

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
JULY 23, 2013**

At 7:40pm, this meeting was called to order by Mary Canesi, Municipal Clerk. It was advertised in the Press of Atlantic City on January 7, 2013, in accordance with Public Law 1975, Chapter 231.

FLAG SALUTE

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

ROLL CALL

Present: Carew, Dewees, O'Neill, Perri, Polistina, Travagline

Mayor Vince Mazzeo, City Solicitor Kris Facenda, Municipal Engineer Dan Kwapinski, and Deputy Clerk Mimi Marlor were also in attendance.

OATH OF OFFICE – COUNCIL VACANCY

Council President Travagline announced that Dennis Mahon was selected by the County Committee to fill the Brown vacancy and called forward Mr. Mahon, along with Sheriff Balles who would be administering the ceremonial Oath of Office.

Sheriff Balles administered the Oath of Office, and commented that he was honored to do so. He said Dennis Mahon will do a fine job.

Councilman Mahon thanked all for attending and shared his motto: you have to do more than vote; you have to get involved. He thanked his fellow Republicans Larry Carlson and John Dunn and commented that both would have served the community well.

ROLL CALL

Present: Carew, Dewees, Mahon, O'Neill, Perri, Polistina, Travagline

READING AND APPROVAL OF THE MINUTES

A motion was made by Councilman Polistina, seconded by Councilman Carew to dispense with the reading of the minutes of June 20, 2013; June 25, 2013; and July 18, 2013. They have been posted, distributed to Council and are on file in the Municipal Clerk's Office.

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Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – yes; Mr. O’Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

PRESENTATION: PAUL MIOLA ACMJIF

Council President Travagline announced Paul Miola’s presentation on the City’s upcoming 3 year JIF renewal.

Mr. Miola distributed a presentation packet entitled “Renewing your JIF Membership”. He stated that the ACMJIF is an insurance company and noted that it is really a shared service agreement covered under Title 40. He reviewed the Presentation page by page with Council. He noted in his closing statement that Northfield is a charter member of the JIF and hopes they will renew. He asked if anyone from Council had questions.

Council President Travagline asked if Council needed further discussion; the resolution of renewal has been prepared and asked if there are any objections to adding it to this evening’s agenda.

Councilman Perri noted the history with the JIF has been good but the City hasn’t really had time to get quotes. Council President Travagline offered to extend the discussion regarding the renewal until next month.

Councilman Carew commented that the JIF is a proven commodity and said he’d like to approve the renewal.

Council President Travagline directed Municipal Clerk Canesi to add resolution 149-2013 to agenda to approve the JIF renewal.

COMMITTEE REPORTS

Councilman Perri stated that he attended the Library expansion dedication and it was a nice event to celebrate a first class addition that will suit the City well. He thanked the Board, Friends of the Library and all the volunteers who contributed time and energy to the project. He commended the past President, Seth Brilliant and noted the new President is doing a good job as well. He thanked everyone involved in the Independence Day event, as it is a long standing tradition in Northfield. He reported that the health insurance quotes are back and he would like to meet with the committee prior to the August Council meeting when he would like to report the findings and recommendations. He announced that the Senior Committee recently had a meeting at the Park Center and will meet again July 25, 2013 at 7pm, here at City Hall, and all are welcome to attend.

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Councilman O'Neill reported that the Court Administrator would be out for an extended period of time. He noted he will be checking in with the Court staff regularly and report any issues immediately.

Councilman Polistina reiterated the Capital discussion took place during the work session. He further noted that the next steps at Veterans Park are to address the drainage issues in the back of the lot. He added that the front looks great and they are hoping to wrap up the drainage issues in the next few months.

Council President Travagline stated he'd been approached by residents with regard to tree removal at the Park. Polistina replied that any trees that were removed were done out of necessity to facilitate access for because they were dead or downed. No further tree removal is planned.

Councilman Dewees said he attended the NCS school board meeting where they approved the technology shared services agreement. He said Northfield's OEM was also there for preliminary discussions regarding a partnership with the school to certify it as a shelter. He reported that he met with the Zoning Official regarding the trees on Twelve Oaks Court that are overgrown and extending into the cartway.

Councilman Carew noted he had nothing further to add this evening.

Council President Travagline thanked Council, Mayor and the municipal staff, for helping him make the transition into the Council President seat. He noted that this evening's work session topics were added by him, including the grant writer, all of which he hopes will save the taxpayers money. He stated that he feels Northfield is a great place to live and he knows Council has done its best to ensure that this continues to be the best City it can be.

MAYOR'S REPORT

Mayor Mazzeo thanked the Cultural Committee for their efforts on the July 4th parade. He also thanked Jay Hurley and his committee for their hard work on the Connolly Run, now in its 31st year. He reported that he attended the Library expansion opening and noted it will be a great addition. He noted that the Library is becoming more of a community center offering new technology to take it into the future. He said the Planning Board approved the former Superior Supply site as a new office building which will be nice for the area. He reported that he and Municipal Clerk Canesi attended a meeting on July 1st in Margate to discuss energy aggregation in the form of a co-op. He noted that representatives from Somers Point, Absecon, and Linwood were also in attendance. He provided an overview of the

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implementation steps, which are covered under Title 14. Average savings for residents could be \$350-\$500 in the first year. He said Northfield would have to adopt an Ordinance to establish the relationship, and suggested that a representative of the aggregation firm to come to make a presentation to Council at the August 27th meeting. Linwood has already introduced this Ordinance and residents can opt out. Mayor Mazzeo read the Police Department report for the month of July 2013 and announced August 6, 2013 as the date for National Night Out.

At 8:19pm, Deputy Clerk Marlor left the meeting and did not return.

ENGINEER'S REPORT

The City Engineer's written report was provided to Mayor and Council and is on file in the Municipal Clerk's office. Dan Kwapinski of Schaffer, Nassar, Scheidegg Consulting Engineers, LLC, was in attendance and available for questions. Engineer Kwapinski stated that the bid opening that morning yielded only one bid and he recommended that that it be rejected as it exceeded project estimates and lack of availability of comparable bids. He also suggested scheduling the next bid opening to coincide with the possibility of an award at the next Council meeting.

Council President Travagline agreed; Solicitor Facenda indicated an authorizing resolution for the bid rejection would be added to this evening's agenda.

Engineer Kwapinski said everything is in order for the repair work on the City Garage to begin and he will coordinate the project. He asked the Solicitor for an update on Enclave at Shore Mill. Solicitor Facenda replied that the bank's position is that they transferred the remaining obligation to Portnoy; however Portnoy may have taken the opposite position. The bond the City has may cover the improvements and we may be close to a situation similar to that of Trocki Development. It does not seem that either party is proactively taking steps to make the required improvements.

Engineer Kwapinski provided a review of the improvements that still need to be completed.

Solicitor Facenda stated that it may be time to notify Roma Bank that we will be executing the letter of credit.

Council President Travagline asked if there were any objections. There were no objections raised.

Engineer Kwapinski urged Council to consider the area from Roosevelt to Davis Avenue on Broad as Phase 3 for next year's Municipal Aid application; applications

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are now available. He also stated he would like to continue to work on drainage in the area. For the Bikeway Grant Kwapinski suggested the jogging track be refreshed.

Council President Travagline conducted a straw poll and all Council members were in favor of Engineer Kwapinski proceeding with the grant applications as per his recommendations.

RESOLUTIONS/ CONSENT AGENDA

Council President Travagline 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.

Municipal Clerk Canesi stated for the record that Resolution 150-2013 to authorize City to take steps on the letter of credit for Enclave at Shore Mill and 151-2013 authorizing Engineer to formally reject the bid for Football Field Restroom and Sewer upgrade will be added to the agenda.

Councilman O'Neill motioned, Councilman Perri seconded, to vote by consent agenda on Resolutions 134-2013 through 151-2013.

- 134-2013** To Authorize the Sale of Surplus Property No Longer Needed For Public Use on an Online Auction Website
- 135-2013** To Authorize the Cancellation of 2012 Tax Balances Under \$10.00
- 136-2013** To Hire a Laborer in the Public Works Department
- 137-2013** To Accept the Resignation of Emergency Management Coordinator George R. Clark
- 138-2013** To Appoint Timothy Joo as the Municipal Emergency Management Coordinator for the City of Northfield
- 139-2013** To Approve an Application for Use of Facilities
- 140-2013** To Approve an Application for Use of Facilities
- 141-2013** To Authorize the Execution of a Right of Way Easement Over and Upon a Part of Block 16.01, Lot 10, in Favor of the County of Atlantic in the State of New Jersey
- 142-2013** 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 an Employment Agreement between the City of Northfield and Lauren W. Crooks, Assistant Fire Chief

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- 143-2013** 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 Caesars Entertainment, Inc. v. City of Northfield, Docket No. ATL-L-7733-12
- 144-2013** 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. 10:4-12b(7) Regarding Contract Negotiations in the Matter of the Maple Run Sewer Force Main
- 145-2013** 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
- 146-2013** To Authorize the Preparation and Advertisement of an RFQ for the Services of a Grant Writer
- 147-2013** To Authorize Extension of Third Quarter Tax Payments
- 148-2013** To authorize the Mayor, Council President and City Engineer to Continue Discussions with the County Regarding Construction of Curbs and Sidewalks on Mill Road and Zion Road
- 149-2013** A Resolution Renewing Membership in the Atlantic County Municipal Joint Insurance Fund
- 150-2013** To Authorize City Solicitor to Prepare Documentation and Otherwise Communicate with Roma Bank Authorizing a Potential Claim Against their Irrevocable Standby Letter of Credit in the Matter of the Development Known as Enclave at Shore Mill
- 151-2013** To Authorize Rejection of Bids and Re-advertisement for Request for Bids For the Project Know as the Football Field Restrooms and Sewer Upgrade at Birch Grove Park in the City of Northfield.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – yes; Mr. O’Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

Councilman O’Neill motioned, Councilman Perri seconded, to adopt the consent agenda for Resolutions 134-2013 through 151-2013. Perri noted his abstention from the vote on Resolution 145-2013 and said he would not be participating in the Executive Session it authorizes.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – yes; Mr. O’Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

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ORDINANCES

Councilman Dewees motioned, Councilman O'Neill seconded to adopt Ordinance 7-2013, to be read by title only.

7-2013 Amending Section 350 of the City of Northfield Code (Towing)
2nd Reading/Public Hearing/Final Adoption
Published in the Press of AC 7/27/2013

The Municipal Clerk read the Ordinance by title, and stated that since introduction, the 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.

Council President Travagline opened the public hearing. Seeing no one from the public wishing to speak on Ordinance 7-2013, he closed the public hearing.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – abstain; Mr. O'Neill – yes; Mr. Perri – abstain; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

Councilman Carew motioned, Councilman Perri seconded to adopt Ordinance 8-2013, to be read by title only.

8-2013 Ordinance Providing For And Establishing The Position Of Personnel
Coordinator For The City Of Northfield
2nd Reading/Public Hearing/Final Adoption
Published in the Press of AC 7/27/2013

The Municipal Clerk read the Ordinance by title, and stated that since introduction, the 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.

Council President Travagline opened the public hearing. Seeing no one from the public wishing to speak on Ordinance 8-2013, he closed the public hearing.

Councilman Perri stated he would like to see a City Administrator or Manager.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – abstain; Mr. O'Neill – abstain; Mr. Perri – no; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

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Councilman Dewees motioned, Councilman Polistina seconded to adopt Ordinance 9-2013, to be read by title only.

9-2013 An Ordinance Appropriating \$20,000.00 From The Capital Improvement Fund For The Purchase Of Computer And Electronic Equipment For The City Of Northfield, County Of Atlantic, State Of New Jersey
2nd Reading/Public Hearing/Final Adoption
Published in the Press of AC 7/27/2013

The Municipal Clerk read the Ordinance by title, and stated that since introduction, the 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.

Council President Travagline opened the public hearing. Seeing no one from the public wishing to speak on Ordinance 9-2013, he closed the public hearing.

Councilman Carew asked for confirmation that Councilman O’Neill’s figure for the server and installation was \$7500. Councilman O’Neill replied that this was correct.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – abstain; Mr. O’Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

Councilman Mahon motioned, Councilman Carew seconded, to introduce Ordinance 10-2013, to be read by title only.

10-2013 An Ordinance Establishing Traffic Control Standards and Requirements for Construction and Road Repairs in the City of Northfield
Introduction/No Public Input/Published 7/27/2013
2nd Reading/Public Hearing/Final Adoption 8/27/2013

The Municipal Clerk read the Ordinance by title, announcing that there would be no public input on introduction. She provided the hearing and publication dates and noted that the Ordinance will be posted on the City website, on the bulletin board at City Hall, and the website the following morning. In addition, copies are available at no cost in the office of the Municipal Clerk between the hours of 9:00am and 4:00pm, Monday through Friday.

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Council President Travagline asked if there were any questions or comments by Council.

Solicitor Facenda stated that during the JIF presentation he showed Ordinance 10-2013 to Richard Gerber, specifically the insurance requirement and he approved the dollar figure.

Councilman Perri asked how it alleviates the condition that we are trying to negotiate.

Councilman Polistina asked if by condition, Perri was referring to the side bar agreement, he believed it would. Mayor Mazzeo replied that we can't discuss that outside Executive Session but depending on which way it goes, it could take part.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – yes; Mr. O'Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

PAYMENT OF BILLS

Councilman Polistina motioned, Councilman Carew seconded, for payment of bills in the amount of \$ 752,948.76.

Roll call: Mr. Carew – yes; Mr. Dewees –yes; Mr. Mahon – yes; Mr. O'Neill – yes; Mr. Perri – yes; Mr. Polistina – yes; Mr. Travagline – yes Motion carries

Council President Travagline opened this meeting to the public and asked if anyone wished to speak on any subject. Seeing no wishing to speak, Council President Travagline closed the public session.

Councilman Perri read the meeting notices

EXECUTIVE SESSIONS OF COUNCIL

Council President Travagline announced that Council will be entering an executive session and the resolution was adopted earlier in the evening.

142-2013 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 an Employment Agreement between the City of Northfield and Lauren W. Crooks, Assistant Fire Chief

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The Municipal Clerk read the resolution by title and said she would defer to the Solicitor for an explanation of the subject matter to be discussed and the amount of time which could be expected to elapse before the minutes of the non-public session could be released. She also stated that Crooks had been issued and has signed a Rice Notice.

Solicitor Facenda stated the substance of the discussion will center on an employment agreement with the City of Northfield and Assistant Chief Lauren W. Crooks. Once that agreement is finalized the minutes of the Executive Session may be released.

At 8:57pm, Council left the dais and entered the Mayor's office. Solicitor Facenda, Mayor Mazzeo and Deputy Municipal Clerk Mimi Marlor were also in attendance. At 9:55pm, the Executive Session was adjourned and the regular meeting of Council resumed in Council Chambers. Solicitor Facenda announced a summary for the record as follows: Council discussed general and specific contract terms and conditions. The negotiations are ongoing and when finalized minutes may be made available.

143-2013 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 Caesars Entertainment, Inc. v. City of Northfield, Docket No. ATL-L-7733-12

The Municipal Clerk read the resolution by title and said she would defer to the Solicitor for an explanation of the subject matter to be discussed and the amount of time which could be expected to elapse before the minutes of the non-public session could be released. Municipal Clerk Canesi announced that Council remained in Council Chambers.

Solicitor Facenda stated that the subject matter is litigation filed by Caesar's Entertainment Inc. vs. the City of Northfield pertaining to a change in the City's zoning ordinance that Caesars Entertainment Inc. alleges is arbitrary, capricious and unreasonable. The litigation is in its infancy and minutes will be kept until the litigation is concluded and at that time may become available.

At 9:57pm Council entered closed session. Solicitor Facenda and Mayor Mazzeo were also in attendance. At 10:01pm, the Executive Session was adjourned and the regular meeting of Council resumed. Solicitor Facenda announced a summary for the record as follows: Council discussed the status of the pending litigation with Caesars

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Entertainment, and a potential settlement offer. No action was taken and minutes will become available when the matter has been fully litigated.

144-2013 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. 10:4-12b(7) Regarding Contract Negotiations in the Matter of the Maple Run Sewer Force Main

The Municipal Clerk read the resolution by title and said she would defer to the Solicitor for an explanation of the subject matter to be discussed and the amount of time which could be expected to elapse before the minutes of the non-public session could be released.

Solicitor Facenda stated that Council will discuss negotiations with Egg Harbor Township with regard to the Maple Run Sewer Force Main and the 11 homes in Egg Harbor Township that are tied into the Northfield sewer system. He further stated that minutes will not be released until contractual negotiations have concluded and have resulted in an approved agreement.

At 10:04pm Council entered closed session. Solicitor Facenda and Mayor Mazzeo were also in attendance. They remained in Council Chambers. At 10:14pm, the Executive Session was adjourned and the regular meeting of Council resumed. Solicitor Facenda announced a summary for the record as follows: Council discussed continued terms and conditions of an agreement that may or may not be agreeable to the City. Minutes will be made available when contractual negotiations have been concluded.

145-2013 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

Councilman Perri departed the meeting as indicated during the vote on Resolution 145-2013 earlier in the evening.

The Municipal Clerk read the resolution by title and said she would defer to the Solicitor for an explanation of the subject matter to be discussed and the amount of time which could be expected to elapse before the minutes of the non-public session could be released.

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Solicitor Facenda stated that Council will discuss pending litigation relating to a lawsuit filed by Trocki Development for the return of funds related to certain improvements not completed properly by the developer. Minutes will be kept and released when litigation concludes.

At 10:17pm Council entered closed session. Solicitor Facenda and Mayor Mazzeo were also in attendance. They remained in Council Chambers. At 10:27pm, the Executive Session was adjourned and the regular meeting of Council resumed. Solicitor Facenda announced a summary for the record as follows: the Executive Session has concluded and Council discussed the procedural status of Trocki Development vs. City of Northfield litigation. He stated that minutes will be released when litigation is final.

At 10:28pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC Municipal Clerk