

**CITY OF SALEM
MINUTES OF THE COMMON COUNCIL MEETING
OF FEBRUARY 16, 2016**

A regular meeting of the Common Council of the City of Salem was called to order by Council President Karen Roots. The meeting took place in the Municipal Building located at 1 New Market Street at 7:00 p.m. The meeting was opened with the Pledge of Allegiance. Present: Council President Karen Roots, Councilpersons, Ruth Carter, Earl Gage, Vaughn Groce, Charles Hassler, Horace Johnson, and Lydia Thompson. Council President announced that a quorum was present. Also in attendance were Mayor Charles Washington, Jr., Solicitor David Puma, CFO David Crescenzi and City Clerk Kathleen L. Keen.

STATEMENT OF THE OPEN PUBLIC MEETINGS ACT

NOTICE OF THE REGULAR MEETINGS OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SALEM, AS REQUIRED BY N.J.S.A. 10:4-6 ET SEQ., THE "OPEN PUBLIC MEETINGS ACT", HAS BEEN PROVIDED BY THE PUBLIC ADVERTISEMENT OF A SCHEDULE ADOPTED BY RESOLUTION ON JANUARY 1ST, 2016 SETTING FOR THE TIME, DATE AND PLACE OF ALL THE REGULAR MEETINGS OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SALEM.

INVOCATION Pastor Awood Jones of Mt. Zion Baptist Church of Salem delivered the invocation.

APPROVAL OF PAYMENT OF BILLS

It was moved by Councilman Hassler to approve the bill list, Councilman Gage seconded and all were in favor. Motion carried 7-0.

APPROVAL OF MINUTES

It was moved by Councilman Hassler, seconded by Councilman Gage to adopt the minutes of the February 1, 2016 Council Meeting and Closed Session. Motion carried 7-0.

COMMUNICATIONS/APPLICATIONS/REPORTS:

Councilman Hassler motioned to accept correspondence from the County Committee regarding nominees for the vacant unexpired West Ward Council Seat. The nominees were: Sharon Kellum, Heather Waddington, and Randi Gage. Councilman Johnson seconded the motion. Motion carried 7-0.

INTRODUCTION OF ORDINANCES FOR SECOND READING/PUBLIC HEARING:

**ORDINANCE 1602
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK FOR THE CALENDAR YEAR 2016
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Council of the City of Salem in the County of Salem finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$210,308 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Salem, in the County of Salem, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Salem shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$210,308, and that the CY 2016 municipal budget for the City of Salem be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

THIS ORDINANCE shall take effect according to law.

Councilman Hassler motioned to open the public hearing, Councilman Gage seconded. Council President Roots declared the public hearing open for Ordinance 1602. With no public questions or comments, it was moved and seconded by Councilmen Hassler and Gage that the public

hearing be closed. Motion carried 7-0. It was moved and seconded by Councilmen Hassler and Gage that Ordinance 1602 be adopted on second reading. The roll call vote was as follows:

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage		X	X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson			X			
L. Thompson			X			
Vacant						
K. Roots			X			

ORDINANCE 1603

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$320,000 FOR THE PREPARATION AND EXECUTION OF A PROGRAM OF REVALUATION OF REAL PROPERTY IN THE CITY OF SALEM, IN THE COUNTY OF SALEM, NEW JERSEY, FOR THE USE OF THE LOCAL ASSESSOR OF THE CITY AND AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES TO FINANCE SUCH APPROPRIATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALEM, IN THE COUNTY OF SALEM, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to the Local Budget Law of New Jersey, and in particular N.J.S.A. 40A:4-53, a special emergency appropriation in the amount of \$320,000 is hereby authorized and made for the purpose of the preparation and execution of a program of revaluation of real property in the City of Salem, in the County of Salem, New Jersey (the “City”) for the use of the local assessor of the City.

Section 2. For purposes of financing the purpose stated in Section 1 hereof and to meet said special emergency appropriation, special emergency notes (the “Notes”) of the City are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S.A. 40A:4-1 et seq. and, in particular, N.J.S.A. 40A:4-55) in a principal amount not exceeding \$320,000, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

Section 3. The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, interim chief financial officer or treasurer (the “Chief Financial Officer”) of the City, provided that no Note shall mature later than one year from the date of the

first Note issued hereunder unless the City shall have paid and retired amounts of such Notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such Notes;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer; and

(c) The Notes shall be in the form prescribed by resolution or ordinance heretofore adopted by the governing body of the City determining the form of special emergency notes issued pursuant to the Local Budget Law, and the Notes shall be signed or sealed by the Chief Financial Officer, the Mayor and the City Clerk in any manner permitted by law notwithstanding that said form may otherwise provide.

Section 4. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this ordinance or a subsequent resolution, and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this ordinance shall be a general obligation of the City, and the City's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is hereby authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of Notes pursuant to this ordinance is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The Chief Financial Officer is hereby further authorized and directed to file a copy of this ordinance, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 9. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the Notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the Notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the Notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the Notes in accordance with Rule 15c2 12 promulgated by the Securities and Exchange

Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the City, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 10. All action heretofore taken by City officials with respect to the sale, issuance and delivery of the Notes is hereby ratified, confirmed, adopted and approved.

Section 11. In accordance with the requirements of N.J.S.A. 40A:4-53, a copy of this ordinance as adopted shall be filed with the Director of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 12. This ordinance shall take effect after publication after final adoption, as provided by law.

Councilman Hassler motioned to open the public hearing, Councilman Johnson seconded. Council President Roots declared the public hearing open for Ordinance 1603. With no public questions or comments, it was moved and seconded by Councilmen Hassler and Johnson that the public hearing be closed. Motion carried 7-0. It was moved and seconded by Councilmen Hassler and Johnson that Ordinance 1603 be adopted on second reading. The roll call vote was as follows:

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
L. Thompson			X			
Vacant						
K. Roots			X			

INTRODUCTION OF RESOLUTIONS FOR CONSIDERATION

RESOLUTION 2016-63

A RESOLUTION AUTHORIZING GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014-JUNE 2019

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Common Council of the City of Salem, in the County of Salem, and State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Common Council of the City of Salem further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Common Council of the City of Salem has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Salem;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Salem, County of Salem, and State of New Jersey hereby recognizes the following:

1. The Common Council of the City of Salem does hereby authorize submission of a strategic plan for the City of Salem Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	\$ <u>8,336.00</u>
Cash Match	\$ <u>2,084.00</u>
In-Kind	\$ <u>6,252.00</u>

2. The Common Council of the City of Salem acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
L. Thompson			X			
VACANT						
K. Roots			X			

RESOLUTION 2016-64
A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH
ARCO PROPERTIES RELATING TO THE DEMOLITION OF 112 AND 116
THOMPSON STREET; THE TRANSFER OF CERTAIN PROPERTIES; AND
AMENDMENT TO EXISTING PILOT

BE IT RESOLVED, the Mayor and Common Council of the City of Salem, County of Salem, and State of New Jersey that the Mayor, Clerk, Solicitor, CFO and all other City Officials are

authorized to execute an Agreement with Arco Properties (or its designated entity) providing for the following:

1. Utilization of the \$50,000.00 escrow fund established by Arco to fund the City's demolition of 112 and 116 Thompson Street (Block 56, Lots 13 and 14) which were damaged in a fire;
2. Granting Arco an option to purchase the following properties for \$1.00 subject to the City becoming the owner thereof through the foreclosure process: 112 and 116 Thompson Street; 76-78 Thompson Street (Block 50, Lot 13); 88 Hedge Street Rear (Block 52, Lot 6); 88 Hedge Street (Block 52, Lot 9); 80 Thompson Street (Block 55, Lot 13); and 82 Thompson Street (Block 55, Lot 14);
3. Transfer of title of 129 Thompson Street (Block 77, Lot 13), presently owned by the City to Arco; and
4. That any property acquired by Arco pursuant hereto would be added to the existing PILOT Agreement such that it was taxed in a manner similar to the other units Arco presently owns and operates; however pursuant to the Transitional Aid MOU, the proposed Agreement, including the PILOT Amendment shall be subject to and conditioned upon approval of the State appointed Fiscal Monitor.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
L. Thompson			X			
VACANT						
K. Roots			X			

**RESOLUTION 2016-65
A RESOLUTION AUTHORIZING THE FORECLOSURE OF
TAX TITLE LIENS IN REM**

WHEREAS, pursuant to the provisions of N.J.S.A. 54:5-104.29 et seq., the Tax Collector of the City of Salem has certified to the City Council that the City of Salem, a municipality in the County of Salem, New Jersey is the holder of certain Tax Sale certificates covering the lands for the amounts, including subsequent municipal liens, as shown on the Tax Foreclosure list hereto annexed and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Salem the Governing Body of the City of Salem, that the Tax Sale Certificates as shown on the attached foreclosure list now held by the City of Salem be foreclosed by summary proceedings IN REM as provided

by N.J.S.A. 54:5104.29 et seq. as amended and pursuant to the rules of Civil Practice in the Superior Court of New Jersey.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage		X	X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson			X			
L. Thompson			X			
VACANT						
K. Roots			X			

At this time City Clerk Keen asked for a motion to entertain nominations for the Vacant West Ward Council Seat. Councilmen Hassler and Gage motioned and seconded to open the floor to nominations. Councilman Johnson motioned to nominate Sharon Kellum, Councilwoman Thompson seconded the motion. With no other nominations, Councilmen Hassler and Gage motioned and seconded to close the nominations. Councilmen Hassler and Johnson then motioned and seconded to appoint Sharon Kellum to fill the vacant West Ward Council Seat.

RESOLUTION 2016-66
A RESOLUTION APPOINTING SHARON KELLUM TO FILL THE VACANT
WEST WARD COUNCIL SEAT

WHEREAS, James G. Waddington tendered his resigned effective January 31, 2016 for his West Ward Council seat with a term expiring December 31, 2016; and

WHEREAS, the Municipal Committee has duly submitted to the City Council “the list of three” nominees in accordance with N.J.S.A. 40A:16-11; and

WHEREAS, the City Council has selected SHARON KELLUM to fill the vacancy;

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Common Council of the City of Salem, County of Salem and State of New Jersey, that SHARON KELLUM is hereby appointed to fill the vacancy of the West Ward seat on City Council said seat being previously held by James G. Waddington.

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage			X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson		X	X			
L. Thompson			X			
VACANT						
K. Roots			X			

COMMITTEE REPORTS

Administration: President Roots reported the committee will be reviewing all job descriptions soon. The next meeting will be March 14th 5pm at 17 New Market.

Public Safety: Councilman Gage reported the police, fire, and ambulance submitted their budget at the last meeting, and Chief Pelura is looking at police applications.

Public Works: Councilman Groce reporting on the impending retirement in the Water/Sewer Department, and continuing interviews for Special Counsel for the water plant litigation. The next meeting is Friday February 19 at 7:30am.

Human Services: Councilman Hassler said he will be scheduling a meeting with Future Systems soon for the Housing/Inspections department.

City Property/Capital: Councilwoman Carter said they will be meeting on March 14 at 6:15. Councilman Hassler noted there is still trash and debris from the Broadway Project at Ardaugh to be removed by the contractor.

Redevelopment: No report.

Neighborhood Initiatives/Community Services: Councilwoman Thompson reported recycle bins have been ordered and she was contacted recently regarding dog issues. She referred the called to Ned Shimp the City Animal Control officer; the situation was taken care of. The next meeting will be March 14 at 5:45.

PUBLIC PORTION:

With no requests for public comment, Councilman Hassler made a motion to close the Public Portion of the meeting. Councilman Gage seconded the motion and all were in favor. Councilman Hassler motioned to convene into Executive Session, Councilman Gage seconded the motion and all were in favor. The regular portion of the meeting ended at 7:25pm.

RESOLUTION 2016-67

A RESOLUTION AUTHORIZING A CLOSED SESSION OF THE COMMON COUNCIL OF THE CITY OF SALEM

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters;

WHEREAS, the City Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Salem that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

a. PERSONNEL

BE IT FURTHER RESOLVED that the minutes of the closed session will be made available to the public when the need for privacy no longer exists

COUNCIL	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
R. Carter			X			
E. Gage		X	X			
V. Groce			X			
C. Hassler	X		X			
H. Johnson			X			
L. Thompson			X			
VACANT						
K. Roots			X			

With a Motion by Councilman Hassler, seconded by Councilman Johnson, and all in favor, Council came out of Closed Session at 9:10.

With no further business before Council, Councilman Johnson motioned to adjourn the meeting, Councilman Hassler seconded. Motion carried unanimously. The council meeting ended at 9:10pm.

Respectfully submitted:

Approved: March 7, 2016

Kathleen L. Keen
Kathleen L. Keen, RMC City Clerk