

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES  
NOVEMBER 18, 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 Chau. Following the flag salute a moment of silence was observed.

**ROLL CALL**

Present: Dewees, Murray, O'Neill, Perri, Travagline

Absent: Piergiovanni

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

Council President Travagline noted the absence of Councilman Piergiovanni due to previously scheduled chemotherapy treatments.

Council President Travagline announced that the Official Oaths of Office for Mayor Erland Chau and Councilman Cliff Murray were administered on November 14<sup>th</sup>, the day the election results were certified by the Office of the County Clerk in accordance with Municipal Vacancy Law. This evening's oaths are ceremonial.

Council President Travagline introduced Assemblyman Chris Brown to administer the ceremonial oath of office for Councilman, 1st Ward, Cliff Murray. He also introduced Mr. Murray along with his wife Sue and three children; Riley, Charlie and Kira.

Assemblyman Brown stated he has known Cliff Murray for 30 years, they grew up together, went to college together, and you will not find a more decent caring family man. Assemblyman Brown then administered the oath of office.

Councilman Murray thanked the residents; he appreciates the chance to be on council.

Council President Travagline announced the ceremonial oath of office for Mayor Erland Chau would be administered by Atlantic County Freeholder John Risley and Atlantic County Freeholder Alex Marino. He also introduced Mayor Chau's mother Betty Chau.

Mayor Chau congratulated Freeholders Marino and Risley on their recent reelection.

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Freeholder Risley stated he has known Mayor Chau for a long time, and said the hallmark of his term as Mayor will be fairness. He congratulated Mayor Chau and wished him luck.

Freeholder Risley administered the first part of the oath and Freeholder Marino administered the second half of the oath.

Mayor Chau thanked council, Freeholder Marino, Freeholder Risley, Assemblyman Brown, honored guests and fellow residents.

Mayor's Speech:

This is an extremely exciting time for me, because I will have the opportunity along with City Council and many others, to make choices which can impact on the quality of life of the people living in our community.

I will encourage engagement between City Council and residents to engage and become more pro-active. Where differences of opinion do exist, as they sometimes must, we need to find constructive ways of moving forward.

I now stand before you as your Mayor who has sworn to undertake those responsibilities as a servant of this great City. As I look out into this room, so many of you here tonight understand and have undertaken similar responsibilities. My expectations are that I will at all times strive to deliver results that are in the public interest.

That service is the tangible way we demonstrate our own acceptance of responsibility. Because when we put others in front of ourselves, when we sacrifice self-interest in the name of collective responsibility, when we stand with others rather than doing it alone, we do so because we recognize that the responsibilities we have are greater than any one of us. Thank you Council President, members of City Council, Assemblyman Brown, Freeholder Risley and Freeholder Marino, Honored Guest, Friends and family and my fellow Northfield residents. Thank you for allowing me the privilege of standing before you as the 23<sup>rd</sup> Mayor of this great City of Northfield that was incorporated in 1905. This is truly the single most important moment of my life, and the gratitude I feel toward the voters of this City who have made it possible. No man or woman is an island...and no one rises to leadership without being lifted to such heights by those around him.

Today, I am the recipient of a great gift...a gift of the public trust, and of its collective hopes for a brighter future. I assure you, I will take neither that gift, nor its attendant responsibilities lightly. I know that I cannot do it without you. To the residents of Northfield, I would like my time as Mayor to be a time where we establish a solid relationship between our community and its leadership.

We stand in the midst of storm clouds of an economic recession that has challenged

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our ability to see the sunlight of our future...and just as much, we stand in the valley between mountains of local and regional issues that stand so high that we are challenged to imagine what the view looks like from the mountain tops. We cannot ignore those storm clouds, and we cannot avoid those valleys. But friends, as your Mayor, I share with you this: We will see the sunlight of our future and we will stand on the top of those mountains. We will be a city on a mountain. We will embrace the shared responsibilities we have that we must undertake. And together, in spirit and in service, we will succeed, and we will win.

