

**TRENTON CITY COUNCIL
CONFERENCE SESSION
TUESDAY, FEBRUARY 28, 2017 AT 5:30 P.M.**

The meeting was called to order by Council President Zachary A. Chester. The Open Public Meetings Act statement was read for the record as follows: "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Laws 1975, Chapter 231. The Agenda for this meeting was sent to the Trenton Times Newspaper, posted on the first floor bulletin board in City Hall, and filed in the City Clerk's office on February 24, 2017."

ROLL CALL	PRESENT	ABSENT	EXCUSED
Mr. Bethea	✓		
Ms. Caldwell-Wilson	✓		
Mr. Harrison	✓		
Ms. Holly-Ward	✓		
Mr. Muschal	✓		
Ms. Reynolds-Jackson	✓		
Mr. Chester	✓		

Also in attendance: Richard Kachmar, City Clerk, Terry McEwen, Business Administrator, Walter D. Denson, Esquire, Acting Law Director; Francis Blanco, Chief of Staff; James Brownlee, Health & Human Services; Qareeb Bashir, Trenton Fire Director; Ernest Parrey, Jr. Trenton Police Department; Merkle Cherry, Public Works, Leslie Graham, Inspections and Diana Rogers, Housing & Economic Development.

Mr. Kachmar mentioned a change in the Agenda for March 2, 2017 Meeting to add an Executive Session concerning Personnel Matters: Deputy Municipal Clerk.

DOCKET REVIEW

COMMUNICATIONS AND PETITIONS

- 1a Civil Foreclosure Action – Filed by Dana Jorden, Foreclosure Specialist, Udren Law Offices, P.C., New Jersey Office, Woodcrest Corporate Center, 111 Woodcrest Road, Suite 200, Cherry Hill, NJ – Representing Ocwen Loan Servicing, LLC. Vs. Narvis Patterson aka Narvis S. Patterson. et. al. Property Listed: 399 Cummings Avenue, Trenton, NJ.
- 1b Civil Foreclosure Action – Filed by Sanford J. Becker, Esquire, Pluese, Becker & Saltzman, LLC., Mount Laurel Office, 20000 Horizon Way, Suite 900, Mount Laurel, NJ – Representing Ditech Financial, LLC vs. Susan Sporn. Property Listed: 733 Brunswick Avenue, Trenton, NJ.
- 1c Pioneer Environmental Group, LLC., Response Action Outcome – Unrestricted Use, Scope of Remediation: Area(s) of Concern: One (1) 550 gallon Waste Oil UST, Two (2) 1,000 gallon leaded gasoline UST; one (1) 750 gallon leaded gasoline UST and associated piping; and no other areas. Site: Youngs Road Properties, 1229 South Clinton Avenue, Trenton, NJ.
- 1d Civil Action Compliant, Demand for Trial by Jury, Designation of Trial Attorney, Demand for Production of Insurance Agreements, Demand for Answers to Interrogatories – Filed by Michael J. O'Donnell, Esquire, Markowitz O'Donnell, LLP, 3131 Princeton Pike, Suite 200, Building #3, Lawrenceville, NJ – Representing Yolanda Rivera vs. COT.
- 1e Tort Claim Notice for Personal Damages – Filed by Charles J. Casale, Jr., Esquire, 1540 Kuser Road, Suite A9, Hamilton, New Jersey – Representing Vivian Soto, 411 Morris Avenue, Trenton, NJ – Against the City of Trenton.
- 1f Civil Action Foreclosure – Filed by Sanford J. Becker, Esquire, Pluese, Becker & Saltzman, LLC., Mount Laurel Office, 20000 Horizon Way, Suite 900, Mount Laurel, New Jersey – Representing New Jersey Housing and Mortgage Finance Agency vs. Norma I. Matos, et. al. Property Listed: 12 Lalor Street, Trenton, NJ.
- 1g USAA Correspondence of an investigative report – Policyholder: Countess D. Irvin, Ref. # 014099208-1, Date of Loss: 1/10/17.
- 1h Civil Action Request to Enter Default and Certification – Filed by Sanford J. Becker, Esquire, Pluese, Becker & Saltzman, LLC., 20000 Horizon Way, Suite 900, Mount Laurel, NJ – Representing New Jersey Housing and Mortgage Finance Agency vs. Yesenia Bittings, et. al.
- 1i Civil Action Motion for Entry of Default Judgment – Filed by Carol R. Cobb, Esquire, McCabe, Weisberg & Conway, P.C., 216 Haddon Avenue, Suite 201, Westmont, NJ – Representing Freedom Mortgage Corporation vs. State of New Jersey, et. al.
- 1j Civil Action Order for Expungement – Filed by R. Frank Cordry, Esquire, Hartman Group, LLC, 513 Lenola Road, Suite 212, Moorestown, NJ – Representing in the Matter of Expungement of the Criminal Records of Nyvonne M. Fahnbulleh.

- 1k Civil Action Notice of Filing of Summons and Complaint in Foreclosure – Filed by Patrick J. Wesner, Esquire, McCabe, Weisberg & Conway, P.c., Suite 201, 216 Haddon Avenue, Westmont, NJ – Representing U.S. Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates Series 2007-5H vs. Latrice Bell, Mr. Bell, husband of Latrice Bell and United States of America. Property Listed: 445 Emory Avenue, Trenton, NJ.
- 1l Civil Action Plaintiff's Notice of Motion to Expunge Assignment of Mortgage – Filed by Naser Selmanovic, Esquire, RAS Citron, LLC., 130 Clinton Road, Suite 202, Fairfield, NJ. Property Listed: 167 Main Street, Vincentown (Southampton Township), NJ
- 1m Tort Claim Notice for Property Damage – Filed by Frank L. Berry, 400 South Logan Avenue, Trenton, NJ – Against the City of Trenton.
- 1n Tort Claim Notice for Personal Injury – Filed by Brian J. Duff, Esquire, Kalavruzos Mumola Hartman & Lento, LLC, 2681 Quakerbridge Road, Hamilton, NJ – Representing Paul Corelli, Estate of, 94 Chambord Court, Hamilton, NJ.
- 1o Claim submitted for Jennifer D. Baier, Claim # 018130929-4, USAA, Miss Smith, SCLA, AIC, Injury Operations-SAT, USAA Casualty Insurance Company, 9800 Fredericksburg Road, San Antonio, TX.
- 1p NJ State DEP Public Notice of the NJ Pollutant Discharge Elimination System DRAFT Tier A and Tier B Municipal Separate Storm Sewer System permit renewals.
- 1q Civil Order Appointing Guardian Ad Litem and Vacating Default – Filed by Naser Selmanovic, Esquire, RAS Citron, LLC., 130 Clinton Road, Suite 202, Fairfield, NJ – Representing Nationstar Mortgage, LLC., vs. Deirdre L. Webster Cobb, as Executrix of the Estate of Gregory W. Adkins, Deceased; et. al.
- 1r Civil Action Notice Motion for Entry of Final Judgment and Certification of Service – Filed by Sanford J. Becker, Esquire, Pluse, Becker & Saltzman, LLC., 20000 Horizon Way, Suite 900, Mount Laurel, New Jersey – Representing New Jersey Housing and Mortgage Finance Agency vs. Shareka Farrell, et. al. Property Listed: 135 Passiac Street, Trenton, New Jersey.
- 1s Civil Foreclosure – Filed by Sanford J. Becker, Esquire, Pluse, Becker & Saltzman, LLC., 2000 Horizon Way, Suite 900, Mount Laurel, New Jersey – Representing New Jersey Housing and Mortgage Finance Agency vs. Donna Wellons, et. al. Property Listed: 412 Commonwealth Avenue, Trenton, New Jersey.
- 1t Civil Foreclosure – Filed by Dana Jorden, Foreclosure Specialist, Udren Law Offices, P.C., New Jersey Office, Woodcrest Corporate Center, 111 Woodcrest Road, Suite 200, Cherry Hill, New Jersey, Representing – Ocwen Loan Servicing, LLC vs. Kiley Manna, et. al. Property Listed: 1009 Lyndale Avenue, Trenton, New Jersey.
- 1u Civil Action Request to Enter Default and Certification – Filed by Sanford J. Becker, Esquire, Pluse, Becker & Saltzman, LLC, 20000 Horizon Way, Suite 900, Mount Laurel, New Jersey – Representing Federal National Mortgage Association vs. John Doe, Trustee of the Barbara L. Williams revocable Living Trust Dated February 7, 2008 Said John Doe being Fictitious, et. al.
2. **REPORTS**
- 2a City Clerk's Office – Submitting for approval a Raffle Application filed by MVC Social Activities Club to hold 19 On-Premise 50/50 Raffles from April 7, 2017 through December 15, 2017.

3. **MINUTES FOR APPROVAL**

Budget Hearing, January 9, 2017 Conference Session, January 17, 2017
Regular Meeting, January 19, 2017 Budget Hearing, January 23, 2017

4. **RESOLUTIONS**

- 17-87 RESOLUTION GRANTING RENEWAL OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE #1111-33-096-004, JM URENA, INC. FOR THE 2016-2017 LICENSING PERIOD (1133 EAST STATE STREET – INACTIVE)
- 17-88 RESOLUTION EXERCISING THE FINAL ONE (1) YEAR OPTION TO EXTEND A CONTRACT WITH QUAL-LYNX, 100 DECADON DRIVE, EGG HARBOR TOWNSHIP, NEW JERSEY 08234 TO CONTINUE TO PROVIDE WORKER'S COMPENSATION MANAGED CARE SERVICES FOR THE CITY OF TRENTON, DEPARTMENT OF ADMINISTRATION; PROVIDER NETWORK ACCESS AT 20% OF SAVINGS FROM USUAL CUSTOMARY FEES (UCR), FIELD CASE MANAGEMENT FEES PLUS EXPENSES (TRAVEL) AT \$75.00 PER HOUR AND \$75.00 FOR NURSE CASE MANAGEMENT (FOR ASSIGNED FILES ONLY) SHALL BE PAID BY THE THIRD PARTY ADMINISTRATOR PROVIDER CC2014-06

Councilman Betha asked for clarification. Mr. McEwen provided a detailed explanation of the services provided by this company. He cited the reduction in Workmen's Comp claims by over \$1 million and

attributed it to their support and help. He confirmed that the costs listed are for field work only when applicable. Councilman Bethea asked what the company was paid last year. Mr. McEwen will provide the figures.

17-89 RESOLUTION REJECTING PROPOSAL RECEIVED FOR APPLICATION SOFTWARE SUPPORT AND MAINTENANCE FOR THE EDMUNDS AND ASSOCIATE FINANCIAL PACKAGE, H/W PERVASIVE SQL III AND MCSI/MCSAX/SBX/JA SYSTEM UPGRADES FOR THE DEPARTMENT OF ADMINISTRATION RFP2016-45B

Councilwoman Reynolds-Jackson requested clarity. Mr. McEwen explained that the owner failed to submit required documentation as the only bidder it must now be rebid.

17-90 RESOLUTION REJECTING BIDS RECEIVED FOR REPLACEMENT OF THE PEDESTAL TO HOLD THE IRON FIREMAN STATUE IN FRONT OF CITY HALL, 319 EAST STATE STREET, TRENTON, NEW JERSEY BID2016-75

17-91 RESOLUTION REJECTING BIDS RECEIVED FOR THE REPAIR, RESTORATION AND REFURBISHING OF AN IRON FIREMAN STATUE – BID2016-74

Councilman Muschal inquired about the status on both 17-90 and 17-91. Mr. Cherry clarified that both resolutions are the result of accesses in the amounts that the City of Trenton is willing to pay and they both have to be rejected and rebid.

17-92 RESOLUTION AWARDDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ TO KELLER & KIRKPATRICK, INCORPORATED, 301 GILBALTAR DRIVE, SUITE 2A, MORRIS PLAINS, NEW JERSEY 07950 FOR ENGINEERING DESIGN AND CONSTRUCTION INSPECTION SERVICES FOR THE RECONSTRUCTION OF NORTH WILLOW STREET FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$29,978.00 – RFP# 2016-29

17-93 RESOLUTION ACCEPTING A BID AND AWARDDING A CONTRACT TO GLEN G. HALE, INC., 356 HIGHWAY 31, FLEMINGTON, NJ 08822 FOR THE MILLING OF STAB BASE AND OVERLAYING OF SUPERPAVE (HMA9.5M64) AT 1661 NORTH OLDEN AVENUE, EWING TOWNSHIP, NJ IN AN AMOUNT NOT TO EXCEED \$36,925.50 – BID2016-99

17-94 RESOLUTION AWARDDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ TO AGRA ENVIRONMENTAL & LABORATORY SERVICES, 90 ½ WEST BLACKWELL STREET, DOVER, NEW JERSEY 07801-3811 FOR LABORATORY AND WATER QUALITY CONSULTING SERVICES FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$141,440.00 – RFP# 2016-42

17-95 RESOLUTION AUTHORIZING A CONTRACT WITH WATERS & BUGBEE, INC., 75 SOUTH GOLD DRIVE, HAMILTON, NJ 08691, TO BE AWARDED ON AN EMERGENCY BASIS FOR THE EMERGENCY SEWER REPAIRS AT 84 WASHINGTON STREET FOR THE TRENTON SEWER UTILITY

17-96 RESOLUTION ACCEPTING A BID AND AWARDDING A CONTRACT TO ALFA LAVAL, INC., 10470 DEER TRAIL DRIVE, HOUSTON, TX 77038 TO PROVIDE BELT FILTER PRESS MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$82,790.00 – BID2016-98

17-97 RESOLUTION ACCEPTING A BID AND AWARDDING A CONTRACT TO STARLING ELECTRIC, LLC, 865 LOWER FERRY ROAD, EWING, NJ 08628 FOR ON CALL ELECTRICAL SERVICES AND REPAIRS ON AN AS NEEDED BASIS FOR VARIOUS CITY OF TRENTON FACILITIES IN AN AMOUNT NOT TO EXCEED \$40,000.00 – BID2016-105

17-98 RESOLUTION AWARDDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ TO LSEA CORPORATION, 1101 N. KINGS HIGHWAY, SUITE 311, CHERRY HILL, NEW JERSEY 08034 FOR ENGINEERING DESIGN AND CONSTRUCTION FOR THE REHABILITATION OF SELECTED EXTERNAL AREAS OF THE CITY'S SOLID WASTE FACILITIES LOCATED AT 707 CALHOUN STREET, TRENTON, NJ 08638 FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$20,494.32 – RFP# 2016-32

17-99 RESOLUTION ACCEPTING A BID AND AWARDDING A CONTRACT TO A.A. DUCKETT INCORPORATED, 134 MAPLE LEAF COURT, GLASSBORO, NEW JERSEY 08208 FOR THE FURNISHING, DELIVERY, LABOR AND INSTALLATION OF ONE (1) MORGUE FREEZER; AND REMOVAL AND DISPOSAL OF EXISTING FREEZER IN AN AMOUNT NOT TO EXCEED \$21,750.00 – BID2016-85

17-100 RESOLUTION AUTHORIZING THE SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF GEORGIA COLON vs. THE CITY OF TRENTON, CLAIM PETITION NUMBER 2009-33002 IN THE CLAIM AMOUNT OF \$2,590.00 FOR ATTORNEY FEES INCLUDING STENOGRAPHIC FEE

- 17-101 RESOLUTION AUTHORIZING THE SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF EFRAIN MEDINA vs. THE CITY OF TRENTON, CLAIM PETITION NUMBER 2012-7861 IN THE CLAIM AMOUNT OF \$81,219.00 INCLUDING ATTORNEY FEES AND COSTS
- 17-102 RESOLUTION AUTHORIZING THE SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF GREGORY ADDYE vs. THE CITY OF TRENTON, CLAIM PETITION NUMBER 2014-29352 IN THE CLAIM AMOUNT OF \$12,590.00 INCLUDING STENOGRAPHIC FEE
- 17-103 RESOLUTION AUTHORIZING THE SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF JONATHAN LITTLE vs. THE CITY OF TRENTON, CLAIM PETITION NUMBER 2014-4368 AND 2014-4371 IN THE CLAIM AMOUNT OF \$20,090.00 INCLUDING STENOGRAPHIC FEE
- 17-104 RESOLUTION IN SUPPORT OF PURSUING TRENTON'S BRIGHT SOLAR FUTURE AND MAKING NEW JERSEY A WORLD-CLASS SOLAR STATE
- 17-105 RESOLUTION CONFIRMING THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2016)
- 17-106 RESOLUTION AUTHORIZING THE PUBLIC AUCTION OF CERTAIN CITY-OWNED PROPERTIES PURSUANT TO N.J.S.A. 40A:12-13(a) OF THE LOCAL LANDS AND BUILDING LAW
- 17-107 RESOLUTION RESCINDING THE SALE OF CITY-OWNED PROPERTY TO LISA HARRIS PREVIOUSLY AUTHORIZED BY RESOLUTION 16-386 FOR \$2,100 (829 STUYVESANT AVENUE)
- 17-108 RESOLUTION RESCINDING THE SALE OF CITY-OWNED PROPERTY TO LISA HARRIS PREVIOUSLY AUTHORIZED BY RESOLUTION 16-386 FOR \$3,900 (348 WALNUT AVENUE)
- 17-109 RESOLUTION RESCINDING THE SALE OF CITY-OWNED PROPERTY TO A PLUS FAMILY HOME SOLUTION, LLC PREVIOUSLY AUTHORIZED BY RESOLUTION 16-386 FOR \$3,500 (19-27 HUSTON ALLEY)
- 17-110 RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF FIVE (5) RUGGED LAPTOP COMPUTERS WITH REQUIRED ACCESSORIES FROM GOLD TYPE BUSINESS MACHINES, INCORPORATED, 351 PATTERSON AVENUE, EAST RUTHERFORD, NEW JERSEY 07073 THROUGH NEW JERSEY STATE CONTRACT NO. M-0483 89980 IN AN AMOUNT NOT TO EXCEED \$24,157.73
- 17-111 RESOLUTION ACCEPTING AND AWARDING A NEGOTIATED CONTRACT TO SHOR-LINE, 511 OSAGE AVENUE, KANSAS CITY, KANSAS 66105 FOR THE FURNISHING AND DELIVERY OF KENNEL CAGES AND CAT CAGES IN AN AMOUNT NOT TO EXCEED \$24,445.00 – BID2016-84B
- 17-112 RESOLUTION AUTHORIZING THE SETTLEMENT OF A WORKERS COMPENSATION CLAIM IN THE MATTER OF WILLIAM OWENS vs. THE CITY OF TRENTON, CLAIM PETITION NUMBER 2006-26392 IN THE CLAIM AMOUNT OF \$7,090.00 INCLUDING STENOGRAPHIC FEE
- 17-113 RESOLUTION AWARDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ. TO MOTT MACDONALD, 111 WOOD AVENUE SOUTH, ISELIN, NEW JERSEY 08830 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE EVALUATION AND PRELIMINARY DESIGN OF THE WATER FILTRATION PLANT RAW WATER INTAKE, BAR RACKS, TRAVELING SCREENS AND APPURTENANCES FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$122,100.00 – RFP# 2016-44

Administration requested item to be removed from the Docket.

- 17-114 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC (PERSONNEL MATTERS: DEPUTY MUNICIPAL CLERK)

The Administration requested that the item be removed from the Docket.

Councilwoman Holly-Ward distributed a copy of a resolution that she wanted to add on the Docket along with request that it be voted on at the meeting. Councilman Chester explained that the resolution had not been discussed with the Body but he had discussed the matter with the Law Department, Human Resources and Administration. It was determined that Mr. Kachmar can't be a holdover as he will no longer be an employee of the City of Trenton. Councilwoman Holly-Ward indicated that Council not Administration can by vote determine who fills the Clerk and Acting Clerk positions. She inquired about the coverage for the upcoming Council Meeting. Councilman Chester provided options including a capable staff person and/or a representative from the law department to sit in. She reiterated that Mr. Kachmar was willing and had made the offer to remain in the position. Councilwoman Caldwell-Wilson explained that Mr. Kachmar was not seeking reimbursement as an alternative. The opinion of law counsel was requested. Mr. Denson explained that a volunteer can't perform the official duties of the Clerk. Councilwoman Reynolds-Jackson remarked for the record that the decision was not a

reflection of Mr. Kachmar or his ability. Mr. Denson reiterated what was legally permissible and in this case Council can't appoint a volunteer to perform the official duties of the Clerk. Mr. McEwen explained to Council that Mr. Kachmar's pension could be in jeopardy under pension law. Requirements and certifications for the Acting Clerk were clarified by Mr. Denson specifically that an Acting Municipal Clerk can't hold an RMC license. Lengthy discussion of the matter ensued. Mr. Denson offered to seek further clarification.

Councilwoman Holly-Ward requested an Executive Session on a Personnel matter. Discussion will continue upon completion of Agenda.

5. ORDINANCES

2nd Reading and Public Hearing

- 17-06 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 05-86 FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY ON JULY 19, 2005 ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$14,099,373 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,099,373 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF", TO AMEND AND RESTATE SECTION 3 AND SECTION 6 THEREIN
- 17-07 ORDINANCE AUTHORIZING THE LEASE OF CITY-OWNED PROPERTY IDENTIFIED ON THE CITY TAX MAP AS 1115 GREENWOOD AVENUE, BLOCK 28105 LOT 0001, PURSUANT TO N.J.S.A. 40A:12-14(c), TO HOWARD'S HEALTHY CHOICES

1st Reading and Introduction

- 17-08 AN ORDINANCE CREATING SEASONAL POSITIONS, FIXING THE SALARY RANGE, THEREFORE, AND SETTING FORTH CERTAIN REGULATIONS FOR IMPLEMENTATION OF THE SAME (18 POSITIONS)
- 17-09 ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES IDENTIFIED ON THE CITY OF TRENTON TAX MAP AS 558 EDGEWOOD AVE., BLOCK 2701 LOT 19, PURSUANT TO N.J.S.A. 40A:12A-8(g), TO ANTHONY M. COVINGTON (\$800.00)
- 17-10 ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTIES IDENTIFIED ON THE CITY TAX MAP AS 162 & 164 GIRARD AVE., BLOCK 22503 LOT 42 & BLOCK 22503 LOT 43 PURSUANT TO N.J.S.A. 40A:12A-8(g), TO GARRY KEEL FOR SUM OF \$1,100.00

Public Hearing and 2nd Reading for Ordinance 17-08 thru 17-10 to be held on March 16, 2017.

Mr. McEwen requested to walk-on a Resolution that was read into the record by Mr. Kachmar a number will be assigned:

RESOLUTION AWARDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ. TO MOTT MACDONALD III WOOD AVENUE SOUTH, ISELIN, NEW JERSEY 08830 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE EVALUATION AND PRELIMINARY DESIGN OF THE WATER FILTRATION PLANT RAW WATER INTAKE BAR RACKS, TRAVELING SCREENS AND APPURTENANCES FOR A PERIOD OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$122,100.00 – RFP# 2016-44

Councilwoman Caldwell-Wilson inquired about the numbering sequence. Mr. Kachmar confirmed it would be assigned 17-113 and is going to be the one for closed session. This resolution will be assigned 17-114. Mr. Kachmar called for any objection to adding the resolution to the Docket. Hearing none it was added to the Docket for the Thursday, March 2, 2017 Meeting.

CIVIC COMMENTS

Councilwoman Caldwell-Wilson inquired about the status of the North Ward Little League roofing project. Mr. Cherry reported that it is on the itinerary for completion by the summer. There is funding for the project in the Capital Budget. She mentioned several other projects that require attention. Mr. Cherry reported the temporary work done on potholes and will report back with further information.

Ms. Reynolds-Jackson thanked the Directors of Public Works, Economic Development and Housing Economic Development and Housing for their successful meeting. She reported that the neighbors expressed gratitude for the cleanup in the Greenwood Avenue area. She mentioned an apparent

loophole in the ABC licensing that allows for a closed establishment to be rehabbed and reopened. If the site violates the 1,000 feet rule it can be reversed and will allow for a decrease of establishments. Ms. Reynolds-Jackson reported that she has received complaints regarding the concentration of bars in the area. Mr. Kachmar noted that there is substantial money in the Buy Back Funds but that the City of Trenton has been frugal in making an offer to take the licenses back. Ms. Reynolds-Jackson suggested consideration of a tax amnesty program that could increase tax rates. She called for a subcommittee to explore options.

Mr. Muschal addressed the Director of Inspections and inquired about an incident with a black truck and a court matter. Mr. Graham will provide information on the matter. He asked about the condition of the pothole truck that had been repaired. Mr. Cherry indicated that presently it is not operable and he is seeking an outside source for the repair of potholes. Mr. Muschal inquired about the smudge pot truck. Mr. Cherry confirmed that he is looking to purchase one. Mr. Muschal reported the incident of a woman placing her life savings in a refrigerator and putting it out for pickup. Mr. Cherry was called and he located the truck but the money was not retrieved from the Transfer Station. The woman who lost the money called to thank Mr. Cherry for his effort.

Councilwoman Holly-Ward sought clarification on texting during Council Meetings and if those messages can be obtained through OPRA. Mr. Denson clarified that only official records can be obtained. Texting is more complicated. Mr. Kachmar explained that Council President's telephone and text records had been requested through OPRA and they are considered public records. He explained the process and what would be required to be included in the request. Mr. Chester verified for the record that the *Trentonian* had requested his telephone records not his text messages.

PUBLIC COMMENT

Motion to Open Public Comment was made by Councilman Chester seconded by Councilwoman Reynolds-Jackson and carried by unanimous vote of Council.

Joe Harrison, 15 Swan Street, Trenton, New Jersey appeared and thanked Mr. Kachmar for his outstanding work in the Clerk's Office. He questioned what happens with his vacancy. He also mentioned numerous sites which have potholes and require immediate attention. He reported a stop sign knocked down on Cove Street.

Monroe Laramore – 260 North Willow Street, Trenton, New Jersey appeared and commented on abuse of medical claims by physicians. He mentioned the complexities of medical insurance and offered the suggestions to remedy healthcare coverage.

Motion to Close Public Comment was made by Councilman Chester seconded by Councilwoman Reynolds-Jackson and carried by unanimous vote of Council.

Councilwoman Holly-Ward informed the Body that she would like to just vote on the Resolution and not go into Executive Session.

Councilwoman Reynolds-Jackson, for the record, indicated that in her opinion Councilwoman Holly-Ward should recuse herself and not be participating in any vote or discussion concerning the Clerk's Office because the matter has not been resolved and she has legal representation and the offering is a conflict.

Mr. Kachmar acknowledged that on the advice of the Business Administration that he is unable to take the position offered because his pension will be in jeopardy. He is unable to break the law which must be followed to the letter and he will follow the advice of the Law Director.

Councilwoman Holly-Ward remarked that she is willing to chair along with Councilman Muschal in finding a temporary Clerk. Councilman Chester informed Councilwoman Holly-Ward that this action will not require a vote but the appointment of the Acting Clerk will require a vote. Councilwoman Holly-Ward inquired about options for presiding over the scheduled Thursday Council Meeting. She also sought direction on whether it is necessary to go into Executive Session to discuss a particular meeting which she wanted to discuss further. Councilman Chester provided other options that can be used in presiding over the next meeting. The main issue is who will be presiding over it.

Councilwoman Caldwell-Wilson made a motion to form a Selection Committee to recruit an Acting Clerk; the motion was seconded by Councilman Muschal.

DISCUSSION

The language of the motion was discussed at length and clarified. Prior to his vote Councilman Harrison remarked that Councilwoman Holly-Ward should recuse herself nor hold the title of Chair for the Selection Committee. Councilwoman Reynolds-Jackson agreed with Councilman Harrison.

Motion to accept a Selection Committee to recruit an Acting Clerk

	1st	2nd	YES	NO	ABSTAIN	ABSENT
Mr. Bethea			✓			
Ms. Caldwell-Wilson			✓			
Mr. Harrison				✓		
Ms. Holly-Ward	✓		✓			
Mr. Muschal		✓	✓			
Ms. Reynolds-Jackson				✓		
Mr. Chester					✓	

Councilwoman Holly-Ward for the record asked how to proceed with the individual who will preside at the meeting prior to the meeting. Mr. Kachmar explained that the Acting Clerk must be appointed by resolution prior to the Invocation and Flag Salute. Someone must provide the oath of office and then they can preside over the meeting. Councilwoman Holly-Ward asked what will happen if the meeting doesn't take place. Mr. Denson explained that it will then be rescheduled or postponed. Time sensitive items were mentioned and can be rescheduled up to 48 hours as required or at the governing body's choice. Councilman Chester asked if the selected Acting Clerk will remain until a Clerk is hired. Councilwoman Holly-Ward will investigate with the goal of having the meeting on Thursday. She rapidly called for an Executive Session to discuss the issues of conflict.

Councilwoman Reynolds-Jackson mentioned that she had received two new resumes for review and inquired if there were others. Mr. Kachmar provided details on the last two submitted resumes and wanted them to be considered by the committee. He reported that his e-mail is now defunct. Councilwoman Caldwell-Wilson criticized the scoring sheet specific to residency and customer service and people skills. She will not be responding to questions that apply. Councilman Chester acknowledged that the Selection Committee should be responsible for the scoring sheet. Councilwoman Holly-Ward for the record cited bias by Councilman Chester in regard to the two Selection Committees. She urged all to make responsible decisions. The scoring technique and notification methods were explained in depth by Councilman Harrison. The same questions should be asked to all and agreed upon by Council.

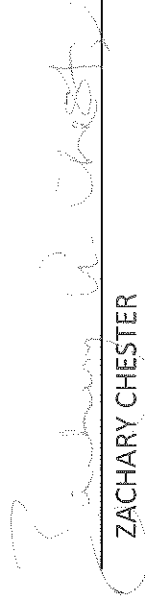
There being no further business a motion to adjourn the Conference Session at 6:55 pm was made by Councilman Chester seconded by Councilwoman Reynolds-Jackson and carried by unanimous vote of Council.

Respectfully Submitted,



PENELOPE S. EDWARDS-CARTER, ACTING
CITY CLERK

Approved by Council on MAY 18, 2017



ZACHARY CHESTER
PRESIDENT

