

**CITY OF NORTHFIELD COUNCIL MEETING  
AUGUST 11, 2009**

This meeting was called to order by Mary Canesi, Municipal Clerk. It was properly advertised according to Public Law 1975, Chapter 231.

The flag salute was led by Mayor Vincent Mazzeo. Following the flag salute, there was a moment of silence for those who died in the collision between a helicopter and private airplane in New York City on Friday. May their families and friends find safety in each other.

**ROLL CALL**

Present: Mr. Carew, Mr. Martinez, Mr. O'Grady, Mr. Smith, Mr. Turon, Mr. Vain, and Mrs. Kern

City Solicitor Keith Bonchi and City Engineer Matt Doran were also in attendance.

**PRESENTATION OF COMMUNITY SERVICE AWARD**

Council President Kern announced the Community Service Award being bestowed upon Richard 'Dick' Warren. Kern recognized Mr. Warren, along with the members of his family who accompanied him. All are lifetime Northfield residents. Mr. Warren joined the Northfield Volunteer Fire Company on May 12, 1947, and held a long list of positions in the community throughout his career, including becoming a lifetime member of the Fire Company in 1972 and working as Supervisor at the Northfield Post Office in 1973. Mayor Mazzeo thanked Mr. Warren for his volunteer service and dedication to the city of Northfield, and presented him with a certificate on behalf of the governing body. Kern announced a brief break to allow for photographs to be taken.

**AGENDA REVIEW**

President Kern reviewed the agenda, noting the addition of resolutions 137, 149 and 150. Resolution 151-2009 will not be motioned this evening. Councilman Vain referred to 149-2009 and asked if the question could be changed to include Open Space money. Solicitor Bonchi said the question could be changed, although in its current form it does not restrict where money can come from; the ability to apply for grant money still exists. If the resolution is passed tonight, we won't have the time to vote again on a new question before the deadline for the submission of the ballot question. Vain felt the question would be better received if it included reference to grant money. Mayor Mazzeo noted that if the question is approved via referendum, we'd need to a down payment of \$85,000 and then we would go out for bond; after the purchase we could apply for grant money. Solicitor Bonchi asked if Council

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wished to limit themselves in the wording of the question. Mazzeo continued, saying buying the property and going out for grants later provides time to figure out what you want to do with it. City Engineer Matt Doran added that Green Acres money is available retroactively, noting that County Open Space money comes with limitations. Mazzeo stated that without an Open Space tax in your City, you can only be funded up to 25% on the purchase of Open Space. Councilman Turon asked about uses being considered for the property. Vain suggested a community center, senior center, ball fields, and more, adding that the building is in great shape. Turon asked if the referendum was non-binding; Bonchi confirmed that it was. Turon said his concerns are if the City has use for the property, the money to improve it, and the money to maintain it. Vain said he looked at the 7 acre Arthur Henry site as well; the Day School property is close to 5 acres and has a building already on it. The Arthur Henry site is considerably more expensive.

Mayor Mazzeo asked for clarification of section 6 of ordinance 15-2009; does this pertain to a former councilman who does work in town? Such a person can't work until January? Bonchi replied; for one year after they are no longer on council we cannot award a contract to them. Turon asked how this policy compared to that in place at the County level. Bonchi stated that is essentially the same, with some language changed to make it applicable.

**COMMITTEE REPORTS**

Councilman Martinez thanked the Police Department for their efforts on National Night Out; he received many favorable comments from residents about the new location. There is currently an application before the Planning/Zoning Board for a T-Mobile cell tower to go atop Coastal Designs; there are concerns from residents. The attorney has postponed the application until 8/20 at 7pm. Martinez encouraged members of the governing body to attend the meeting.

Councilman Turon thanked the organizers and participants of Night Out, and extended congratulations to the Police Department. It was a great event and the bar has now been set very high; the location worked very well. Turon said he's engaged in discussions with the Fire Department about their fleet, and vehicles that are no longer of use to the City. He referred to the public auction resolution and the current poor condition of the Fire Department's 1st responder. Capital monies may be needed for a replacement vehicle at between \$30-40 thousand dollars. The Fire Department would like to use the former 1st responder from the rescue squad, convert it for use in their fleet, and drop one of their older vehicles. They would also loan the vehicle to the Police Department in the event of snow emergencies, as they do now. He recommends that the use of this vehicle be transferred to the Fire

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Department, and that they take their oldest vehicle out of service. Kern asked if the Suburban be added to the auction list. Turon said probably not in time for this auction, but yes, for a future auction. Carew asked if the Fire Department would fund the restriping, etc. Chief Martinelli affirmed that it would. Mazzeo asked for clarification on which vehicle would be taken out of service. Turon replied that it would be the 1988 Suburban. Kern asked CFO Dolcy if the 1<sup>st</sup> responder was on the auction list. Dolcy stated it was not. Mazzeo asked why it was not on list; Turon replied that it was left off in anticipation of this discussion. Turon motioned for the transfer of use of the surplus 1<sup>st</sup> responder to the Fire Department. Vain seconded. All present in favor; motion carried.

Councilman Vain echoed the sentiments about National Night Out, adding that it was the biggest turnout ever. The Police Department and volunteers did great job. Vain received a letter from the County Census Committee. Their first meeting will be Tuesday, August 18<sup>th</sup>. Vain will attend and keep Council updated. The land has been cleared for the reconstruction of the intersection at Cedarbridge, Zion and Burroughs, and the project should be completed a few weeks after school is back in session. The sidewalks on Cedarbridge are done and look great, with the final paving work to be done very soon. Vain asked for feedback from Council on a location for the new speed hump. Vain said he and Doran have narrowed it down to 2 sites: Shepherd Drive near NCS or on Wabash, approximately half-way down from Cedarbridge, towards Linwood. Turon said we should yield to the Police Department in terms of where traffic volume is highest. Kern said she thought the 500 block of Ridgewood was a possible location as well. This area is used as a cut-through to avoid NCS traffic, and includes Wawa traffic. Vain said he will add that area to those being considered. Turon asked if grant funds for enforcement could be used for a speed hump. There were various responses that it cannot. Councilman Smith asked if the impact on Shepherd Drive had been studied. Vain said there were a few high speeds when the traffic was studied but in general it was a lot of traffic, and added that he will yield to the recommendation of the Police Department. Vain said there will be a Neighborhood Watch meeting at Denny's in Northfield on Wednesday at 6:30pm. He can have you added to their email distribution if you are not on it. Regarding the Welcome to Northfield sign program, Vain said that last year all signs were sold, but this year the responses for renewals have been very poor. He has gotten feedback that the price is too high and suggested reducing the price, possibly \$750 for two years, or a lower price in general. Carew agreed that we should adapt to the times. Turon suggested using local media to promote the \$750 for one year and if that doesn't work would agree to the 2 yrs for \$750.

Councilman Carew agreed with previous comments about Night Out, and said the Police Department did a great job. The staff at Birch Gove Park and the Road

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Department are working on minor infrastructure projects at park. The award of contract for architecture services for the concession stand at Birch Grove Park is on the agenda this evening; he hopes to have the project out to bid by October or November. After the hay rides, the old snack bar will be demolished, internally with our own personnel to save money. Baseball season is officially over and football season has officially started, and there is lots of traffic mid-week. We are busy out there 11 months a year, so speed limit reductions were good idea.

Councilman Smith said Night Out was outstanding, and all of the kids had a great time. The Police Department did a great job, as did all volunteers. He read the statistics from the EMS report for the month of July, and said he has been meeting every other week with Atlanticare representatives and the Fire Department to keep the communication lines open. There have been good discussions with positive outcomes. We are going forward with sharing court services, and hoping the new process will be in place by the New Year.

Councilman O’Grady reported for the technology committee that a new events calendar has been added to the City website, as have instructions for obtaining a raffle license. There is a new ‘contact the Police Department’ page for residents to contact the Police via email. He encouraged all to sign up for email alerts as well. The Library Board meets Thursday, August 13<sup>th</sup>; they participated in Night Out and are hosting ice cream and waffles party Saturday, August 15<sup>th</sup> at 1pm.

**MAYOR’S REPORT**

Mayor Mazzeo said he stopped by the Ice Cream Social at Birch Grove Park before this meeting. He had a meeting with Diane Cheatham, Director of Health and Wellness for Atlanticare to arrange for their Wellcheck Van to visit City employees for health screenings in September and October. Each employee will receive a personalized evaluation, including cholesterol, blood pressure, blood sugar screening and more, with a one-year health dashboard via the internet. It will give them guidance on how to work on lowering their numbers to a healthier level. This is part of the City’s Wellness Program and a great way for employees to remain healthy, and hopefully, keep health care costs down. Mazzeo thanked the Police Department for organizing Night Out and all participants for coming and making a fun evening for all residents. This is becoming a great tradition in our community, and helps fight crime. As Mr. Smith mentioned, we are working on sharing our courts as a pilot program to see how it will work; right now it’s keeping the courts in the respective municipalities but sharing the Court Administrator, Judge, Prosecutor, and Defense Attorney. Mazzeo is in favor of this as a shared service and it looks like a long and short term savings, but details must still be finalized and presented to both Linwood

