

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
NOVEMBER 23, 2021**

At 7:02pm, this meeting was called to order by Municipal Clerk, Mary Canesi. This meeting was properly advertised in the Press of Atlantic City on January 9, 2021, in accordance with Public Law 1975, Chapter 231.

Pursuant to N.J.S.A. 10:4-8(b), and N.J.A.C. 5:39-1.1 - 1.7, this meeting will be held in-person and as a remote public meeting (live-streamed) using Zoom conferencing service. Due to social distancing requirements related to Covid-19, there are limited seats for in-person attendance by members of the public. Visit the event calendar page for November 23, 2021 at www.cityofnorthfield.org to determine current seating availability. Face coverings and social distancing will be required for in-person attendance. To reserve an available seat, contact the Office of the Municipal Clerk at 609-641-2832, ext 125, no later than 4:00pm on November 23, 2021. Once all available seats have been reserved, virtual attendance will be required using a web-browser to Join the Zoom Meeting <http://us02web.zoom.us/j/85401524181> or by telephone using one tap mobile +13017158592,,85401524181# or direct dial +1 301 715 8592 using Meeting ID: 854 0152 4181. For those wishing to comment during the dedicated public comment portion of the meeting, but who may be unable to attend (in person or via Zoom), public comments may also be submitted in advance via email to mcanesi@cityofnorthfield.org or by written letter to the Office of the Municipal Clerk, 1600 Shore Road, Northfield NJ 08225, or by hand delivery to the drop box in the parking lot at the south corner of the municipal building, addressed to the attention of the Municipal Clerk. Comments shall contain the name and address of the author, will be read aloud and addressed during the remote public meeting, and must be received by 2:00pm on November 23, 2021.

Municipal Clerk Canesi read the following statement:

“Based on CDC guidelines, the City of Northfield continues to require social distancing in our indoor public spaces, and visitors are made aware of this decision with signs at the entrances to the building.

Due to the continued social distancing requirements, there are limited seats for in-person attendance by members of the public this evening. This meeting is also being presented simultaneously as a remote public meeting, live-streamed, using Zoom conferencing service, and in accordance with the Governor’s Executive Orders, the Open Public Meetings Act.

Zoom meeting participants can dial in by telephone and listen to the proceedings, or they can access the meeting using a web-browser, and be able to view and listen. Instructions on how members of the public could reserve one of the limited seats, as well as how they can access Zoom have been made available on the municipal website and were published in the Press of Atlantic City. The full text of the public meeting notice has been posted at the entrance to the municipal building and includes Zoom instructions, information on where to find the meeting agenda and relevant documents, as well as instructions on how members of the public could submit comments in advance of tonight’s meeting.

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For those participating via Zoom, all participants will be ‘muted’ upon entry to the meeting. Web-browser participants will not be able to share their screens or see the camera-view of anyone other than the host, which is the City of Northfield.

Zoom participants wishing to exercise their right to participate during the public comment portion of the meeting should wait until the specific announcement is made to open the public comment period. Due to the technical difficulties being experienced this evening, Zoom participants would be limited to speaking via the chat function, where comments or questions may be submitted. However, they will not be acknowledged outside of the designated public-comment portion of the meeting; chat-users must also provide his/her name and address for the record in order to be heard.

Any written comments submitted in advance will be read aloud and addressed during the public comment portion of the meeting.”

FLAG SALUTE

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

ROLL CALL

Present (in person): Councilman Dewees; Councilwoman Madden; Councilman Notaro; Councilman Perri; Councilman Smith; Councilman Utts; Council President Polistina; Mayor Chau.

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

READING AND APPROVAL OF THE MINUTES

On motion of Councilman Perri with a second of Councilman Notaro, all members present were in favor of approving the minutes of November 9, 2021 without formal reading. They were posted, distributed to Council, and on file in the Municipal Clerk’s Office.

MAYOR’S REPORT

Mayor Chau thanked all who attended the Veterans Day event, it was well attended. He thanked Councilman Perri and American Legion Commander Doherty. Mayor Chau received many positive comments. The Code Enforcement Officer is now up and running, he had a meeting with Chief Newman and the officer. Mayor Chau suggested a case management software program that could be used to track violations; it does come at a cost. Mayor Chau knew we had a program now, but it has not been used. He also mentioned a ProPhoenix module that allows for public comment, residents could contact the Police Department for information. The program gave police more ears and access to other available data. He announced the

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holiday light contest; residents could contact the Clerk's Office for details, and thanked commercial businesses who had donated prizes in the past. Due to covid, the Fire Department would probably not have Santa having kids on his lap this year, but would have Santa on the fire truck as we have in the past.