My hope is that my journey as Mayor is an exhilarating one, one which inspires my fellow Councilmen to work hard to deliver only the very best to our residents, and one which helps Northfield achieve its full potential.

I ask for both your prayers and your earnest efforts in making Northfield the best that it can be.

Thank you and God bless this City and its people.

**READING AND APPROVAL OF THE MINUTES**

A motion was made by Councilman Perri seconded by Councilman O'Neill to dispense with the reading of the minutes of October 14, 2014, and October 28, 2014. They have been posted, distributed to Council, and are on file in the Municipal Clerk's Office.

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

**COMMITTEE REPORTS**

Councilman Perri said the seniors will have a social in December, will be by RSVP.

Councilman O'Neill announced that he is now the chair for the Fire Department and read the Fire Department report. The Tree Lighting Ceremony will be December 5th at 7pm in front of City Hall. He announced contact information for Santa visits. He congratulated Chief Martinelli on his retirement and wished the incoming Chief well. He thanked Master Sergeant Dan Mitchell, who was in the audience, for his military service.

Councilman Dewees stated that there are still two lights that do not work on the bike path, and that an electrician has been contacted. The hay rides at Birch Grove Park made about \$14,000.00. Dewees thanked the Park Supervisor and the Friends of Birch Grove Park for another successful year.

Council President Travagline said the park is a hidden gem, he would like to sit down with the Park Chair and Park Supervisor to work on getting more events.

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Councilman Dewees welcomed the opportunity, thinks there is a lot to be done

Councilman Murray had nothing to report.

**MAYOR'S REPORT**

Mayor Chau referred to a Resolution he received from Port Republic which opposes casino gambling in North Jersey. He will pass along to the Council President for consideration, he wished Council to consider adopting it at the next Council Meeting. He has already met with the Chief of Police, and will meet with officers and staff and intends to do the same with the Fire Department.

**ENGINEER'S REPORT**

Engineer Kwapinski referred to the previously distributed Engineer's Report. He noted the change order on the agenda for the 2014 paving project. He said that SJ Gas has submitted a street opening permit for the work to be done in the area of our paving job.

Council President Travagline asked that the Engineer and councilman Dewees meet with SJ Gas, Council President Travagline and possibly the Mayor about associated ancillary expenses that will result from the change order. He referred to the NJDOT Grant for the installation of sidewalks on Route 9; Northfield is the only South Jersey town to get this type of a grant.

Councilman Dewees noted the maintenance responsibilities the city has agreed to assume, including power washing and sweeping the sidewalks on a quarterly basis. He wanted to have full details on what the City will be required to do.

Councilman O'Neill suggested that since a good portion of the sidewalk will be in front of the school that we ask them to partner in the maintenance.

Councilman Dewees asked for an update on CDBG.

Engineer Kwapinski is working on getting an update.

**PUBLIC SESSION**

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

Nancy Lanza, 402 Aster Street, stated she has concerns about the development on Cresson Avenue, asked why the City is protected from builders other than Gurwicz.

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Solicitor Facenda replied that the City is protected by an order from all Builders other than Gurwicz.

Tiffany CuvIELlo, City Planner (Council President Travagline introduced Ms. CuvIELlo) said the order of immunity was created because the Gurwicz Group notified the City that it had not yet met its affordable housing obligation. The protection resulted from the first filing. Part of the ordinance being proposed will include a Developer's Agreement that will provide for 265 units. He can go before the planning board in the future, as anyone could, to request a change but that is not likely because of the costs associated with the agreement. Once the City files its Fair Share Housing Plan, Gurwicz can't come back and request more affordable units; because he will not have the leverage he had before the City had filed its plan.

Ms. Lanza asked to see the plan.

Lisa Brown, 9 Haviv Drive, asked how many stages the construction involves.

Council President Travagline believed it will be four stages.

Ms. CuvIELlo explained that there are state requirements for construction that stipulate how many affordable units have to be built with the market rate units

Mrs. Brown asked if Gurwicz can't rent the units can he switch them to Section 8.

Ms. CuvIELlo said there are two types of Section 8; subsidy and voucher. There won't be subsidy, because it's already built. You can't refuse to accept vouchers, no one can, and there are State regulations. Section 8 is not likely. The advantage is that this builder has established, similar, communities that are fully rented.

Mrs. Brown asked if the Planning Board has to bring the COAH plan to Council and then council will change the master plan. Have they since done so since 1972.

Council President Travagline said that is correct that they will bring the plan, and nothing has been presented previously since he's been on Council.

Mrs. Brown asked if a plan had been in place could Gurwicz have put us in this position.

Ms. CuvIELlo clarified that the site would likely have been considered for such development.

Councilman Murray asked where Gurwicz has other developments.

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Ms. CuvIELLO said one is Woodcrest in Egg Harbor Township and one in Atlantic City.

Pat McCarthy 2002 Bay Drive, asked if residents will be able to see the potential tax liabilities associated with the development. If even 100 students are added to the schools, it will be a \$1.7M tax liability. He asked where the additional funding is coming from. Can impact fees be levied on the developer?

Ms. CuvIELLO said based on comparable developments, she estimates 50 students. The reality is that council trying to find a proposal that is the least burdensome to the municipality.

Council President Travagline stated the school presently has 927 students. The school's maximum is 1200; we've lost more than 50 students in the past few years. Enrollment at the school has been declining.

Councilman O'Neill suggested that he, as part of the Finance Committee, sit down with the CFO to estimate how many kids per grade may enter the school, and then work with the school to see where they are in each grade

David Schwartz, 250 Tilton Road, owner of Surroundings Furniture, said it doesn't sound like too many on Council are excited about the development, and he doesn't think that many business owners are aware of the impact. It does not seem like Council has done much to involve businesses. He believed Council is just saying okay.

Councilman Perri said this was proposed as townhouses in 1996, it is prime commercial property that is not going to come back. Mr. Gurwicz tried to market it; it's hard to believe in this day and age that residential developments supersede commercial developments. He will build to suit but he will not sell.

Council President Travagline asked how long Mr. Schwartz has owned the property.

Mr. Schwartz replied not long.

Council President Travagline said there are many things in business we are not in favor of. He has lived in Northfield for 15 years, and has been on Council for 2. He had an intern go down Tilton Road to ask the businesses what they wanted. Council President Travagline said he has tried to get business owners together, but he can't get the businesses to meet. He cited numerous efforts to improve the business community and the success of the commercial enterprises here.

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Mr. Schwartz corrected his prior statement, what he meant was that business owners should get behind Council and support what he perceives as the Council's opposition to the project.

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

Councilman Perri asked about the 30 year expiration on the CMF zone; is that statutory.

Ms. CuvIELLO said that is a deed restriction that is automatically renewed. Almost in perpetuity anyway.

Councilman Perri pointed out that 14E in the Ordinance said they expire.

Ms. CuvIELLO will check, but is confident that they automatically renew.

Councilman Perri asked if the metes and bounds were put together by the city engineer,

Ms. CuvIELLO responded that the CMF zone did include the commercial up front but the residential is limited to the 20.4 acres.

Councilman Perri stated he had a problem with the CMF zone incorporating all of the remaining commercial frontage. That is not how he understood the proposal.

Ms. CuvIELLO reiterated that the ordinance specifies that the only place there can be residential is on the 20.4 acres. It is written that way because it is one parcel with one owner.

**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 185-2014 through 197-2014.

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- 185-2014** A Resolution Authorizing the Award of Contract without Public Advertisement for Bids to Tom Bruno Electric, LLC
- 186-2014** Transfer of Funds
- 187-2014** Refund Overpayment of Taxes
- 188-2014** Seasonal Separation of Employment Adrienne Larson, Birch Grove Park
- 189-2014** Seasonal Separation of Employment Zachary Pettit, Birch Grove Park
- 190-2014** Acknowledging the Terms and Conditions of the South Jersey Power Cooperative Bid Results for the Purchase of the Commodity Natural Gas
- 191-2014** Cancelation of Tax Sale Certificate
- 192-2014** A Resolution of the City of Northfield, County of Atlantic, State of New Jersey, Directing the Undertaking of a Continuing Disclosure Review and Authorizing Participation in the Municipalities Continuing Disclosure Cooperation Initiative of the Division of Enforcement of the U.S. Securities and Exchange Commission
- 193-2014** Work Change Order No. 1 2014 Road Paving Project
- 194-2014** Acknowledging Municipal Council Vacancy Due to the Resignation of Councilman 1<sup>st</sup> Ward Erland Chau
- 195-2014** Authorize the Northfield Fire Department to Apply for and Obtain a 2015 Matching Grant from the Department of Homeland Security, Federal Emergency Management Agency
- 196-2014** 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 an Employment Agreement between the City of Northfield and Lauren W. Crooks, Assistant Fire Chief
- 197-2014** A Resolution Providing For An Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Meetings Public Act, N.J.S.A. 10:4-12B(4), Regarding Contract Negotiations for the Northfield Fire Department
- 198-2014** A Resolution Providing for an Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public

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Meetings Act, N.J.S.A. 10:4-12b(4), Regarding a Potential Separation of Employment Agreement with Acting Captain of Police Daniel Mitchell

Roll call: Mr. Dewees –yes; Mr. Murray –yes; 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 185-2014 through 198-2014.

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

**ORDINANCE**

Councilman Perri motioned, Councilman O’Neill seconded to introduce Ordinance 7-2014.

**7-2014** An Ordinance Amending the 1986 Land Use and Development Ordinance, As Amended, and Amending the City’s Zoning Map to Create the Commercial Multi-Family Zone  
*Introduction/No Public Input*  
*Advertised in the Press of AC on 11/22/2014*  
*Public Hearing/2<sup>nd</sup> Reading/Final Consideration for Adoption 7PM 12/16/2014*

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

**PAYMENT OF BILLS**

Councilman O’Neill motioned, Councilman Perri seconded, for payment of bills in the amount of \$ 1,903,745.18

Council President Travagline said he spoke with Chief Hickey and expressed gratitude that the overtime has come down dramatically.

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

Councilman Dewees read meeting notices.

**EXECUTIVE SESSIONS OF COUNCIL**

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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.

**196-2014** 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 an Employment Agreement between the City of Northfield and Lauren W. Crooks, Assistant Fire Chief

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 stated that Chief Crooks received his Rice letter and returned it signed to her office.

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 contractual negotiations regarding an employment agreement. . 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 8:53pm Council adjourned to the Mayor's office.*

*At 9:45pm 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 did not take any official action. 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.

**197-2014** A Resolution Providing For An Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Meetings Public Act, N.J.S.A. 10:4-12B(4), Regarding Contract Negotiations for the Northfield Fire Department

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

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Act, to discuss contractual negotiations for the Northfield Fire Department between the City and its Fire Department. 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 9:47pm Council adjourned to the Mayor's office.*

*At 10:28pm 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 discussed draft proposals for the Northfield Fire Department. Discussions will continue. 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.

**198-2014** 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. 10:4-12b(4), Regarding a Potential Separation of Employment Agreement with Acting Captain of Police Daniel Mitchell

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 potential separation of employment agreement with Acting Captain of Police Daniel Mitchell. 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 10:31pm Council adjourned to the Mayor's office.*

*At 10:50pm 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 discusses terms and conditions and general willingness of the City to proceed with a potential separation of employment agreement. Negotiations will continue. 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 10:51pm on motions properly made and seconded this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC  
Municipal Clerk