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and Northfield Councils. There is a resolution on the agenda this evening to authorize the sale of surplus goods; Mazzeo thanked CFO Dolcy, Council members Turon and Smith, and the department heads for gathering the information to make it possible. He asked if the City is moving forward with the ACUA for street sweeping this year. Grant funds will be used and the effort will be coordinated with Public Works by Councilman Carew. In 4-6 weeks, the Police Department will be in receipt of a motorcycle from Mr. Binns, hopefully this will help with traffic safety. Mazzeo read the statistics from the July Police Department Report.

Captain Clark stated that Copwheels, Inc., out of Philadelphia is a charitable foundation run by Mr. Binns; the foundation accepts charitable donations to buy motorcycles for police departments. Carew asked if the donor was anonymous; Clark said he does not presently know who the donor is but that person will be acknowledged. President Kern asked about the sign at Tilton and Route 9. Mazzeo said the State is moving forward.

**ENGINEER'S REPORT**

The City Engineer's report was provided to Mayor and Council and is on file in the City Clerk's office. City Engineer Matt Doran provided updates to the report as follows: the Reconstruction of Mt Vernon Avenue is being bid August 21<sup>st</sup>; hopefully the project will begin before winter. Kern said the Cedarbridge sidewalk project looks great. Mazzeo commented that the County only did a small amount of striping on Burton Avenue, and asked Doran if we are putting together a project list. Doran replied that we are. Councilman Vain stated that the list includes two handicapped ramps going into Birch Grove Park and two crosswalks from Burton Estates.

**COUNCIL PRESIDENT'S REPORT**

Council President Kern said she emailed everyone about an insurance committee meeting; when someone uses city facilities she wants to centralize storage of all insurance certificates, with a copy of all certificates filed with the City Clerk. She also sent an email indicating that members of NCS school board have expressed desire to bill the city for 1/2 of the fees incurred for security guards hired for elections. Kern does not feel the city should share in security costs for school. When school was built it was built as a community school and that included use for voting and elections. The City does a lot for the school that we do not charge them for. Mayor Mazzeo agreed with Kern. Kern continued, saying although it is not a significant amt of money; it is the point. The City Clerk's time is used at the school. Councilman Smith stated that for two guards the bill is approximately \$350.00;

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adding that the School Board said they would investigate other possibilities. Smith does not feel it is necessary. Vain asked why election days could not be made 'in service' days. Smith said that was suggested as an option. Turon said every time we share services with the school, they benefit, and listed several examples. This should be their contribution to shared service. He said he hears on a regular basis from users of the facility that they have to pay for janitorial services etc.; he is not in favor of City bearing shared cost for security. Kern continued her report, saying that all of the fields at Birch Grove Park look phenomenal; the City does an outstanding job. Birch Grove Park employee Kevin Sawtelle takes great pride in fields. Last night was the last night of the Atlantic County Baseball Championships and our field looks best of all fields in County. She asked if something could be added to the website listing Atlanticare as our EMS provider, and thanked City Clerk Mary Canesi for putting raffle license rules on website. Raffle licensing is a lengthy process and many people are not aware of how long it can take. She mentioned the possibility of a City-wide clean up. Residents haven't been able to put out construction debris etc. based on the ordinance, and she wants to do a 1 day pick up. She asked Carew to speak with Jim Clark about coordinating. Carew said he mentioned it to Jim Clark already and he will put a plan together for the 9/8 meeting. Turon said he wanted to confer with the CFO to see where we are for the year for tipping fees. O'Grady added that he wanted to add an electronics recycling component as these items cannot go in landfills. Carew said Jim Clark had mentioned that, and it will be part of the proposal. Kern said for the most part businesses in town look great, but we all share the frustration of illegal signs and unsightly properties. She said she spoke with Code Official Mike Dattalo and he expressed that the ordinances, as written, can make it difficult to issue summonses, etc. She has a list of suggestions from Dattalo and asked Councilman Vain to review it with him and with the 2<sup>nd</sup> Chair.

**APPROVAL OF THE MINUTES/July 14, 2009**

Motion was made by Councilman Turon, second by Councilman O'Grady to dispense with the reading of the minutes of July 14, 2009. They have been posted, distributed to Council and are on file in the Municipal Clerk's Office. All present in favor, motion carries.

**RESOLUTIONS/CONSENT AGENDA**

On a motion of Councilman Vain second of Councilman Martinez, all present in favor of a Consent Agenda for Resolutions 135-2009 through 150-2009, and 152-2009. Solicitor Bonchi noted that 152-2009 is an Executive Session.

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- 135-2009** To Authorize the Return of the Performance Guarantee and Waiver of Maintenance Guarantee for Sutton Woods Development
- 136-2009** To Authorize the Return of Refundable Portion of Application Fee by Planning/Zoning Board
- 137-2009** Resolution to Ratify Grant Application and Accept the ‘Over the Limit and Under Arrest’ Impaired Driving Enforcement Grant
- 138-2009** Authorization to Extend 3<sup>rd</sup> Quarter Tax Payments
- 139-2009** Final Change Order No. 1 Reconstruction of Yorkshire Avenue, Birch Grove Road, and Wabash Avenue
- 140-2009** Revising Established Fees for Copies of Municipal Public Records
- 141-2009** Resolution Requesting Approval Of Items Of Revenue and Appropriation N.J.S.A. 40A:4-87 Over the Limit Under Arrest Grant
- 142-2009** Authorizing the Refund of Escrow Monies from Planning/Zoning Board
- 143-2009** Authorizing Doran to Proceed / Sidewalk at Cedarbridge Road
- 144-2009** To Authorize a Raffle License for the Church of St Bernadette
- 145-2009** Authorizing Cancellation of Tax Sale Certificate
- 146-2009** To Authorize the Sale of Surplus Property
- 147-2009** To Authorize a Local Government Energy Audit
- 148-2009** Authorizing Cancellation of Tax Sale Certificate
- 149-2009** To Authorize Non-Binding Referendum to Gauge Public Sentiment on the Purchase of the Site of the Former Jewish Community Day School
- 150-2009** Award of Contract for Professional Services without Public Advertising for Bids as per N.J.S.A. 40A:11-5, and in Compliance with N.J.S.A. 19:44A-20.5, Also Known as New Jersey Pay to Play Law

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**152-2009**      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 Settlement in the Matter of Robert Bergmeister v. City of Northfield

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries.

**ORDINANCES**

On a motion of Councilman Smith, second of Councilman Vain, all in favor of reading Ordinance 11-2009 by title only.

**11-2009**      An Ordinance Repealing City Of Northfield Ordinance 7-2005 That Limited Where Sex Offenders May Reside Or Work Within The City Of Northfield  
*Final Adoption/Open to the Public/No Public Comments Received*

Solicitor Bonchi explained the Supreme Court recently ruled that local governments do not have the authority to regulate this area; it is under the jurisdiction of the State. Cities cannot have their own sex offender ordinances.

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for final adoption.

On a motion of Councilman Carew, second of Councilman Martinez, all in favor of reading Ordinance 12-2009 by title only.

**12-2009**      An Ordinance Amending Ordinance 83-5 to Make it Unlawful to Use Power Lawn Equipment After 9:00 p.m.  
*Final Adoption/Open to the Public/ No Public Comments Received*

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for final adoption.

On a motion of Councilman Vain, second of Councilman Smith, all in favor of reading Ordinance 13-2009 by title only.



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**13-2009** An Ordinance Providing For No Parking Zones For Sections Of Cedarbridge Road On The Westerly Side Of New Road And Oak Avenue  
*Introduction/No Public Input/Published in the Press 08/15/2009*

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for introduction.

On a motion of Councilman Turon, second of Councilman Carew, all in favor of reading Ordinance 14-2009 by title only.

**14-2009** Bond Ordinance Providing for Various 2009 Capital Improvements and Acquisitions of the City of Northfield, in the County of Atlantic, New Jersey, Appropriating the Aggregate Amount of \$500,000 and Authorizing the Issuance of \$475,000 Bonds or Notes of the City to Finance Part of the Cost Thereof  
*Introduction/No Public Input/Published in the Press 08/15/2009*  
Full copies of the ordinance are available upon request in the City Clerk’s Office Monday-Friday, 9:00am to 4:00pm

Councilman Turon stated that this bond ordinance was the result of intense budget talks; these are bare necessities and are road and public safety issues.

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for introduction.

On a motion of Councilman Vain, second of Councilman O’Grady, all in favor of reading Ordinance 15-2009 by title only.

**15-2009** An Ordinance Providing for City of Northfield Code of Ethics  
*Introduction/No Public Input/Published in the Press 08/15/2009*

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O’Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for introduction.

