

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
JANUARY 28, 2015**

At 6:47pm, this meeting was called to order by Mary Canesi, Municipal Clerk. It was advertised in the Press of Atlantic City on January 10, 2015, in accordance with Public Law 1975, Chapter 231.

FLAG SALUTE

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

ROLL CALL Present: Dewees, Lischin, Murray, O’Neill, Perri, Travagline

Absent: Piergiovanni

Mayor Chau, Solicitor Kris Facenda, and Municipal Engineer Dan Kwapinski were also in attendance.

Council President Travagline welcomed everyone to the meeting.

READING AND APPROVAL OF THE MINUTES

A motion was made by Councilman Murray, seconded by Councilman Lischin to dispense with the reading of the minutes of December 8, 2014 and January 6, 2015. They have been posted, distributed to Council, and are on file in the Municipal Clerk’s Office.

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

COMMITTEE REPORTS

Councilman Perri stated he is in the process of reorganizing the Senior Committee. He spoke with Alliance Coordinator Kathi Smith and Councilman Piergiovanni; they will be doing an Alliance program at the Library next month. He offered his condolences to Kathi Smith and her family due to the passing of her father. He noted final adoption of the sewer ordinance which will fund infrastructure repair. He reminded everyone that insurance seminar was canceled and rescheduled. There was a Veterans Park meeting, he deferred to Councilman Murray on that topic. Perri said Mr. Webb advised him that there will be a breakfast and soup sale at the American Legion this weekend

Councilman O’Neill had nothing to report.

Councilman Dewees stated that on January 19th he attended a meeting with County Executive Dennis Levinson, Mayor Guardian of Atlantic City, and Freeholders at the

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Freeholder's office. They discussed the PILOT program which is designed to help with the financial situation in Atlantic City. He believed the program is on hold, due to pending legislation.

Councilman Murray said he will be meeting with the Finance Committee and Dawn Stollenwerk, the CFO, tomorrow.

Councilman Lischin stated his committees are MRHS Channel 2 and Technology. He noted that student should be videotaping this evening but is not here, he believed a schedule was provided to the school and he will follow up. As per Maggi Siegel, school board member, class rank has been eliminated and is intended to help the students. MRHS also has a new website, and tomorrow is the open house for new students from the sending districts. Councilman Lischin noted he also chairs the Cultural Committee and will be attending a meeting with the Committee tomorrow.

MAYOR'S REPORT

Mayor Chau noted the incident command memo that was distributed to council which noted that incident command training is required for elected officials. Mayor Chau will coordinate the training with OEM coordinator Tim Joo. He thanked Councilman Dewees for attending the PILOT program presentation in his absence. As Councilman Dewees noted, the program is on hold. This past Sunday, Mayor Chau, Councilman Dewees and other volunteers were invited to a celebration at the Good Shepherd Church to honor public servants, including police, fire and EMS volunteers, and others.

He noted the presence of the members of the police force in the audience, and indicated that there have been stumbling blocks with regard to resolutions to the issues of the acting positions and the shared Chief. He did feel lines of communications are open between the City and union representatives, and there is open dialogue.

Councilman Perri noted that there was a plan in place to have testing; he asked if the plan is still in place.

Mayor Chau was told by Chief Hickey that he had to make a decision by a certain date in February for testing; he didn't think it was fair because some may not have had the money to purchase the test materials. He also had concerns about the testing procedures themselves. He has asked the PBA representatives for suggestions that can be considered as an alternative to our current testing procedures. He was advised by the PBA to go from top to bottom. He was ready to move from bottom to top; PBA did not think this was wise and suggested holding off, resolving problems and then moving forward.

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Councilman Perri feels the current process is viable and stated that Labor Counsel has reviewed it. He has had no correspondence from Linwood about a shared police service. He would like Mayor Chau's permission to reach out to Mayor DePamphilis on his own to get his questions answered.

Council President Travagline noted that there are two Shared Service meetings tomorrow, one to discuss EMS and another to discuss other issues.

Councilman Perri and Councilman O'Neill both stated they were not aware of the meeting.

Council President Travagline clarified for the record that there have not been any meetings with Linwood regarding a Police Committee.