Regarding courts, Mayor Chau reported, it was in the newspaper that the security issues had been addressed, and the Sheriff's Department would be providing security for the first year. Thereafter the security would be paid by the court participants. The January 1st start date would not be able to be met due to a supply chain issue with the HVAC system; Court was slated to start mid-January as of now. In the interim, Linwood and Northfield cases would be heard in Egg Harbor Township. At the League of Municipalities meeting, Shared County Court was discussed but we would be the first.

Mayor Chau read the following letter, which he said had already been provided to the Council President.

“November 23, 2021

To the members of the Northfield City Council and Northfield residents.

I have listened for the past several months to the discussions and comments at our City Council meetings and from the residents of our city as to the proposal of retail sales of cannabis in Northfield. I commend City Council members for taking the time to carefully review this proposal.

I feel that it is only fair to the public and to City Council as to where I stand on this issue. One of my chief concerns is keeping cannabis and illegal drugs from the hands of our children. I feel that the threat of our young children is too great in comparison to the projected sale tax revenue that would be put into the city's general fund through the sales tax on cannabis. Furthermore, I believe that licensing recreational sales would increase use among minors through an added degree of acceptability.

Therefore, if City Council should pass on the final Ordinance reading of allowing the sales of cannabis in Northfield, it is my intent to exercise my veto power of this Ordinance.

Sincerely yours,
Erland Chau “

CITY ENGINEER’S REPORT

Engineer Nassar reviewed the Engineer’s Report as previously distributed to the Council. New Jersey American Water was in the process of updating water mains, starting with Herbert Drive and Shepherd Circle West, toward Oak, as well as the

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line down Hemsley. They would abandon the existing line, and put new lines in to address the problems with brown water.

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.

Jason Yard, 700 Hollywood Drive, speaking via Zoom, said he had reached out to a few Councilmen in the past few weeks. A community sober living facility had popped up in his neighborhood. He had done research and understood that we cannot stop this, he understood they were trying to improve their lives. He was concerned that residents were not notified to be more alert or aware. They went to sleep one night and woke up with addicts and drunks. He asked if it was allowed to notify the neighbors; if it's not, he asked that the City adopt a policy that puts this in place.

Council President Polistina responded that we didn't know what regulations would apply, we would have to do some research to see if we would be able to notify the public. The residents in the home were protected by the ADA; notifying people may be considered discrimination. He advised that we don't get any formal notification, they may do some construction work and we tend to find out when the DCA picks up the paperwork due to construction. Going forward, whatever we can do, we can try to work with the public and with these organizations.

Mr. Yard replied that he understood the ADA but could not find anything that says the public can't know about it. He felt the perception was not good. The 'heads up' makes it more open and inviting, to the best it can be.

Council President Polistina added that there is a similar facility in Mr. Polistina's old neighborhood, with no negative experience. He hoped it would be the case in Mr. Yard's neighborhood. The residences were still bound by all of our other laws.

Mr. Yard appreciated Council looking into it.

Bill Garry, 202 Saint James Place, via the Zoom chat feature: "my apron is still not repaired. I would like a more definitive date when the repairs will be completed, other than the punch list is being worked on."

Engineer Nassar replied that he reached out to the contractor four weeks ago; the contractor did not get a definite date, he would reach out to him again tomorrow.

Mr. Garry, via Zoom Chat, cannot hear Engineer Nassar.

Clerk Canesi repeated Engineer Nassar's comment for Mr. Garry.

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Mr. Garry, via Zoom Chat: “I heard. how about he calls every day until he gets a date”

Clerk Canesi read the following letter sent via email by Karyn White to be read at tonight’s Council Meeting:

“I respectfully offer the following comment on the issue of the legalization of the sale of marijuana in the city of Northfield. I had hoped to attend the meeting in person. However, when I checked the city website on Monday night, it indicated that no seats were available to appear in public, due to Covid limitations.

I oppose the legalization of the sale of marijuana in the city of Northfield. I have obtained 31 signatures on a change.org petition opposing the legalization of the sale of marijuana in the city of Northfield. Most importantly, I am respectfully requesting that this important decision be postponed until January when the two new city council members, who were duly elected in the November election, are sworn in to office.

I do not believe that two lame duck members of the present council should be permitted to vote on such an important decision as this. The voters have spoken. The new council should vote on this issue. Thank you all for your time and consideration on this matter. It is appreciated.

Karyn White
232 Davis Ave
Northfield”

Seeing no one else wishing to make a comment, 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.

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 has concluded. Any vote made on subjects discussed will be made in public.”

Councilman Smith requested that Resolution 199-2021 be voted separately from the consent agenda.

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On a motion of Councilman Smith, second of Councilman Dewees, all members present were in favor of voting by consent agenda for Resolutions 195-2021 through 198-2021, 200-2021 and 201-2021.

- 195-2021** Authorizing Schaeffer, Nassar, Scheidegg Consulting Engineers to Proceed with Engineering Services for the Project Known as Reconstruction of Oak Avenue
- 196-2021** Amending Resolution 179-2021 Memorialize Resignation of Part Time Electrical Inspector
- 197-2021** A Resolution Supporting the Drive Sober or Get Pulled Over 2021 Year End Holiday Crackdown
- 198-2021** Inserting an Item of Revenue in the 2021 Municipal Budget
- 200-2021** Participant's Resolution Leap Implementation Grant
- 201-2021** 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 Between the City of Northfield and the Northfield Professional Firefighter's Association, Local No. 2364

Councilman Smith motioned, second of Councilman Dewees, to adopt the consent agenda for Resolutions 195-2021 through 198-2021 and 200-2021 and 201-2021.

Roll Call: Mr. Dewees - yes, Mrs. Madden – yes, Mr. Notaro – yes, Mr. Perri - yes, Mr. Smith – yes, Mr. Utts - yes; Mr. Polistina – yes; Motion carried.

Council President Polistina called for discussion of Resolution 199-2021.

- 199-2021** Authorizing an Agreement for Shared Emergency and Non-Emergency Dispatch Services for the Municipalities of Northfield and the Township of Egg Harbor

Councilman Smith announced this resolution was to renew our dispatch agreement with Egg Harbor Township. He felt the reality was that they had us over a barrel, we don't have many options. He had issues with the agreement. Egg Harbor Township was taking advantage of us. Their budget was \$1.975 million. Northfield was paying \$441,000.00 next year. Egg Harbor Township also had agreements with Pleasantville, Linwood and Longport, the total amount was \$1.546 million. Doing simple math, Egg Harbor Township pays less than Northfield, and less than Linwood and Pleasantville. With less than a month left we don't have options. There was a 6 month out, and Councilman Smith would be looking at other areas for dispatch services. He would love to have the County take it over, but that was another conversation. He had a problem that we pay more than them, and 3% in this day and age was unreasonable. He didn't think they were raising their salaries 3%.

Councilman Perri, being involved in the original central dispatch so many years ago, said he believed Atlantic County was one of the last remaining counties that did not

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have central dispatch. The need was there despite the need for home rule. He felt it could be done very easily. Aside from the tax assessor this is one of the bigger ones. He agreed it was a monopoly. The Egg Harbor Township orchestrator of this contract was a very good negotiator. He agreed with Councilman Smith that it's hard to accept, but their service was good, their CAD system was good. He would like to see Egg Harbor Township be the lead agency for the county. It needed to be addressed in the future.

Councilman Smith noted it was not a shared service if we are paying more than they are. The total cost of Egg Harbor Township dispatch was provided by the Egg Harbor Township Administrator.

Councilwoman Madden asked what was the alternative, in the next month?

Councilman Smith advised there wasn't one.

Mayor Chau added we were in the same predicament at the last renewal, at the eleventh hour, we were forced to go with Egg Harbor Township. We looked at other towns but there were compatibility issues. A committee needed to be formed if the Council wanted to look at this.

Council President Polistina noted the six month out-clause; if we found something we could opt out at any time.

Councilman Notaro asked if other towns had same opt out clause?

Councilman Smith knew Linwood did; he could speak for the other towns.

Councilman Smith motioned, second of Councilman Dewees, to adopt Resolution 199-2021.

Roll Call: Mr. Dewees - yes, Mrs. Madden – yes, Mr. Notaro – yes, Mr. Perri - yes, Mr. Smith – no, Mr. Utts - yes; Mr. Polistina – yes; Motion carried.

ORDINANCE

Council President Polistina called for a motion on Ordinance 12-2021.

12-2021 An Ordinance by the City of Northfield in the County of Atlantic, New Jersey Permitting the Operation of Certain Classes of Cannabis Businesses within its Geographical Boundaries
*Introduction / No Public Input / Published in the Press of AC 11/27/2021
2nd Reading / Public Hearing / Final Consideration 12/14/2021*

Councilman Utts asked to speak first. A lot had changed and marijuana was not as addictive as most people thought it was. Voters had spoken and voters wanted

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cannabis. Cannabis would be in Northfield, even if not retail, there would be delivery, but without the revenue. He had seen this Council vote on gun rights, he cited the number of gun deaths in the past year. He cited alcohol statistics as evidence of the dangers of alcohol. Councilman Utts cited \$5.5 million for one business, which yielded \$120,000.00 per year, per business. Our job was to control costs and provide service. In the rare situation where there was an opportunity, it should be taken. He felt it would be a significant revenue source, vacant store fronts would be filled and it would make the Northfield commercial segment more viable. He reiterated Council's previous support of gun and alcohol related legislation and the negative impact guns and alcohol have had on children. He urged to support the ordinance for economic development.

Councilman Utts motioned to introduce Ordinance 12-2021.

Council President Polistina replied, in light of the mayor's letter, he didn't feel we had time in the year to override the Mayor's veto.

Councilman Utts replied, so the Mayor was against this revenue source? Illegal cannabis was available to our children. The residents would be sorry that we were missing millions in revenue.

Councilman Notaro added that he did research on his own, it's about a 50/50 split. There were some who were really, really against it. We had to listen to both sides, and you can't just take one side or the other, he suggested a Referendum.

Councilman Utts asked if Councilman Notaro posed the question to voters in such a way as they knew they would be forgoing tax revenue?

Mayor Chau appreciated Councilman Utts' and Councilwoman Madden's comments. It was a hard issue. He had spent time and kept his opinion to himself. He agreed that voters agreed to legalize cannabis, they did not say they wanted to have retail sales in Northfield. Mayor Chau was following his conscience, and the 40 or 50 people Mayor Chau had spoken to. As Councilman Perri had previously mentioned, if this was going to be a futile vote, why waste the money.

Councilman Perri stated if it was introduced this evening, and then adopted on second reading, the third meeting would go into the next year; he asked for clarification on why the timeframe is a problem.

Council President Polistina replied that we would not have another meeting this year, to vote.

Clerk Canesi replied and described the process. Under our form of government, the Mayor can exercise his veto power when the Clerk formally presents the ordinance to him for signature. He then has ten days to either sign the ordinance, or respond with a written objection in the form of a veto. Canesi believes what Council President

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Polistina is saying is that the members of Council who would be asked to consider the option to overturn that veto would not be the seven people in this room it would be the people that will be sworn as of January 1st. There will not be five of the seven members of Council necessary to override the veto. Asks for confirmation that she has stated this correctly.

Council President Polistina confirmed that she had.

Councilman Perri would like to know what the vote is tonight.

Clerk Canesi responded; there was a motion on the floor but no second. If there is a second, there will be a vote.

Councilwoman Madden motioned to second the introduction of Ordinance 12-2021.

Roll Call: Mr. Dewees - no, Mrs. Madden – yes, Mr. Notaro – no, Mr. Perri - yes, Mr. Smith – no, Mr. Utts - yes; Mr. Polistina – no; Motion failed.

At 7:55pm Councilwoman Madden excused herself, she was not feeling well.

PAYMENT OF BILLS \$78,687.29

Councilman Notaro motioned for the payment of bills, seconded by Councilman Dewees.

Roll Call: Mr. Dewees - yes, Mrs. Madden – absent, Mr. Notaro – yes, Mr. Perri - yes, Mr. Smith – yes, Mr. Utts - yes; Mr. Polistina – yes; Motion carried.

Councilman Smith read the meeting notices.

EXECUTIVE SESSION

201-2021 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 Between the City of Northfield and the Northfield Professional Firefighter’s Association, Local No. 2364

Clerk Canesi announced to the members of the public who were participating via Zoom that when the Executive Session commenced, she would be muting the audio, and the video would be temporarily paused. Council would resume the public session, including reactivating the audio and video, as soon as the Executive Session concluded and a public statement would be made for the record.

The Municipal Clerk read the resolution by title. Clerk Canesi further stated that we are required to set forth as much information as possible as to the subject matter to be

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discussed as well as provide for the public the amount of time they can expect to elapse before the non-public portion of the minutes can be disclosed. She deferred to the Solicitor for further explanation.

Solicitor Facenda announced that the matter to be discussed was specifically regarding contract negotiations between the City of Northfield and the Northfield Professional Firefighter's Association, Local No. 2364. Council would receive an update from Labor Counsel. The minutes would be kept and made available when permitted and required by law. The timeframe for the release of those minutes is unknown. Council will remain in Council Chambers and return to the general public when the Executive Session is complete for a short statement.

At 7:58pm Council entered Executive Session, and remained in Council Chambers.

At 8:10pm the Executive Session of Council was adjourned, and the Regular Meeting resumed in Council Chambers.

Solicitor Facenda announced that the Executive Session had concluded. The matters discussed were specifically the status of contractual negotiations between the City of Northfield and Local No. 2364. Matters discussed were attorney client privileged and confidential and will remain that way. The minutes would be kept and made available when permitted and required by law. The timeframe for the release of those minutes is unknown. No official action will be taken tonight.

At 8:11pm, on motion of Councilman Utts, seconded by Councilman Perri, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk