

CITY OF SALEM
COMMON COUNCIL SPECIAL MEETING MINUTES
February 19, 2020
7:30 PM

A meeting of the Common Council of the City of Salem was called to order by the City Clerk. The meeting took place at 17 New Market Street at 7:00 p.m. The meeting was opened with the Pledge of Allegiance. Councilman Groce did the Invocation. Roll Call was done by Mr. Angeli. **Present:** Councilpersons Ruth Carter, Robert Davis, Vaughn Groce, Timothy Gregory, Sharon Kellum, James Smith and Council President Earl Gage via phone. Absent was Councilwoman Gail Slaughter. Also in attendance was Mayor Charles Washington Jr., Andrea Rhea-City Solicitor, Dave Crescenzi-CFO, Deputy Treasurer Kenia Nunez, Superintendent of public Works John Liu and City Administrator/Clerk Ben Angeli.

Mr. Angeli read the statement of advertisement as follows:

Notice of this meeting has been provided to the South Jersey Times and the Elmer Times and is posted on the City Hall Bulletin Board stating the time and the place of the meeting.

COMMUNICATIONS/APPLICATIONS/REPORTS: None

PUBLIC PORTION FOR AGENDA ITEMS ONLY: No members of the public were present

INTRODUCTION OF RESOLUTIONS FOR CONSIDERATION:

CITY OF SALEM
RESOLUTION 2020-79

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH EXCEL ENVIORNMENTAL RESOURCES, INC. FOR A REMEDIAL INVESTIGATION OF THE FORMER TRI-COUNTY OIL FACILITY

WHEREAS, the City requires Remedial Investigation of the former Tri-County Oil facility located at 1 Front Street, Salem, New Jersey (HDSRF Application #P45396); and

WHEREAS, the Municipal Council of the City of Salem has authorized Excel Environmental Resources, Inc. (hereafter EXCEL) to apply to the State of New Jersey on behalf of the City for grants from the Hazardous Discharge Site Remediation Fund (hereafter "Remediation Fund") to cover the cost of Remedial Investigation as memorialized in Municipal Council Resolution number 03-109, adopted July 14, 2003; and

WHEREAS, the City has applied for and has been awarded an HDSRF Grant in the amount of \$87,589 from the New Jersey Economic Development Authority (EDA) for the performance of a Remedial Investigation; and

WHEREAS, the closing documents required by EDA include a Professional Services Agreement (Exhibit A) between the City of Salem and EXCEL for a Remedial Investigation of the former Tri-County Oil facility located at 1 Front Street, Salem, New Jersey (HDSRF Application #P45396); and

WHEREAS, the award of this contract is pursuant to the provisions of the Local Public Contract Law which exempt from public bidding contracts for professional services, N.J.S.A. 40A:11-5(1)(a)(i).

NOW THEREFORE BE IT HEREBY RESOLVED by the Common Council of the City of Salem, County of Salem and State of New Jersey, that the Mayor and Clerk are authorized to execute the professional Services Agreement with EXCEL for a Remedial Investigation of the former Tri-County Oil facility located at 1 Front Street, Salem, New Jersey (HDSRF Application #P45396).

ATTEST:

CITY OF SALEM

Ben Angeli, RMC

Earl Gage, Council President

| COUNCIL | MOVED | SECONDED | Y | N | ABSTAIN | ABSENT |
|--------------|-------|----------|---|---|---------|--------|
| R. Carter | | | X | | | |
| R. Davis | | | X | | | |
| T. Gregory | X | | X | | | |
| V. Groce | | | X | | | |
| S. Kellum | | X | X | | | |
| G. Slaughter | | | | | | X |
| J. Smith | | | X | | | |
| E. Gage | | | X | | | |

I, Ben Angeli, Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on February 19, 2020

Date

Ben Angeli, RMC

**CITY OF SALEM
RESOLUTION 2020-80**

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12 These items are for #7 for matter relating to litigation, negotiations, and the Attorney Client Privilege.

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 as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Board is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Board occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

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. #7 Matters relating to litigation/attorney client privilege (water plant litigation)

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.

ATTEST:

CITY OF SALEM

Ben Angeli, Clerk

Earl Gage, Council President

| COUNCIL | MOVED | SECONDED | Y | N | ABSTAIN | ABSENT |
|--------------|-------|----------|---|---|---------|--------|
| R. Carter | | | X | | | |
| R. Davis | | | X | | | |
| T. Gregory | X | | X | | | |
| V. Groce | | | X | | | |
| S. Kellum | | X | X | | | |
| G. Slaughter | | | | | | X |
| J. Smith | | | X | | | |
| E. Gage | | | X | | | |

I, Ben Angeli, City Clerk of the City of Salem, in the County of Salem, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council of the City of Salem on February 19, 2020.

Date

Ben Angeli, Clerk

EXECUTIVE SESSION: LITIGATION (Water plant))

Motion to go into Executive Session made by Councilman Tim Gregory.
Seconded by Councilwoman Sharon Kellum.

Motion to leave Executive Session made by Councilman Tim Gregory.
Seconded by Councilwoman Sharon Kellum.

Clerk stated that no action was taken in Executive Session.

MAYORAL COMMENTS: None

OLD BUSINESS: None

NEW BUSINESS: Director of Public Works, John Liu presented a Capital plan for the Water/Sewer Utility for Council's consideration. He spoke about three projects that needed to be addressed soon. Number one was the conversion of our wells from surface water to ground water. He stated that the conversion would save the City money in chemicals, energy and labor costs. John spoke about the water Quality Accountability Act and the affect that would have on the City. He spoke about the 150-year replacement cycle that is mandated and the money that would have to be budgeted each year for that to happen. He spoke about the need to have a GPS system in place to locate, identify and catalog all parts of the water and sewer infrastructure. John spoke about I and I (In-flow and Infiltration). This is the situation where ground water is leaking into the sewer pipes and then being treated. He said that we are treating a lot more water that is necessary. Locating and fixing these leaks would save the City money. He then spoke about the three more immediate needs. The Underground Storage Tank (UST) at the sewer plant needs to be replaced immediately as we have already been fined for non-compliance. There was a discussion of options available to deal with the tank. The need for work with the generators at the sewer plant was explained and the need for the city to purchase or lease a JetVac truck was explained.

PUBLIC PORTION: No members of the public were present.

ADJOURNMENT:

Councilman Gregory motioned to adjourn the meeting. Councilwoman Kellum seconded the motion and all members present voted in favor in a voice vote.

Minutes respectfully submitted by:

Ben Angeli, RMC

NEXT COUNCIL MEETING: MARCH 2, 2020 AT 6:30PM