 minutes, once you are up, you are up.

Council President Polistina to Mrs. Downey, if they are just doing the green...

Mrs. Downey replied it is the fairways, she hears it just as if it's in her own yard. They were also doing it earlier on weekends and on holidays.

Councilman Leeds asked the Chief if he had had complaints.

Chief VonColln replied since May 2022, here have been 15 complaints.

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Kevin Balistreri, attorney for Atlantic City Country Club; he realized there were violations. If they had their way, they would have their first tee time at 6am and be out there at 5am with mowers. He recounted the other loud noises that were permitted at 7am. He believed 6:30am was reasonable, he acknowledged that it was 6am on weekends. He did not understand the 2021 statement, nothing has changed since then. He asked that Council pass the ordinance, if it is passed, they would continue to try to work with everyone.

Councilman Notaro felt like what changed was the timing of the mowing of specific areas. Avoiding that area at a specific time would be a good solution.

Deb Chung, 7 Golfview Drive, said prior to moving here they did their due diligence about moving to a golf course. If Linwood could figure out how to schedule their first tee time at 7am, and mow at 7am, then Atlantic City Country Club should be able to do the same. She believed the Council should prioritize the needs of residents over the needs of a private business.

Councilwoman Bucci asked, if we pass the ordinance as it is, does it allow us to enforce the accommodations the Country Club was willing to make?

Solicitor Facenda reminded Council that enforcement would come in the form of changing the ordinance yet again; a judge would be bound by what was in black and white, not a procedural accommodation made by the County Club.

Councilwoman Bucci, speaking to the Downey's and the other resident, asked, was the Country Club accommodation acceptable?

Councilman Notaro reiterated that he felt the fairways could be cut the night before or some other time.

Solicitor Facenda restated that Council should vote on it; if you are not in favor or have concerns, vote no. If that carries forward and we must adjust it again, we would do it later.

Alicia Garry, via the Zoom chat function: "I love the tradition of the Country Club. I do empathize with the Downey's. We do not have to calm a special needs child sensitive to noise. Times change and community changes. The country club should compromise with a standard set time appropriate with noise or can you start somewhere else? I have to deal with the city cutting grass every Friday at 8am and that bothers me. But it's appropriate to the rest of the city. I always wonder why they can't rotate where they start to not affect the same residents. The Downey's are looking out for the well being of their child as we all would do. Thank you"

Councilman Notaro asked could it be amended?

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Solicitor Facenda reiterated the ordinance procedure.

Kevin Balistreri repeated the times being proposed; he urged Council to pass the ordinance and give them a chance to be good neighbors and work it out.

Mrs. Downey asked, if they were already violating the 8am time, what is to prevent them from violating the new time? It was only going to get earlier in her opinion. To start at 6am they have to get the equipment out at 5am.

Councilman Notaro commented that they have been doing this for 100 years, no one has ever said anything, but now that someone has complained, there must be some kind of balance. He did not believe the Country Club would be that arrogant; Councilman Notaro believed they would adhere to the times.

Deb Chung, 7 Golfview Drive, does not understand the need to start at 6am.

Mr. Borro stated that golfers want to start as early as possible, there was a window, they were unable to start at 7am. Twenty percent of their members cannot play.

Mrs. Chung added they were taxpayers, but they are a private club, it should be 7am. We should not honor a private club over a private citizen.

Sarah Graser, 8 Golfview Drive, also pays taxes, and does not want to play later, if she cannot she'll go somewhere where she can.

Mrs. Chung, 7 Golfview Drive, other golf clubs start at 7am.

Seeing no others wishing to speak, Council President Polistina closed the public hearing on Ordinance 7-2023.

Roll Call: Mrs. Bucci – yes; Mrs. Carfagno – yes; Mr. Dewees- yes; Mr. Leeds – no; Mr. Notaro – yes; Mr. Smith – no; Mr. Polistina – yes; Motion carried.

PAYMENT OF BILLS \$ 597,222.54

Councilman Leeds motioned, Councilman Dewees seconded, for payment of bills.

Roll Call: Mrs. Bucci – yes; Mrs. Carfagno – yes; Mr. Dewees- yes; Mr. Leeds – yes; Mr. Notaro – yes; Mr. Smith – yes; Mr. Polistina – yes; Motion carried.

MEETING NOTICES

Councilwoman Bucci read the meeting notices.

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At approximately 7:48pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk