

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
OCTOBER 28, 2014**

At 7:06pm, this meeting was called to order by Mary Canesi, Municipal Clerk. It was properly advertised in the Press of Atlantic City on January 11, 2014 in accordance with Public Law 75, Chapter 231.

FLAG SALUTE

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

ROLL CALL

Present: Chau, Devine, O'Neill, Perri, Travagline
Absent: Dewees, Piergiovanni

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

Council President Travagline introduced Assemblyman Chris Brown who gave an update on gaming in North Jersey.

Assemblyman Brown noted gaming in North Jersey is an issue, and provided an overview of pending legislation on domestic violence, and another bill regarding women's health which will require health insurance companies to pay for additional diagnostic testing. He explained a pending bill regarding bail reform that would allow non-violent offenders to have a better chance of staying home with their families, and at the same time make it easier to prevent a violent offender from being able to post bail. He then offered to answer any questions that Council or residents may have

Councilman O'Neill asked brown to explain what is happening in Atlantic City.

Assemblyman Brown referred to a study done five years ago that would promote non- gaming activities and make the city cleaner and safer. The recommendations of that study have not been fully implemented. Forty-two percent (42%) of Atlantic City's gaming revenue comes from North Jersey; putting casinos in North Jersey will only cannibalize Atlantic City and result in less overall revenue to the State. He is advocating on behalf of Atlantic County. He has attempted to enact a resolution but it did not get enough support.

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Councilman O'Neill cited a lack of local cooperation, and asked if Brown has considered going across the aisle.

Assemblyman Brown explained his history of working on a bipartisan basis to get things done but doesn't understand why his counterpart would not support the resolution by signing it.

Mayor McGee stated that half of all casino employees have lost their jobs in the last 6 years; didn't Governor Christie say it was not a disaster that 8,000 people lost their jobs in recent months? What does it take to get the Governor to pay attention?

Assemblyman Brown stated people can be taken out of context or may have been trying to make another point; Governor Christie may have been trying to say that it's not over for this area. He said he applauds Governor Christie for the amount of attention he has paid to our County; more than any other governor since Governor Byrne. Governor Christie did it in a bipartisan manner.

Councilman Chau asked if legislators thought about revisiting the issue of having a casino owner own multiple properties.

Assemblyman Brown stated he proposed legislation to limit it to two per operator, grandfathering in the existing owners. He also proposed a bill to eliminate deed restrictions, and a third that would require a casino operator to pay back subsidies and abatements if they close a profitable casino. He and his Democratic counterpart signed them but the bills are not moving.

Councilman Chau feels in car video cameras for police cars should be somehow subsidized by State or other revenues.

Assemblyman Brown cited the inconsistency of a 2% cap and unfunded mandates. We must find ways to phase in the cameras without burdening the tax payer.

Councilman Perri asked for the process of how gaming would go to a different venue in the State.

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Assemblyman Brown said the Governor plays no role. It's a Legislative Act that amends our Constitution. The amendment has to pass 2 years in a row as a simple majority, or 1 year with a super majority, and then it would go on the ballot for the people to decide.

Seeing no one else wishing to speak Council President Travagline thanked Assemblyman Brown.

Council President Travagline stated he has been in contact with Assemblyman Brown's office about the bicycle and pedestrian plan and they have been very receptive and will help with grants. He would like to see Assemblyman Brown's counterpart come to the next meeting to present an update.

Councilman Perri stated the Mayor has been in contact with him on this issue.

Council President Travagline announced a public hearing for street opening hardship waiver request for Richard Greishaber, Willow Drive.

Solicitor Facenda met with Mr. Greishaber in the lobby to confirm that he's met the requirements while Council continued the meeting.

READING AND APPROVAL OF THE MINUTES

A motion was made by Councilman O'Neill seconded by Councilman Chau to dispense with the reading of the minutes of August 26, 2014, September 9, 2014 and September 23, 2014. They have been posted, distributed to Council, and are on file in the Municipal Clerk's Office.

Councilman Perri stated that he would be abstaining from the vote on the September 23rd minutes, as he has not read them.

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

COMMITTEE REPORTS

Councilman Perri said they had a nice senior affair at the library this month with Shore Medical giving a presentation to the senior citizens, he thanked Jessica Ludwig

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and Shore Medical. The upgrade to the Rosedale Avenue pumping station is on line. He wished all candidates good luck in the upcoming election.

Councilman O'Neill stated the Library Director, Aubrey Gerhardt, will help any Northfield resident who needs a skills update or assistance with a resume; he thanked Mrs. Gerhardt.

Councilman Devine had nothing to report.

Councilman Chau said he anticipated delivery of new fire truck in November. He met with members of the Police Department regarding the striping of areas near the bike path; it seems that laws are already in effect regarding no parking in these areas, and this is still moving forward. Councilman Chau will coordinate with Councilman Dewees regarding painting and striping. This Tuesday a new Mayor will be elected; acknowledged that he felt that Mayor McGee did what was in his heart as the best for Northfield.

Councilman Chau thanked Mayor McGee.

Council President Travagline stated that Councilman Dewees asked him to report that the lights on the bike path will be fixed by Thursday of this week with the assistance of borrowed apparatus from Somers Point. Council President Travagline stopped by the VFW this past weekend, he thanked teacher Mrs. Devine and Dr. Ferguson for what they are doing to help. There were more than 30 kids there between 9 and 13 years old. The school's new Superintendent, Mr. Gargiulo was there working too. He stated there is a lot of volunteerism in Northfield and the community really comes together.

MAYOR'S REPORT

Mayor McGee said he glad to see Assemblyman Brown come tonight, he would like to hear more about what is being done. *(McGee read from a prepared statement which he was to provide for inclusion in the minutes.)* He is not in favor of expanding gaming into North Jersey.

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Councilman Perri stated to Mayor McGee that he hasn't seen skills or management ability like Mayor McGee's in a long time. He wished him well, and hoped he will stay involved.

ENGINEER'S REPORT

Engineer Kwapinski engineers' report was previously distributed to Council. He offered to answer any questions.

Council President Travagline stated that Mr. Greishaber had presented a formal hardship waiver for his street, Willow Drive, which is under a moratorium until 2017.

Solicitor Facenda explained the process, Mr. Greishaber will present his case, a public hearing will be held, then any questions from Council will be addressed. Solicitor Facenda will review the provisions of the ordinance and then Council will vote.

Mr. Greishaber said he has a wood burning stove and electric baseboard heat; the baseboard went bad and he used firewood all winter. He applied for gas but was denied because of the moratorium. It is a hardship to have to constantly fire up the wood stove to keep his family warm, economically it's hard to have to keep buying wood.

Council President Travagline opened and closed the public hearing with no comment from the public.

Solicitor Facenda asked if Council had any questions of the applicant.

Councilman Perri asked if he will put money in escrow to reconstruct the street.

Mr. Greishaber stated yes.

Solicitor Facenda said restoration standards require a guarantee to be placed in escrow.

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Councilman O'Neill asked Engineer Kwapinski if gas is in the street or in the sidewalk.

Engineer Kwapinski stated there is a 4-5 foot offset from the curb; not in the middle travel lane.

Councilman Devine asked if the main is on Mr. Greishaber's side of the street.

Mr. Greishaber said he is not sure.

Engineer Kwapinski stated it's on the opposite side.

Councilman Chau asked if there would be one or two street openings.

Engineer Kwapinski said he is not sure.

Councilman Chau asked if there is the potential for two openings, depending on how they bring the gas across the street.

Engineer Kwapinski stated restoration requirements are 20 foot on either side of the hole, 30 feet wide. A previous applicant put up \$6,000.00

Councilman Chau asked if the applicant was aware of that requirement.

Mr. Greishaber stated no, he was not. The other opening on his street was about a year and a half ago.

Councilman Chau asked why he wanted to switch from electric

Mr. Greishaber said the wiring is old.

Councilman Chau asked if the current electrical system can be repaired.

Mr. Greishaber replied no, he ripped it out when he assumed he'd get gas.

Councilman Devine asked if it would cost more once the moratorium is over.

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Engineer Kwapinski said in 2017 the amount of street he'd have to pave would be reduced. We are in the first five years.

Mayor McGee suggested that the resident get propane until the moratorium is past, if the \$6,000.00 is too much.

Councilman Chau asked if it's all or none; if Council approved did he have to put up the \$6,000.00.

Solicitor Facenda stated yes, it would be a cash bond. He suggested the application be withdrawn with prejudice, or denied with prejudice, so the applicant can come back if he determines that he can post the required guarantee.