Mayor Chau noted that he has not established a Police Committee yet but has met with Linwood Mayor DePamphilis.

Councilman Perri asked if the new fire apparatus in this building or in the other building.

Mayor Chau stated it is at Station 2, the other building.

ENGINEER'S REPORT

Engineer Kwapinski submitted a grant application to the Atlantic County Improvement Authority in March 2014 asking for \$58,000 in ADA improvements at Birch Grove Park. He has met with Councilman Dewees to discuss the project; the grant covers only construction costs and would need to go out to bid. Cape Atlantic Soil Conservation has requested that a permit application be filed, and permit fees paid, if any additional improvements are made to the Veterans Park.

Council President Travagline requested a Resolution for the next meeting.

Engineer Kwapinski stated South Jersey Gas has started renewing the gas mains where our 2014 road paving project would be and is going smoothly. He has met with SJ Gas about coordinating additional work and will report at next meeting. He also met with City representatives and DOT about the sidewalks on Route 9 project. DOT is actively pursuing this project and hopes to begin work in the summer. The school is not in favor of adding any new entrances or exits along Route 9.

Mayor Chau spoke regarding shared dispatch, he will be forming a committee, including Sergeant of Police Dettinger, along with representatives from each department that uses communications equipment, to create an inventory and make a presentation to Council for budgetary purposes.

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Mayor Perri noted that at recent planning board meeting the housing plan was endorsed and a 19 unit subdivision plan was filed at the Arthur Henry property, which is in the inventory.

PUBLIC SESSION

Council President Travagline opened the meeting to the public and asked if anyone wished to speak on any subject.

Jerry McGee, 1620 Zion Road, stated that back in August he had asked Chief Hickey to initiate testing to fill from the bottom up. Mr. McGee asked the Chief to talk to Solicitor Facenda to see if it was legal. He doesn't think he ever did. He inquired again in October and the Chief said he wanted to talk to Labor Counsel. He was told testing would be February 2nd. The reason for filling from the bottom up depends on what ordinance you use. You can't promote a Sergeant to Captain. You can't double jump. The Captain position is a union position, the Chief is not. Mr. McGee is confused about Mayor Chau's statement that the men would not have time to study. You don't have to promote if you test, but you have a pool of employees for the next three years if you do.

Mayor Chau said was told by Chief Hickey that he had to provide an answer in five days. Mayor Chau was prepared to go from bottom to top, but was told to hold off by the PBA. The Mayor felt confident that there were men in place and holding off on the test would not jeopardize the City. He is not happy with the situation. The City should have moved forward with the promotions.

Mr. McGee reiterates that you can't promote a Sergeant to Captain.

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

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. The Executive Sessions 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. Any vote made on subjects discussed will be made in public.

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Councilman Perri motioned, Councilman Murray seconded to vote to adopt Resolution 34-2015

34-2015 A Resolution of the Council of the City Of Northfield Endorsing the Prior Round Housing Element and Fair Share Plan Adopted By the City Planning Board on January 22, 2015

Council President Travagline introduced Tiffany CuvIELLO, Professional Planner to provide summary to the public.

Ms. CuvIELLO stated that this Resolution endorses the Housing Element Plan approved by the Planning Board and will allow the City to satisfy its fair share of affordable housing prior round obligations. She provided a summary of how the City will satisfy its obligation, and said the total plan provides 200 credits, which includes a 10 unit surplus. The plan will be reviewed by a Special Master. There will be a Fairness Hearing and any affected property owner will receive a public notice. The City needs to have a little bit of a surplus as there will be future rounds. She noted that only 25% of your affordable obligation can be satisfied with age restricted housing. There are maps in the plans that identify all of the proposed properties; the associated ordinances would have to be adopted within 45 days of final court approval. There was a public hearing on the 22nd at the planning board. CuvIELLO said she would leave it to Council's discretion as to how much detail they would like her to provide.

Councilman Perri asked that she review the associated ordinances.

Ms. CuvIELLO explained the affirmative marketing ordinance, the development fee ordinance, and the zoning ordinance that would change the zoning on the affected properties.

Councilman Murray asked what if the further round numbers reduce the numbers, can we reduce our numbers.

Ms. CuvIELLO stated yes, this is a living breathing document; the plan can be amended to change your obligation.

Councilman Perri asked when the Fairness Hearing was.

Municipal Clerk Canesi stated that it will be held April 1st; with public commentary due March 25, 2015.

Council President Travagline thanked Ms. CuvIELLO, the Surenian Law Firm, Solicitor Facenda, members of Council, and Clerk Canesi, for all of their hard work. He thanked Ms. CuvIELLO especially.

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

Councilman Dewees motioned, Councilman O’Neill seconded, to vote by Consent Agenda on Resolutions 31-2015 to 33-2015 and 35-2015 to 42-2015

- 31-2015** End of Seasonal Assignment Birch Grove Park Employee Stephen McKeone
- 32-2015** Authorize the Hiring Of Stephen McKeone as a Seasonal Maintenance Employee for Birch Grove Park
- 33-2015** A Resolution Confirming The Appointment Of Frank J. Lentz, Esquire As The Municipal Public Defender And Michele Verno As Municipal Prosecutor
- 35-2015** NJ Safe and Secure Communities Program Grant Application – One (1) Police Position - \$30,000.00Safe and Secure Communities Grant
- 36-2015** Acceptance of the LOSAP Point System and Qualifiers for Members of the Northfield Volunteer Fire Co. #1
- 37-2015** Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014 – June 2019
- 38-2015** Resolution to Amend the Agreement between Tiffany CuvIELLO, Professional Planner, and the City of Northfield
- 39-2015** Resolution to Authorize the Relocation of a New Jersey Transit Bus Stop within the City of Northfield
- 40-2015** 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(4), Regarding Contract Negotiations With The Atlantic County Utilities Authority For The Performance Of Trash Collection Services In The City Of Northfield
- 41-2015** 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(4), Regarding Contract Negotiations For Mainland PBA, Local 77
- 42-2015** A Resolution Providing For an Executive Session Not Open To the Public In Accordance With the Provisions of the New Jersey Open

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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

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

Councilman Dewees motioned, Councilman O’Neill seconded, to adopt by Consent
Agenda on Resolutions 31-2015 to 33-2015 and 35-2015 to 42-2015

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

ORDINANCES

Councilman O’Neill motioned, Councilman Perri seconded, to adopt Ordinance 1-
2015.

1-2015 An Ordinance Revising Sewer Rents and Charges Under Article X of
Chapter 288 of the Northfield City Code
2nd Reading/Public Hearing/Final Adoption
Published in the Press of AC 1/31/2015

The Municipal Clerk read the Ordinance by title, and announced the final publication
date. This is the second reading and the matter will be considered for final adoption
after a public hearing. 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 Travagline opened the public hearing. Seeing no one from the
public wishing to speak on Ordinance, he closed the public hearing.

Mr. O’Neill asked if there will be a specific line item for budget purposes.

Council President Travagline would imagine so; Council will discuss Thursday at the
Budget Committee meeting.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes;
Mr. Perri – yes; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries for
final adoption of Ordinance 1-2015.

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Councilman Lischin motioned, Councilman Murray seconded, to adopt Ordinance 2-2015.

2-2015 An Ordinance Amending the 1986 Land Use and Development Ordinance, as Amended, and Amending the City's Zoning Map
2nd Reading/Public Hearing/Final Adoption
Published in the Press of AC 1/31/2015

The Municipal Clerk read the Ordinance by title, and announced the final publication date. This is the second reading and the matter will be considered for final adoption after a public hearing. 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 Travagline opened the public hearing. Seeing no one from the public wishing to speak on Ordinance, he closed the public hearing.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O'Neill –yes; Mr. Perri – yes; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries for final adoption of Ordinance 2-2015.

Councilman Dewees motioned, Councilman Lischin seconded, to introduce Ordinance 3-2015.

3-2015 Calendar Year 2015 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)
Introduction/No Public Input/Published in the Press of AC 1/31/2015
2nd Reading/Public Hearing/Final Adoption 2/10/2015

The Municipal Clerk read the Ordinance by title, and stated that this is the introduction, and there will be no public input. The public hearing and publication dates were announced. The full Ordinance has been posted in the lobby of City Hall and on the City website, and 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 to any member of the public who requests same.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O'Neill –yes; Mr. Perri – yes; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries for introduction of Ordinance 3-2015.

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Councilman Dewees motioned, Councilman Lischin seconded, to introduce Ordinance 4-2015.

4-2015 An Ordinance Granting Renewed Consent And Permission To South Jersey Gas Company To Use The Public Streets To Furnish Gas For Light, Heat And Power In The City Of Northfield
*Introduction/No Public Input/
Published in the Press of AC 1/31/2015 and 2/7/2015
2nd Reading/Public Hearing/Final Adoption 2/25/2015*

The Municipal Clerk read the Ordinance by title, and stated that this is the introduction, and there will be no public input. The public hearing date, and requisite publication dates were announced. The full Ordinance has been posted in the lobby of City Hall and on the City website, and copies will be 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 requests same.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri – yes; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries for introduction of Ordinance 4-2015.

PAYMENT OF BILLS

Councilman O’Neill motioned, Councilman Dewees seconded, for payment of bills in the amount of \$ 1,986,571.70

7:44pm Mayor Chau left the dais.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O’Neill –yes; Mr. Perri – yes; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries for payment of bills.

Councilman Perri read the meeting notices.

Councilman Perri asked that Chief Hickey elaborate on the recent homicide.

Chief Hickey stated that everything is running through the Atlantic County Prosecutor’s Office.

7:45pm Mayor Chau returned to the dais.

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EXECUTIVE SESSIONS

Council President Travagline announced that Council will be entering Executive Sessions and the resolutions authorizing each session were adopted earlier in the evening as part of the Consent Agenda.

40-2015 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(4), Regarding Contract Negotiations With The Atlantic County Utilities Authority For The Performance Of Trash Collection Services In The City Of Northfield

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 this is a potential shared service agreement and contract negotiations with the ACUA; minutes will be kept and will be released when required by law. Timeframe is not known as negotiations will continue. This session is for discussion purposes only; no action is anticipated by council.

At 7:46pm Council adjourned to the Mayor's Office for the Executive Session discussion.

At 8:41pm, the Executive Session of Council concluded and Council returned to council chambers.

Solicitor Facenda announced a summary for the record as follows: during the Executive Session Council engaged in discussions that centered on contractual negotiations and potential shared service. No decisions had been made. The topic will continue to be discussed. The minutes will be available when the matter concludes.

42-2015 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

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 Council will enter into an Executive Session to discuss current pending litigation with Jack Trocki Development Co. LLC and the purpose is to discuss with Council a recent settlement conference and settlement agreement that have been presented to the City. Minutes will be released pending settlement of the agreement.

At 8:44pm Councilman Perri recused himself and Council entered the Mayor's Office for the Executive Session discussion.

At 8:50pm the Executive Session of Council concluded and Council returned to council chambers.

Solicitor Facenda announced a summary for the record as follows: Council engaged in discussion regarding a global settlement with Trocki for a sum of \$62,500; minutes will be available when he matter has concluded. He called for resolution approving the settlement of litigation for \$62,500.00 payable to the City by Jack Trocki, LLC with indemnification and contribution from Ryan Homes.

Councilman O'Neill motioned, seconded by Councilman Dewees for Resolution 43-2015.

Roll call: Mr. Dewees –yes; Mr. Lischin –yes; Mr. Murray –yes; Mr. O'Neill –yes; Mr. Perri – abstain; Mr. Piergiovanni –absent; Mr. Travagline – yes Motion carries.

41-2015 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(4), Regarding Contract Negotiations For Mainland PBA, Local 77

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 Council will enter into an Executive Session to discuss contract negotiations with the PBA Local 77, negotiations will continue, minutes will be kept and will be released when the matter has concluded. The time for availability is unknown at this time.

At 8:54pm, Council entered the Mayor's Office for the Executive Session discussion.

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At 9:21pm, the Executive Session of Council concluded and Council returned to council chambers.

Solicitor Facenda announced a summary for the record as follows: the topics discussed were matters of contractual negotiations. No official actions were taken. Negotiations will continue. The minutes will be made available when matter has concluded.

At 9:22pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC Municipal Clerk