

**CITY OF NORTHFIELD COUNCIL MEETING MINUTES
SEPTEMBER 8, 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, he requested that all remain standing for a moment of silence. Friday marks the 8th anniversary of 9/11; may we remember families who lost loved ones that day, and be thankful for our blessings and our freedoms, and for living in the United States of America.

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 welcomed the audience and announced that this evening’s Community Service Award would be presented to Joyce Pullan, Project Director for the Northfield Cultural Committee. Kern said this is just one of many hats Joyce wears in town; she started off with the Bicentennial Committee in 1972 appointed by then Mayor Otto Bruyns and was part of the establishment of the Museum Committee, and of the Cultural Committee in 1977. The first annual 4th of July Parade was held in 1975, and Joyce continues to be very instrumental in the planning of the parade; in addition, the Cultural Committee chooses Miss 4th of July, the 1st Family and also presents the 1st Baby Award. Joyce directed the relocation of the Casto House to Birch Grove Park, worked on the book Images of America, was a member of the Anniversary Committee in 2005, and was involved in moving the bandstand to its new location. She is instrumental to the operation of the Cultural Committee, and Kern shared a story whereby Joyce always makes things happen in spite of many challenges. Mayor Mazzeo presented Joyce with her award certificate, and thanked her for her dedication and service, adding that she puts her heart and soul into doing what she does. Joyce thanked the Mayor and Council, and said it has been her privilege to work for the community. She thanked all Councils present and past for their help.

PRESENTATION BY RICH GERBER, RISK MANAGEMENT CONSULTANT

President Kern announced the presentation by Risk Management Consultant Rich Gerber of a MEL video entitled “Preventing Public Officials Liability”. Following the video, Gerber distributed the 6 month Safety Report. The City is

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ahead of schedule for mid-year, and Gerber commended City management for doing an excellent job. Anyone with questions about the video should direct them to Gerber or to City Solicitor Keith Bonchi.

AGENDA REVIEW

Council President Kern reviewed the agenda.

COMMITTEE REPORTS

Councilman Martinez reported there are presently two applications before the Planning/Zoning Board. COAH meetings have been postponed indefinitely. The application for the T Mobile cell tower for the Coastal Design location will be heard at the end of September; there have been many concerns. Martinez said he had the opportunity to drop his daughter off at NCS today and commended the Police for doing a great job. Traffic flowed very smoothly on Mill Road and on Cedarbridge and he heard many of the same comments from other parents.

President Kern asked for clarification on the postponement of the COAH meetings. Martinez replied that due to recent problems with elected officials up north - one of them was directly involved in COAH - proceedings have been temporarily put on hold. Solicitor Bonchi added that he spoke with Dr. Levitt; the Land Use Ordinance is being revised but COAH will be left out.

Councilman Turon had nothing to report.

Councilman Vain recognized Ms Brennan in the audience, and announced that the next Neighborhood Watch Meeting is scheduled for September 24th at City Hall. Those with questions should contact the Police Department or Joan Brennan. Tomorrow is an Allsports meeting at 8pm at NCS. The striping at Zion and Oak was done by the County; we are also looking for the County to partner with us on a flashing light at this location. The striping should draw more attention to the intersection and slow traffic. Cedarbridge, Zion, and Burroughs should be paved and up and ready to go in the next week. Vain noted the presence of many residents this evening regarding flooding concerns. He said the engineers are doing flooding studies on the major roads; this is on the agenda this evening. Vain will contact people directly once the study is done to provide feedback. He is a member of the Census Committee, and their goal this year is to have everyone counted; he will keep Council updated. Vain referred to Ordinance 13-2009 and explained the location as being the bank side of Cedarbridge, moving the no parking zones back farther away from the school. The location for the next speed hump has been narrowed to being placed on either Shepherd Drive or Wabash Avenue. Vain's recommendation is Shepherd as it will have a greater impact on residents than Wabash would. He talked to the Police Department; they prefer the

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Wabash location as it will slow down speeders. Vain said he wanted to have more of an impact on pedestrians, children, etc. If Council agrees he will have Doran proceed.

President Kern said she would like to hear from Captain Clark on the subject, but he was not in the room at the moment. Also, since today is the first day of school, she felt we can wait to see how traffic goes.

Vain reiterated the safety of children as a goal. He will not be in attendance at the September 22nd Council meeting as it is Back to School Night; he will get here as soon as he can.

Mayor Mazzeo asked if there was a plan for how many speed humps we're going to put in town. Kern replied that we only budgeted for two. Vain added that we usually do one a year, and that it's up to Council how many we want to put in. Mazzeo expressed concern that he would like to see a strategic plan. It's a good idea but shouldn't be overdone.

Councilman Martinez commented about flooding; back in 2005-2006 this issue was raised. There are new areas that are problematic more than ever. Ed Stinson had a lot of information in the past about these areas. Martinez encouraged Council to confer with Stinson before reinventing the wheel as he is well aware of these areas.

Councilman Carew stated for the record that we are not reinventing the wheel, reminding Martinez that Stinson works for Doran Engineering. Martinez stated that it was just a recommendation; he thought Stinson would have his own opinion.

President Kern announced that due to the large number of people with flooding concerns in attendance this evening she'd change the order of business on the agenda and open the public session after Councilman Carew completes his committee report.

Carew continued, saying he was hoping that Jim Clark would be here but right now he's meeting people from out of town about the vehicles we have for sale. Carew referred to an email from Clark dated August 13th, the day after the worst of the two recent storms. Carew thanked Road Department and Doran Engineering staff; they were out in the storm, as was Carew. Being out in the storm is the only way to see what needs to be fixed. The pump station at Hollywood and Pasadena was doing everything that it could, given the volume of water. He called a meeting with the Road Department and Doran; they identified six spots: Marita Ann and Leeds, Hollywood, Madison, Cedarbridge and Helen, Leslie, and Fifield. These are not listed in rank order. Starting with Marita Ann

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and Leeds, based on their meeting they are looking at making elevation changes on Ridgewood where water is dumping on Leeds Avenue to take a percentage of the water out. They are proposing talking to Wawa about possibly putting a retention basin on an unused piece of land. There is a homeowner in the area that may be approached about granting an easement. Hollywood and Pasadena had knee deep water; there is a pipe that goes between the two streets that goes across property lines. There are three trees that are 75-100 yrs old and they believe the trees may have interfered with the pipe. They will have a contractor come in and bore the pipe out. If that doesn't work it can be reevaluated for replacement or slip-lining. On Madison Avenue they are waiting for the engineer to come back; one option is to bypass the volume of water that goes by on Mill road - hopefully not sending water to another problem. There is a piece of property that we're looking at on Oak Avenue; possibly an underground basin can be put in there. The water has to be sent somewhere else. He mentioned trailers with pumps used by public works and the possibility of a French drain for Madison Avenue. On Cedarbridge and Helen there is a volume of water that floods Helen with no place to go; Shepherd has to recede before Helen will go down. On Fifield Avenue we've cleaned the storm drain and we're jetting it. We had to do a little heavier maintenance to make sure there is no blockage. Carew mentioned the age of the infrastructure and the problem of finding places to send the water. Linwood, Northfield and Somers Point all had similar situations on August 12th. Cleaning, jetting, and televising the basins is an ongoing process. On Leslie Lane, there may be a blockage in the middle. We are hiring a contractor to use more sophisticated machinery to check for blockages. We know how tough it is; we are doing our due diligence to try and make the situation better

Councilman Martinez asked if Phase II of Erie and West Revere in that mix. Doran replied that it's on the list but other primary issues have come up.

Mayor Mazzeo said there was a home at Davis and 2nd that had 7 feet of water in the basement. Doran said that water ties into the County system at Tilton and New; until Tilton and New drains, that system doesn't drain. We don't own that system. Carew again mentioned the need to send water elsewhere; Doran said diverting water may overburden other areas of the system; have to get as much water underground as we can.

PUBLIC SESSION

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

Gene O'Dowd, 516 Marita Ann Drive, asked how big the catch basin is on his street. Doan replied that they just started their evaluation. O'Dowd suggested a basin on the other side; adding that many studies have been done in the past.

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Carew said the elevation changes are being incorporated into a capital project. O'Dowd said there is water coming from low spot on Oak Avenue, and expressed concern about safety issues with a retention pond. He asked if Wawa could take some of the water. Doran replied that we can ask them about using the back of their property. Carew reiterated the proposed elevation changes and said we will look at Oak and Marita Ann. O'Dowd requested that he be kept informed, especially if any trees are to be taken out.

George Roth, 429 West Revere Avenue, presented photographs of flooding in front of his home to Council. He said children were boogie boarding in the street in front of his home.

Paul Wagner, 514 Marita Ann, Drive, said there was a foot of water in his garage; he lost everything. His pool overflowed. For eight years he has been trying to get this problem fixed. He has spoken to every Council member over the years. He said Councilmen Smith and Vain came out to see the flooding. His home is the low point in the whole town. He came very close to losing \$50,000 worth of musical equipment in his shed. Since he is not in a flood zone, he can't get flood insurance. He feels it is a double slap in the face to have reassessment at the same time.

Peri Pantazes, 1 Madison Avenue, said her 2004 Honda Civic had 4" of water in it parked in front of her house; it had to be totaled and only had 36,000 miles on it. She and her husband could not find a comparable used car and were forced to buy a brand new one. They have complained for over 25 years and nothing has been done; she said if they complain enough someone will come clean the drains. After four calls on August 13th the drains were cleaned. She spoke with Councilman Vain. She wants no further studies done. Just fix it. She had to put in a \$5,000 basement sump pump in her crawl space, and spend \$11,000 for a new car. There is nowhere for excess water to go except the street, there are no drains on Mill Road. On August 28th, City workers drove by, saw the flooding on her street, and kept on going. It is a health hazard as a mosquito breeding ground. EMS workers couldn't get in if they needed to. She wants to know what is going to happen and how soon. City Engineer Doran replied that the evaluation has begun on that street

Greg Hull, 3 Madison Avenue, said he is the low spot on Madison. It floods five feet from his front door and water stays for days. He says water comes down Sutton. The street is getting lower and lower, the drains are 4-6" above street level at the corners because the streets are dropping. There is always sand in his street and he feels it is coming up from under the street. Doran replied that he will do a report on each street that will include every option we can think of, with a price for each, so it can be determined what can be done and when. Carew added that paving is always done after infrastructure improvements are made; at

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the end of a job not before. Hull wants to make sure Oak Avenue is looked at as well, and asked when and how the residents will find out how this is progressing. Carew said he will give an update at the 1st meeting in October. Doran added that he will be prepared to give a preliminary report at that time also.

Mario Martirone, 335 Infield Avenue, asked for a bench on the bike path. He has a bench for his parents just north of Infield and wants to put a bench adjacent to it in honor of his brother. He was told no and wants to know why. President Kern replied that the bench slabs are set so they are no longer looking in people's homes. Councilman Carew said he recently reassessed the locations and found four more that are available for new benches. However, where there were already three benches together, such as on Infield, they did not reassess that area. Martirone said he wants brother's bench near his parents' bench. Kern said she'll go out and look at the area again and get back to him.

Alice Hulse, 2527 Helen Drive West, said her street is impassable when flooded. She lost a car a few years ago due to flooding and is stuck in her house when it rains.

Roderick Walsh, 4 Madison Avenue, said he experienced severe flooding in recent storms, within an hour and a half. He's been in his house for 18 years and always hears that studies are being taken. He can't wait anymore and wants it fixed now.

Robert Pantazes, 1 Madison Avenue, has been complaining for over 20 years; why wasn't this fixed years ago? He said nothing ever happens. He filed a tort claim against the City. The insurance adjuster said they may only get their \$100 deductible and the \$35 rental reimbursement. They are out over \$11,000.

Robert Webb, 218 West Revere Avenue, said Northfield was all farm land at one time and there are underground streams still in existence. Overdevelopment has caused the flooding problem. He asked if the Perri's were a problem with the ambulance squad. President Kern said she did not feel this was a fair question. Webb stated that Kern had said at a previous meeting there was nothing against the Perri's. Webb stated that Councilman are paid, and asked if they lose pay when they are absent from a meeting. Solicitor Bonchi replied that they do not. Webb referred to the Ethics Ordinance, and asked if Mayor Mazzeo delivered fruit to the school. Bonchi advised that the school administration is separate from the City. Webb asked if Frank Perri can run his gas station and towing business if reelected. Bonchi replied that he can run gas station but will have problem if contracting with the city for towing. Webb referred to what he said was an ordinance that said only union contractors can work in the city of Northfield, or for the City. Carew said there is no ordinance that says only union contractors can work in Northfield. Bonchi advised Webb that if he finds a statute that

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Council or the City are violating, tell Bonchi, and if he agrees with Webb, he'll be the first person to tell Council.

Mayor Mazzeo said the City offices sometimes buy fruit trays from Mazzeo's; they can't do that anymore? Bonchi said once the ordinance passes, the Mazzeo would not be able to sell to the City while he is an elected official.

Marsha Mazzeo, 135 Bonnie Lee Drive, asked why the ethics law being brought up now. Solicitor Bonchi said the idea came from him; he was watching a program where Dennis Levinson encouraged towns to adopt an ethics law. He obtained the County's and modified it for the City. Mazzeo asked if anyone would be grandfathered in. Bonchi replied that nothing will be grandfathered. The State already has what is called the State Local Public Ethics Law; this is simply making it clearer as to what the State already has. She said this is a small town; the ordinance is taking business away from people. Council President Kern said that Council had been discussing this for a couple of years; it is not a new matter.

Thomas Wolfe, Davis Avenue, said he is not defending Council but the recent rain storms were horrendous. He asked if the County or the State is responsible for any of this. City Engineer Doran stated that the lines are getting older, roots grow in them, more and more people are building. Wolfe asked why we can't tie in to the County basin. Doran replied that the County won't let us add water to their basin. Wolfe suggested the use of the Kresge school property for a pump station and basins. President Kern said that has been discussed. Wolfe referred to the MEL video shown earlier in the evening and stated that the Risk Manager is new this year. He asked if the insurance premium went up 25%. CFO Dolcy attempted to clarify what premium he was referring to. Carew said we are insured by the JIF and that the premiums are established by them, the Risk Management Consultant has nothing to do with that. Bonchi explained how the City is insured. Wolfe asked if the Prosecutor has malpractice insurance. Bonchi replied that he won't comment on pending litigation.

Debbie Levitt, 2204 Bay Drive, said the Board of Education has to have a nepotism policy. When it was implemented they did grandfather people in. She referred to section 6b of the ethics ordinance, and asked for the definition of the "others". Bonchi explained that this mimics the County's. Levitt said the definition of immediate family is very narrow in this ordinance; the Board of Education's policy is broader in defining immediate family. Bonchi said he anticipates that anyone already on council would be grandfathered in, but each new time they are elected they would be subject to the law.

Mayor Mazzeo asked if he was grandfathered in or not. Bonchi said if you have an existing contract, with the city, then you'd be grandfathered in. A purchase

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order is a contract. Mazzeo would not be able to enter into anything new after the ordinance is passed.

Craig Tanzola, 10 Magnolia Court, asked how far a pumping station is capable of pumping water. Doran said it depends on the size of the pipe and the station. Tanzola suggested an underground basin beneath the Oak Avenue property. He feels developers have been allowed to put in inadequate basins and drainage; they submit good plans but try to skirt the law. He referred to Burton Avenue Estates and that the homeowner's association is trying to get the City to take over their basin. He said it's a bad idea; the job should be done correctly. The City should not assume liability for potential flooding. Make the developer pay for the scope of the work he was supposed to do. He feels the price for the Kresge School is too high; we shouldn't pay more than \$800,000. Bonchi stated that the seller won't sell it for less than the 1.6 million. Tanzola said money put into local businesses circulates five times throughout the local economy, and encouraged Council to rethink the ethics ordinance.