Council President Travagline noted that, with all due respect, all of these facts are in the ordinance that was provided to Mr. Greishaber. He asked Engineer Kwapinski about the other road opening that Mr. Greishaber had referred to.

Engineer Kwapinski was not familiar with it, but the gas company also has a paving obligation.

Council President Travagline asked if SJ Gas is willing to do the work.

Mr. Greishaber replied yes.

Council President Travagline noted that the other moratorium waiver that was granted was done so due to an error in the notice requirements; he asked Clerk Canesi if procedure was followed with regard to the notice. He asked if Mr. Greishaber was notified when street was paved.

Clerk Canesi stated she has no way of knowing.

Council President Travagline said it's incumbent upon Mr. Greishaber to prove if this was not the case. He urged Mr. Greishaber to explore other, less expensive options. Councilman Chau does not feel Mr. Greishaber got all of the facts and remains concerned about the unknown aspects of the financial obligations.

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Solicitor Facenda asked Mr. Greishaber if he wanted to proceed; he explained Mr. Greishaber can withdraw and make another application at a later time.

Mr. Greishaber indicated that he'd like to withdraw his application.

Solicitor Facenda clarified that the withdrawal is without prejudice, subject to the requirements of the ordinance.

PUBLIC SESSION

Council President Travagline opened the meeting to the public and asked if anyone wished to speak on any subject. Seeing no one wishing to speak he closed the 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 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. Any vote made on subjects discussed will be made in public.

Councilman Perri motioned, Councilman O'Neill seconded to vote by Consent Agenda on Resolutions 177-2014 through 184-2014.

177-2014 Refund Overpayment of Taxes

178-2014 Cancellation of Taxes – Various

179-2014 To Approve an Application for Use of Facilities

180-2014 To Approve an Application for Use of Facilities

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- 181-2014** To Approve an Application for Use of Facilities
- 182-2014** A Resolution in Support of Resolution #555, of the Atlantic County Board of Chosen Freeholders Urging Governor Christie To Hold A Town Meeting In Atlantic City, New Jersey
- 183-2014** Amending Resolution No. 159-2012, Adopting the Provisions of Chapter 48 (N.J.S.A. 52:14.17.38) Under Which a Public Employer May Agree to Pay for the State Health Benefits Program Coverage of Certain Retirees
- 184-2014** 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 Possible Anticipated Litigation and Matters Falling within the Attorney Client Privilege Requiring Confidentiality

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

Councilman Perri motioned, Councilman O’Neill seconded to adopt by Consent Agenda on Resolutions 177-2014 through 184-2014.

Councilman Perri asked for the prior version of 183 be emailed to him tomorrow.

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

PAYMENT OF BILLS

Councilman Chau motioned, Councilman Devine seconded, for payment of bills in the amount of \$ 1,663,481.09

Councilman Perri noted his prior objection to the purchase of a new fire truck and present and ongoing objections with regard to overtime.

Council President Travagline agreed overtime needs to be addressed and this was happening.

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Roll call: Mr. Chau – yes; Mr. Devine – yes; Mr. Dewees – absent; Mr. O’Neill – yes; Mr. Perri – no; Mr. Piergiovanni – absent; Mr. Travagline – yes Motion carries.

Councilman O’Neill read meeting notices.

EXECUTIVE SESSIONS OF COUNCIL

Council President Travagline announced that Council will be adjourning to the Clerk’s office for an Executive Session and the resolution was adopted earlier in the evening.

184-2014 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 Possible Anticipated Litigation and Matters Falling within the Attorney Client Privilege Requiring Confidentiality

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 not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, to discuss pending litigation with respect to Mount Laurel and Council on Affordable Housing issues and negotiations with a local developer for certain property in the City of Northfield. As negotiations continue it is not known when the minutes will be released. When the time comes we will release the minutes in accordance with the applicable law.

At 8:25pm Council adjourned to the Clerk’s office.

At 9:02pm the Executive Session ended and Council returned to chambers

Solicitor Facenda stated that the Executive Session had concluded and Council is back in Public Session. During the Executive Session Council continued to discuss the Gurwicz project and potential negotiable points will be followed-up on. At this time the matter remains unconcluded. Minutes are being kept as required by law but will be released only when the matter is concluded and we are permitted by law to do so. No time frame for that release is known at this time.

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At 9:03pm on motions properly made and seconded this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC
Municipal Clerk