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**PAYMENT OF BILLS**

Councilman Turon motioned, Councilman Martinez seconded, for payment of bills in the amount of \$ 4,384,414.52; Turon, Vain, Smith, and Kern announced their abstention from certain line items on the bill list. Copies are on file in the City Clerk's Office.

Roll call: Mr. Carew – yes; Mr. Martinez – yes; Mr. O'Grady – yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for payment of bills.

**PUBLIC SESSION**

Council President Kern opened this meeting to the public and asked if anyone from the public wished to speak.

Carolyn Peterson, 2312 Shepherd Drive, thanked Council for considering Shepherd Drive for the speed hump. Since Cedarbridge became one-way, traffic has increased and is often at heavy speeds at curves in the road. There are 15 children in 7 houses in that stretch of road.

Robert Webb, 218 West Revere Avenue, asked if Ordinance 15-2009 implies that any member of Council cannot have a relative working for the City at the same time they are on Council. Solicitor Bonchi confirmed this to be true. Webb asked if this applied to any area of the City. Bonchi replied that anyone already working here would be grandfathered in; they can be relatives but a Council person cannot vote to hire a relative. President Kern clarified that this evening was the introduction of Ordinance 15-2009, and not the public hearing. This was put on the agenda because of what has been happening elsewhere in New Jersey. She referred to the nepotism policy in the Policies and Procedures Manual.

Craig France, 520 Pasadena Drive, asked about street resurfacing. He said nothing has ever been done on his street. Grass is growing up through cracks in the street. He feels it is beyond repair and needs to be resurfaced. President Kern said she is starting to see that on a lot of streets and that she has discussed this with the Mayor. France said there is also flooding on the street. He said he's talked to Council people but nothing is being done. Yorkshire Avenue and others are not as bad as his street but they are being done first. Kern said there is a list of streets slated for repair and money is allocated each year for certain streets. City Engineer Doran stated that Pasadena is on the list, although he does not have it with him. France continued, saying it is getting much worse and something will collapse. Carew said Council is

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aware of the issue and that he agrees Pasadena is in bad shape. This Council, in the past few years has addressed a few major drainage spots including that at Hollywood and Pasadena. There is an old pipe that needs to be slip-lined. The major portion of the job was the pump station. The repaving will happen after the pipe is slip-lined. France said the flooding was occurring for 20 years before something was done; he just wants someone to come down his street to look at it. Carew said he will do so.

Thomas Wolfe, 317 Davis Avenue, asked that the lights at the Park be approved without political concerns; they need to be replaced. He reminded everyone how much money has been saved in the past by using volunteer labor. President Kern said she agrees the lights need to be replaced. Wolfe suggested an ordinance that cell phone towers only be put on public properties and that revenue goes into city coffers. Bonchi replied that mandating public property only is illegal. Bonchi said we have tried to do that; if you look at our ordinance you will see that. Wolfe offered to show proof that Margate has such an ordinance. Turon explained the history of the existing ordinance and the City's efforts to steer cell towers towards Birch Grove Park. Bonchi said he would look at the Margate ordinance. Wolfe asked about public input on the ethics ordinance, and does it include the school. Bonchi explained that the school is its own entity.

Bob Leeds, 27 Steelman Avenue, asked if on a vehicle on Tilton Road has to stop if a person is waiting to use the crosswalk. Captain Clark replied that if a person or bicyclist is already in a designated crosswalk, an oncoming vehicle must yield the right of way to the pedestrian.

Seeing no one else from the public wishing to speak, President Kern closed the public session.

Councilman Smith read the meeting notices.

City Clerk Mary Canesi read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council. Solicitor Bonchi explained that this Executive Session, as authorized by Resolution 152-2009, will focus on the issue of settlement of a certain lawsuit filed by Robert Bergmeister against the City of Northfield. None of this will become available until after this case is settled or disposed of or resolved in finality. At that point in time, certain limited portions will be made available in accordance with the law.

On a motion of Carew, second of Vain, all in favor of entering closed session of Council at 8:46pm. At 9:13pm, Solicitor Bonchi announced a summary for the record as follows: Todd Gelfand, an attorney from the MEL provided a summary of

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the status of the litigation, he explained a settlement proposal, Council provided its opinion as it relates to that, and no final decision has been made today. Parts of the minutes of this session may be released after the litigation is totally resolved, in accordance with the law.

At 9:13pm, on motions properly made and seconded, this meeting was adjourned.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk