

Borough of Elmer Minutes**September 14, 2016**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:34 p.m. with Mayor Stemberger presiding.

FLAG SALUTE AND INVOCATION: Invocation was given by Mayor Stemberger, followed by the pledge of allegiance. Mayor Stemberger noted that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.

ROLL CALL: Council Members Davis, Nolan, Richards, Schalick, Zee, and Mayor Stemberger answered to the roll call. Absent: President Schneider. Also present were Solicitor Duffield and Chief Financial Officer Strang.

APPROVAL OF MINUTES: Motion Zee, second Richards to approve the minutes from the Elmer Borough Council Meeting held on August 10, 2016, and to dispense with the reading of the minutes.
Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried.

Motion Davis, second Nolan to approve the minutes from the Executive Closed Session Meeting of August 10, 2016 and to dispense with the reading of the minutes.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried.

OPEN TO THE PUBLIC: Motion Richards, second Davis to open the public portion of the meeting. All were in favor and the motion carried.

Mayor Stemberger introduced Joe Stecklair, Housing Official from Gloucester City and colleague of Tax Collector Joanne Eddy, also present. Mr. Stecklair described his background and the changes he initiated for housing and code enforcement including property maintenance procedures, vacant property registrations, and rental registrations with yearly inspections. They are an office of abatement and use fees, the court system, and liens with proper documentation of code violations. He estimated that a half million dollars in fees are collected in his community for code violations and registrations. He emphasized that an effective housing includes both the tools (code) and a staff to enforce the laws.

CLOSED TO THE PUBLIC: Motion Richards, second Davis to close the public portion of the meeting. Motion carried.

EXECUTIVE SESSION:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

Number 63-16

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting,
and

WHEREAS, the Governing Body of the Borough of Elmer has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

- X Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
If pending or anticipated litigation, the matter is: Pending and potential tax litigation with Verizon and Inspira Medical Centers, Inc.

(Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: upon the occurrence of said matters being resolved);

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Motion Richards, second Zee to approve Resolution 63-16 Authorizing Executive Session.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried.

The Mayor and Council Members entered closed session at 8:12 pm. At 8:40 pm Richards made a motion, second Davis, to adjourn the Executive Session and re-open the Regular Meeting. All were in favor and motion carried.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. Water Tower Painting and Repair Project

Carl Gaskill, Borough Engineer, presented information and answered Council questions regarding the potential application for a Nano Infrastructure Loan Program through the New Jersey Environmental Infrastructure Trust (NJEIT) and the NJ Department of Environmental Protection (DEP) for the Repair and Repainting of the Water Storage Tower project. The program is for communities less than 5,000 and offers 50% loan forgiveness 25% at no interest and 25% at low interest rate. Fees to administer the loan as well as costs already incurred for the project can be included in the loan. The project amount was increased from \$550,000 to \$750,000 due to the addition of a generator for the well pump (estimated at \$78,000) and new fencing and gates, as well as for estimates of soft costs such as Bond Counsel, Credit Rating, local Counsel, Auditor, and engineering to complete application. Loan will be for 20-30 years. Gaskill and Council members discussed options for bidding the project and estimates of cost savings (\$175,000-200,000). Time frame is approximately 3 to 4 months from start to finish for the painting and repair. Discussed the authorized official (Clerk) and backup (Mayor) for the project. CFO Strang mentioned that a conference call was scheduled for tomorrow for Bond Counsel and Duffield recommended resolution for hiring needed for October meeting. Strang discussed financial concerns if loan not approved and need to revise the Bond Ordinance. Mayor Stemberger mentioned the meeting with NJEIT and NJDEP officials that indicated that our proposal was likely going to be funded.

2. Ordinances:

ORDINANCE 2016-8 Introduction Amending Ord. 2016-1 2016 Salary Ordinance Amendment 1

Motion Richards, second Davis to approve the introduction of Ordinance 2016-8.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried.

3. Resolutions: The following Resolutions were read by the Clerk by title only:

**BOROUGH OF ELMER, COUNTY OF ELMER
RESOLUTION OF SUPPORT FOR THE PETITION BEFORE THE BOARD OF PUBLIC UTILITIES
REGARDING THE INTENDED DISCONTINUANCE OF MAINTENANCE OF COPPER LANDLINE
TELECOMMUNICATIONS WIRING BY VERIZON NEW JERSEY, INC. (VERIZON NJ)**

Number 64-16

WHEREAS, the many areas of the State of New Jersey are serviced by Verizon New Jersey, Inc.

(Verizon NJ) with respect to landline telephone service; and

WHEREAS, landline telephone service and copper wiring utilized in connection therewith also transmits DSL internet service; and

WHEREAS, existing landline services are necessary and instrumental to existing telecommunications facilities; and

WHEREAS, Verizon NJ has declared its intention to meet its Opportunity New Jersey (ONJ) obligation in rural areas through DSL and not fiber optic technology; and

WHEREAS, DSL service is transmitted over copper wiring transmission lines which is also utilized for landline telephone service; and

WHEREAS, Verizon NJ has declared that it no longer intends to maintain landline telecommunication wires and facilities in rural areas of the State of New Jersey, and has requested the Board of Public Utilities (BPU) to allow Verizon NJ to discontinue maintaining copper landline transmission facilities; and

WHEREAS, the discontinuance of such maintenance would directly and significantly adversely affect the users of landline service, including, but not limited to public entities, private companies and private enterprise, private individuals and residents in rural areas; and

WHEREAS, the discontinuance of maintenance of copper landline transmission facilities would inevitably result in the deterioration of communication facilities within the rural areas of New Jersey, resulting in loss or diminution of telephone services and internet services; and

WHEREAS, the deterioration of such facilities and communication capabilities would result in deterioration of economic opportunities and emergency communication capability which have serious repercussions to the economic, health and social well-being of residents and businesses within in rural areas of the State of New Jersey; and

WHEREAS, the Borough of Elmer deems it to be essential to the public interest to oppose and prevent Verizon NJ from discontinuing landline transmission maintenance which would have significant economic and social consequences to the region; and

WHEREAS, the Borough of Elmer is desirous of preventing discontinuance of landline transmission maintenance by Verizon NJ;

NOW, THEREFORE IT IS HEREBY RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, that they support the efforts of the local consortium of municipalities and other entities that have petitioned the BPU in an effort to prevent Verizon New Jersey from abandoning landline maintenance in rural areas of New Jersey.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION FOR THE APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A
GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
RECONSTRUCTION OF HITCHNER AVENUE AND UNION STREET**

Number 65-16

Resolution: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Hitchner Avenue and Union Street

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2017-Reconstruction of Hitchner Street and Union Street-00004 to the New Jersey Department of Transportation on behalf of the Borough of Elmer.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Elmer and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION FOR THE APPROVAL TO SUBMIT AN APPLICATION WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FOR THE PAINTING AND REPAIR OF THE WATER STORAGE TOWER

Number 66-16

WHEREAS, the Borough Council of the Borough of Elmer intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for a loan for the repair, rehabilitation and painting of the Borough's water storage tower; and

WHEREAS, the Borough's Engineer, Fralinger Engineering, has been engaged to assist in completing the Application on behalf of the Borough; and

WHEREAS, Mayor and Council designate the Acting Clerk, Sarah D. Walker, as the Authorized Representative to represent the Borough of Elmer in all matters relating to the project.

NOW, THEREFORE, BE IT RESOLVED that the Acting Borough Clerk, Sarah D. Walker, be and is hereby authorized to act as the Authorized Representative to represent the Borough in all matters relating to the project undertaken pursuant to the above-referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the following address: P.O. Box 882, 120 South Main Street, Elmer, New Jersey 08318 and phone number (856) 358-4010, Ext. 110.

BE IT FURTHER RESOLVED, that a true copy of this Resolution be forwarded with said Application to the New Jersey Department of Environmental Protection for their review and final action.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO AUTHORIZE
THE TAX COLLECTOR TO CONDUCT ELECTRONIC TAX SALE**

Number 67-16

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investor/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Elmer wishes to participate in the pilot program for an electronic tax sale.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, County of Salem and State of New Jersey that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO ALLOW A CHARGE OF \$25.00 PER NOTICE
OF TAX SALE ON DELINQUENT ACCOUNTS**

Number 68-16

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing, and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Elmer wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, County of Salem, and State of New Jersey that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2017 electronic tax sale.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
AUTHORIZING THE STATE CONTRACT PURCHASE OF SCBA BOTTLES FROM
NAT ALEXANDER COMPANY IN AN AMOUNT NOT TO EXCEED \$8,550.00**

Number 69-16

WHEREAS, the Borough of Elmer wishes to purchase ten (10) new SCBA bottles from an authorized vendor under the State of New Jersey Cooperative Purchasing program for use by the Elmer Fire Department; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, **N.J.S.A.** 40A:11-12; and

WHEREAS, Nat Alexander Company has been awarded New Jersey Contract No. A-80961 for Scott Self-Contained Breathing Apparatus (SCBA); and

WHEREAS, the actual cost of the ten (10) SCBA bottles of \$10,620.00 will be offset by a trade-in of ten (10) bottles (value of \$2,070.00) currently owned by the Elmer Fire Department:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer as follows:

1. Nat Alexander Company, a division of Mid-Atlantic Fire and Air, 121 North White Horse Pike, Laurel Springs, New Jersey, 08021, is hereby awarded a contract in an amount not to exceed \$8,550.00 to supply ten (10) SCBA bottles (quote attached).
2. A Certification of Funds has been received for said contract assuring that there is a sufficient appropriation to award this contract.
3. The Chief of the Elmer Fire Department is hereby authorized to effectuate the purchase.

Motion by Zee and second by Richards to adopt Resolutions 64-16 through 69-16.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried

DISCUSSIONS/MOTIONS:

1. Motion Richards second Davis to approve the meeting room request for the Girl Scouts Leaders Meetings, to be held on the second Thursday of the month, 7:00-9:00 pm, in the Election room and for one training day for Saturday, December 10, 8:00 am – 4:00 pm in the Election Room. All were in favor and motion carried.
2. Motion Richards, second Davis to approve Aaron M. Younger of 221 South Main St for membership in the New Jersey State Firemen’s Association. All were in favor and motion carried.
3. Ward Bishop asked for an extension of the farm lease for a second year. No action was taken.
4. Discussed status of the Water Department Licensed Operator, John Meier, of Water Resource Management. No action was taken.
5. Solicitor Duffield confirmed that the Vacant Property Registration list is a public record and is not exempt from disclosure for security purposes.

REPORTS/BILL LIST:

Motion Zee second Nolan to receive and file the August 2016 Tax/Water Collector report; all were in favor and motion carried.

Motion Richards, second Davis to receive, file and spread full upon the minutes the Treasurer’s Report for the month of August 2016 (**Page 56a** in Minute Book). All were in favor and motion carried.

Motion Davis, second Nolan, that the bills be paid and charged to their respective accounts (see **Page 56b** in Minute Book for the August 2016 Bill List). Richards recommended holding the final payment of Arawak for State Street Reconstruction until the repairs have been completed.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, and Zee; Nays: None. Motion carried

The Clerk and Mayor’s mail for the month of August was presented and read. The Clerk noted the resignation letter effective May 1, 2017 of Joanne Eddy, Tax Collector.

Motion Zee second Schalick that the correspondence be received and filed. All were in favor and motion carried.

COMMITTEE REPORTS: Committee reports were made at this time:

Finance/Celebration Public Events: Schalick provided an update on Harvest Day scheduled for October 1.

Public Safety: No report.

Streets/Sidewalks/IT: Richards reported on new stop signs on State Street, trimming needed, and storm water program updates (list of drains cleaned and giveaway for Harvest Day). Bids for State St. were announced; the Solicitor recommended not awarding a bid at this time due to the State shutdown of road projects.

Borough Hall/Public Property: Davis reported on purchase of a weed wacker and report of fleas in the library.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: Nolan mentioned that the prisoners cleaned up around the Borough Hall and are coming back to do more work. Mayor Stemberger noted that Patti Schneider resigned from the Recreation Committee; he needs someone to take ownership of the Green Acres Park project. He also mentioned that he is working with Appel Farm to submit a Salem County Arts Grant due next week for the Veteran’s Monument.

Other: The CFO requested a sponsor for a resolution for the League of Municipalities for pension issues.

ADJOURNMENT: Motion Davis, second Zee that the meeting be adjourned. Motion carried.

September 14, 2016

Sarah D. Walker, Acting Borough Clerk