Joan Brennan, 116 Dolphin Avenue, provided an update on neighborhood watch committee. She said it was suggested to her that they have the neighborhood watch meeting at the school, but that requires insurance. She wants to know if the City's insurance would cover them. President Kern advised that she is not sure if insurance is required; she will check. Brennan said Linda Klersey was able to get Sir Speedy to donate more than 3000. Brennan said she emailed Council and Dan Mitchell about signage and stickers. For a small budget they can put signage up that most Cities have. Can the group have a small budget for signage, or do they have to pool the funds themselves? Kern said she and the Mayor will investigate the feasibility of funding and advise. Brennan said the Watch has really helped the neighborhood but they need more help from the Police Department. They couldn't get an officer to come to the meeting. They also need help dividing the city into sections. Councilman Vain suggested using the Election Wards. Brennan will stop by the City Clerk's Office to get a ward and district map. She's trying to get at least a few houses in each 'territory' to participate.

Carolyn Peterson, 2312 Shepherd Drive, asked if Council is covered under the State Statute ethics law. Bonchi replied that they were. She asked if anyone currently on Council would be grandfathered in. Bonchi used the example of a purchase order. An existing purchase order is okay but a new purchase order would not be. Peterson said this is taking income from residents in a small town. Kern said that maybe the reason for an ethics ordinance is because Northfield is a small town. Peterson asked why a Council member couldn't just abstain from a vote if there is a conflict of interest. Bonchi said the public should have the expectation that there is no motivation other than what is best for the City. It is modeled after the County and all we are asking is that we be held to the same

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standard that the County holds its people to. Peterson said she feels it is too restrictive.

David Goldstein, 116 Dolphin Avenue, publicly thanked the Mayor for helping to get a light on Dolphin Avenue fixed. He asked the motivation for using the County's ethics ordinance for our local officials. Kern replied that two years ago Councilman Vain tried to introduce a nepotism ordinance. We have a nepotism policy in our policies and procedures manual. Goldstein said if someone had done something, there would be a need for it. Councilman Carew stated that the City is taking a proactive stance, not a reactive stance; he feels the public wants reassurance that they are in the right hands. Goldstein said that federal, state, and local guidelines are written differently for reason. He feels this will deter involvement on the part of the public in local government; we should want to support local businesses. He used the example of Mayor Mazzeo not being able to sell fruit to the City as reason why the County's ordinance may not match the City's needs.

Lynn Perri, 7 Haddon Avenue, Secretary for Northfield Rescue Squad, Inc., asked if she heard Mrs. Levitt correctly and that the school has a nepotism policy. Kern affirmed. Perri asked about grandfathering. Bonchi repeated the same example previously used. Perris said she hears complaints about Atlanticare, and asked when the contract for Atlanticare will be signed. Bonchi said it was not signed as of a week ago. He sent an email to the Linwood Solicitor asking for them to get it done; Northfield will not actually sign it. Perri asked Councilman Smith if the dynamic deployment is working, is he satisfied with it. Smith replied that he meets regularly with Atlanticare EMS; it is not perfect but they are meeting regularly. Perri asked if there have been complaints. Smith affirmed.

Tom Wolfe, Davis Avenue, asked if Council was contemplating taking the Burton Avenue Estates property from Trocki. Kern replied that they were not. Wolfe asked if a particular basin is working. Doran said it wasn't working previously, but that a repair had been made.

Robert Webb, 218 West Revere Avenue, said there is not enough awareness of who Foster Shockey is. Carew stated that the football field is named after him. Webb said the City should recognize Shockey.

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

COMMITTEE REPORTS CONTINUED

Councilman Smith announced that there would be a public session September 16th at 7pm on the solar panel referendum. The vote will be September 29th at a

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Special Election. School back in session, and Smith reminded everyone to drive safely. He read the rescue squad report for month of August. There are several new programs Atlanticare has implemented to benefit residents, such as the Special Care Center, Teen Diabetes, and a Morbid Obesity program. Any interested parties should contact Atlanticare. Twenty-one residents are participating thus far. On September 24th Atlanticare will be here at City Hall sponsoring a Wellness check for employees. The auction for City surplus property will be completed on September 10th; the information should be available for the next Council meeting. Councilman Martinez asked Smith what happens if the auction reserve amounts are not met. Smith replied that we reserve the right to withdraw the vehicles or repost them. Martinez asked if there would be another bidding cycle. Smith said we'd see in a few days.

Councilman O'Grady said the Library Board met on August 16th. They had great publicity for their waffle event in the local media, and their next event is crepes and waffles, with information to follow on the website shortly. There is a new digital projection system at Library, and their next meeting is September 10th. O'Grady said the Energy Audit project is ongoing; the CFO has been assisting in gathering bills, etc., that are required. The program is now funded 100% up front and it will be done at no cost to the City. He attended a Sustainablejersey meeting on August 27th at the ACUA. This is a certification program whereby a municipality can be certified via a point system. As a Certified Community there are grant monies available. Somers Point got a \$1,000 grant and others got \$25,000 for green efforts. We need to set up a Green Team as part of the program, made up of Council and employees, to serve in an advisory capacity, but it does not have to be formalized. Carew said he wants to work with O'Grady; he has been working at the State level with the Board of Public Utilities. O'Grady said Smith and Martinez have expressed interest also. He wants to invite Jim Clark and Marilyn Dolcy as well. He will forward recommendations to Kern.

Councilman Carew said the City is considering a regarding fall clean up for neighborhoods. He read a letter from Jim Clark indicating that it could be done the weeks of October 5th and October 19th, on regular trash day. There would be a five can or item limit and the effort will require a separate crew. Carew thanked Clark for coming to the meeting this evening. Mayor Mazzeo asked about the resulting increase in tipping fees; the current ordinance is in place because it substantially reduced tipping fees. Carew replied that it will come at a small cost, but he thinks it's worth it. Turon asked CFO Dolcy where we are year to date for tipping fees; she replied that it is about the same as last year. Smith asked if we could get an estimate of what it will cost. Kern stated that it's up to Council to approve or disapprove it; it was only brought up as a service to the community. Mazzeo said he thinks it's a good idea but the proper way of doing it would be to plan for it during the budget cycle and have the money in place.

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MAYOR'S REPORT

Mayor Mazzeo said that part time Court employee Peggy Mallen will be retiring at the end of October; he wished her well and thanked her for her service. The Family Fun Fest is still looking for volunteers. The Planning/Zoning Board has approved a new business, Firestone Auto, at the old Blazer station. The former AC Rental building on New Road is another example new projects that have improved look of the City. Mazzeo said he got a letter from Matt Doran regarding a groundwater study being done at the location of the Shell service station at 2401 New Road. The study involves the installation of twelve underground meters to perform environmental testing, and ten of the twelve are in the right-of-way of the street. They are asking for the City's permission to use the right-of-way. Doran offered further explanation, adding that a road opening permit is required, as is the Mayor's signature. Bonchi asked if Doran would recommend that we grant the permission. Doran replied that it is a DEP permit, they are required to do the wells by the State, but they need the right-of-ways to install them. Bonchi suggested a voice vote to authorize the Mayor to sign the agreement for the installation of the wells in the City's right-of-way.

Turon motioned, Vain seconded for a voice vote to authorize the Mayor to sign the paperwork required for the installation by URS Corporation of ten monitoring meters in the City's right-of-way.

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.

Mazzeo referred to recent pedestrian right-of-way enforcement events that have been conducted throughout Atlantic County. In three of the four events in Northfield, our police gave only warnings. Press releases were distributed in advance of our events, although one was not advertised. Mazzeo stated that the Police are following the law and he found the efforts to be highly organized. He mentioned the Pedestrian Safety Enforcement Grant activities, DWI checkpoint, and the new traffic flow at the school, thanking the Police Department for their efforts in the success of these projects. Mazzeo read the Police Report statistics for the month of August.

ENGINEER'S REPORT

The City Engineer's report was provided to Mayor and Council and is on file in the City Clerk's office. There were no updates.

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COUNCIL PRESIDENT'S REPORT

President Kern said we adopted an ordinance for 2 hour parking on Juniper Drive and for no parking on Cedarbridge from Juniper to Route 9; she asked if signs were ordered. Carew affirmed. She said she wants delay sign installation until residents and school personnel can be notified. Jim Clark asked if the signs can be installed and bagged; Kern replied that they could. Carew said he wants to meet with Clark and the Police Department to coordinate. Kern said the final proof for the sign at Tilton and Route 9 has been distributed, and she thanked the Mayor for his diligence in getting the sign done.

Councilman Vain said since Captain Clark was in attendance he'd like to re-address the speed hump issue. Kern said she'd like to wait a while after school is in session to see how traffic goes, and asked Captain Clark for his opinion. He said he recommends the Wabash location; he feels Shepherd is too tight and that accident data supports his choice as well. Vain said Shepherd is marked; has Captain Clark seen it? He replied that he had.

READING AND APPROVAL OF MINUTES

Motion by Councilman Turon, second by Councilman Smith, to dispense with the reading of the minutes of August 11, 2009. They have been posted, distributed to Council and are on file in the Municipal Clerk's Office. All present in favor, motion carries for approval of minutes.

RESOLUTIONS/CONSENT AGENDA

On a motion of Councilman Carew, second of Councilman O'Grady, all present in favor of a Consent Agenda for Resolutions 153-2009 to 163-2009 as follows:

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|-----------------|---|
| 153-2009 | Authorizing Doran to Proceed |
| 154-2009 | Deleted |
| 155-2009 | New Jersey Department Of Transportation Division Of Local Aid And Economic Development Recommendation Of Award State Aid Project for the Reconstruction of Mt Vernon Avenue |
| 156-2009 | Authorization to Apply for a Municipal Alliance Grant for the Year 2010 |

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- 157-2009** Authorizing The Northfield Cultural Committee To Apply For And Obtain A 2010 Matching Grant From The New Jersey State Council On The Arts State/County Partnership Block Grant Program
- 158-2009** Authorization to Create a Lien on Block 66 Lot 12.01
- 159-2009** Award of Contract for ADA Parking at Bikepath
- 160-2009** Authorize a Raffle License for Northfield Education Foundation
- 161-2009** Amending Resolution 146-2009 Authorizing the Sale of Surplus Property
- 162-2009** 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 Pending Litigation in the Matter of Tyrone Foxworth v. Northfield Police Officer Kristina Ramsi
- 163-2009** 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 Litigation in the Matter of Inadequate Drainage and Other Unacceptable Improvements in the Burton Estates Subdivision

Solicitor Bonchi noted for the record that 162 and 163 are Executive Sessions and will take place after the regular session.

Councilman Turon asked for an explanation of where the ADA parking will be located; Doran explained the locations, adding that this is being funded by grant monies.

Councilman Carew motioned, Councilman O'Grady seconded to adopt Resolutions 153-2009 through 163-2009 by consent agenda.

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 Martinez, 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
*Final Adoption Open to the Public/No Public Comments Received
Published in the Press 09/12/2009*

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 final adoption of Ordinance 13-2009.

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
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Frank Perri, 7 Haddon Avenue, candidate for 1st Ward Council and 27 year towing contractor for the City of Northfield, stated that in the budget session we were trying to save money, now we have \$85,000 for a dump truck and \$110,000 for lights. People are getting flooded out of their homes; this is tax and spend. The bond ordinance doesn't do much for drainage. Council should consider the amount of luxuries there are here and spend it on people's homes. A moratorium on spending might help.

Seeing no others wishing to speak, President Kern closed the public session.

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 of Ordinance 14-2009.

On a motion of Councilman Turon, second of Councilman Martinez, all in favor of reading Ordinance 15-2009 by title only.

15-2009 An Ordinance Providing for City of Northfield Code of Ethics
*Final Adoption/Open to the Public
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Councilman Martinez asked if there will be a change in verbiage. Solicitor Bonchi replied that it would have to be reintroduced and advertised if amended. President Kern stated that she would be in favor of grandfathering. Bonchi reiterated that a substantial change would have to be re-advertised. Kern asked Martinez if there were any other changes he'd recommend. Martinez said that he would like to change the definition of family; generally he is in favor of what the public mentioned earlier this evening, including grandfathering. He also said there is a need to look at the school's policy and compare it to our ordinance 15. Bonchi said he would go over and see what he can get from the school, make changes in bold and email them around for Council to review. If Council wants any other changes, let Bonchi know before the next meeting. Mazzeo said he will email recommendations to Bonchi as well. Discussion ensued with regard to tabling the ordinance, or adopting and amending it based on various recommendations.

David Goldstein, 116 Dolphin Avenue, said he feels this ordinance is being pushed through. It takes 25 years to address flooding. All he is asking is that Council compare this to other towns before voting to finally adopt. Others from the public have expressed the same sentiment. He admonished Council for treatment of Mr. Webb when Webb was speaking.

Seeing no others wishing to speak President Kern closed the public session.

Councilman Turon clarified that we can adopt and then amend; Bonchi said yes.

Roll call: Mr. Carew – yes; Mr. Martinez – no; Mr. O'Grady –yes; Mr. Smith – yes; Mr. Turon – yes; Mr. Vain – yes; Mrs. Kern – yes. Motion carries for final adoption of Ordinance 15-2009.

Mr. Carew read the meeting notices.

At 10:17pm, Council President Kern announced a 5 minute recess before Council would enter closed session.

162-2009 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 Pending Litigation in the Matter of Tyrone Foxworth v. Northfield Police Officer Kristina Ramsi

At 10:27pm the City Clerk read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council; she also read Resolution 162-2009 by title. The Resolution was adopted during the consent agenda. Solicitor Bonchi announced that the session has been authorized

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SEPTEMBER 8, 2009**

to discuss the status of the lawsuit and that nothing can be disclosed 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. Bonchi said Officer Ramsi has been issued a Rice notice and has exercised her right to be present.

At 10:30pm Council entered closed session; they remained in Council chambers. At 10:48pm on motions properly made and seconded, the closed session was adjourned and Bonchi announced a summary for the record as follows: an explanation of the pending lawsuit was provided to Council and to Captain Clark; questions were asked by Council with regard to various aspects, what the allegations were, and about insurance coverage. Parts of the minutes of this session may be released after the litigation is totally resolved, in accordance with the law.

163-2009 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 Litigation in the Matter of Inadequate Drainage and Other Unacceptable Improvements in the Burton Estates Subdivision

At 10:51pm the City Clerk read the Paff injunction under which the City of Northfield has been bound with regard to closed sessions of Council; she also read Resolution 163-2009 by title. The Resolution was adopted during the consent agenda. Solicitor Bonchi announced that the session has been authorized to discuss potential litigation and the resolution of it with the developer, Trocki Development, and other issues relating to residents and their potential threat of litigation. Nothing can be disclosed 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.

At 10:52pm Council entered closed session; they remained in Council chambers. At 11:12pm on motions properly made and seconded, the closed session was adjourned and Bonchi announced a summary for the record as follows: during the closed session there was discussion involving Burton Estates, potential litigation and settlement with Trocki, potential litigation and settlement with the homeowner's association. Guidance was provided by Council on how to proceed. Parts of the minutes of this session may be released after the litigation is totally resolved, in accordance with the law.

On motions properly made and seconded, this meeting was adjourned at 11:13p.m.

Respectfully submitted,

Mary Canesi, RMC, Municipal Clerk