

Borough of Elmer Minutes**March 8, 2017**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 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 President Schneider, Council Members Davis, Nolan, Richards, Schalick, Zee, and Mayor Stemberger answered to the roll call. Also present were Solicitor Duffield and Chief Financial Officer Strang.

APPROVAL OF MINUTES: Motion Zee second Davis to approve the minutes from the Council Meeting held on February 8, 2017, and to dispense with the reading of the minutes.

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

PUBLIC SESSION: Motion Zee second Nolan to open the public portion of the meeting. All were in favor and the motion carried.

Christine Nolan, Executive Director of the South Jersey Land and Water Trust, distributed and discussed the Green Infrastructure Feasibility Study Elmer Borough booklet produced by Rutgers. She will use the study to apply for a National Fish and Wildlife grant in collaboration with the Borough and school, and specific projects can be identified once grant funds are received. Richards mentioned that grant projects would help meet the new requirements for the Tier B storm water permit for education. Mayor Stemberger said to let him know when a letter of support is needed.

Jennifer Young, Verizon External Affairs, described the need for the proposed Verizon Consent Ordinance and asked if there were any questions about the ordinance. The Solicitor addressed questions from Young about the proposed ordinance.

The Mayor asked Councilman Zee to describe the current feral cat situation on Mill Street and the concerns of resident Penny Montgomery (also present). Zee proposed that if the females were trapped he would personally pay to spay and release them. Animal Control Officer McCleary described his concerns with the unlimited feeding of cats outdoors in that area. Solicitor Duffield noted that the code allows for minimum of \$50 per cat per violation. McCleary will check with municipal prosecutor to determine what he needs to see to write the ticket. He will also help Ms. Montgomery with a plan for managing outdoor feeding of her licensed cats to help reduce the feral cat population.

Motion Zee second Richards to close the public portion of the meeting. All were in favor and motion carried.

UNFINISHED BUSINESS:

1. Ordinances: The following Ordinances were read by title for a second reading and public hearing:

ORDINANCE 2017-4**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 11 ENTITLED "BUILDING AND HOUSING" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Richards, second Schalick to open the public hearing for Ordinance 2017-4. There being no comment, motion Richards second Schalick to close the public hearing. Motion Richards second Zee to adopt Ordinance 2017-4.

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

The Mayor requested to temporarily interrupt the meeting to introduce Timothy Woods, appointee for Elmer Borough Patrolman position. President Schneider welcomed and introduced him to Council Members; Woods described his work experience and background and answered questions.

**ORDINANCE 2017-6
2017 SALARY ORDINANCE**

Motion Richards, second Zee to open the public hearing for Ordinance 2017-6. There being no comment, motion Richards second Davis to close the public hearing. Motion Richards second Davis to adopt Ordinance 2017-6. Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

**ORDINANCE 2017-7
BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2015-15
(WHICH PROVIDES FOR WATER TOWER IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY
THE BOROUGH COUNCIL OF THE BOROUGH OF ELMER, IN THE COUNTY OF SALEM, STATE OF
NEW JERSEY, ON NOVEMBER 11, 2015, AS AMENDED AND SUPPLEMENTED, TO AMEND THE
DESCRIPTION, TO INCREASE THE APPROPRIATION BY \$255,000 AND TO INCREASE THE
AUTHORIZATION OF BONDS OR NOTES BY \$255,000**

The Clerk stated that the Supplemental Debt Statement was filed as required. Motion Davis, second Nolan to open the public hearing for Ordinance 2017-7. There being no public comment, motion Davis second Nolan to close the public hearing. Motion Zee second Davis to adopt Ordinance 2017-7. Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

NEW BUSINESS:

1. Ordinances: The following Ordinances were introduced for first reading and read by title only:

**ORDINANCE NO. 2017-8
REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS
AND ASSIGNS AS TO THE NON-EXCLUSIVE USE OF THE VARIOUS PUBLIC STREETS, ROADS,
AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF ELMER, SALEM
COUNTY, NEW JERSEY**

Motion Zee, second Richards to approve the introduction of Ordinance 2017-8
Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

2. Resolutions: The following Resolutions were read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Dollar General)
Number 40-17**

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Dollar General for Site Plan Review in the amount of \$444.38 be distributed and paid as follows:

Amount: \$444.38 To: Fralinger Engineering PA For: Site Plan Review

**BOROUGH OF ELMER, COUNTY OF SALEM
APPROPRIATION RESERVE TRANSFER RESOLUTION
Number 41-17**

WHEREAS, the Borough of Elmer, County of Salem, finds it necessary to make transfers among various accounts between the 2016 appropriation reserves; and

WHEREAS, such funds are available in the various accounts; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem and State of New Jersey, that the following transfers are hereby approved:

	<u>Transfer Amounts</u>	
	<u>To</u>	<u>From</u>
Police:		
Other Expenses	\$1,000	
Police:		
Salaries and Wages		\$500
Revenue Administration (Tax Collection):		
Salaries and Wages		\$500

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO APPOINT TIMOTHY WOODS**

Number 42-17

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Timothy Woods, 1063 New Pear Street, Vineland, NJ be appointed Police Officer for the Borough of Elmer Police Department. The appointment will be effective for a term beginning March 9, 2017 and ending on December 31, 2017.

**BOROUGH OF ELMER, COUNTY OF SALEM
EMERGENCY TEMPORARY APPROPRIATION RESOLUTION**

Number 43-17

WHEREAS, an emergent condition has arisen with respect to the need to appropriate additional monies for legal services related to tax appeals and other ongoing legal matters, and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and **N.J.S.A. 40A:4-20** provides for the creation of emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (**N.J.S.A. 40A:4-20**) including this resolution total \$3,500.00;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of **N.J.S.A. 40A:4-20**:

1. Emergency temporary appropriation be and the same is hereby made for the following appropriator in the respective amount listed, totaling \$3,500.00

EMERGENCY TEMPORARY APPROPRIATIONS - 2017

**GENERAL
GOVERNMENT**

Legal	
Services	
Other Expenses	\$ 3,500.00

2. Said emergency temporary appropriation will be provided for in the 2017 budget under the respective appropriation title listed above.
3. One certified copy of this resolution be filed with the Director of Local Government Services.

Motion Zee seconded by Davis to adopt Resolutions 40-17 through 43-17.

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

DISCUSSIONS/MOTIONS: The following items were discussed by Council Members:

1. Animal Control – see public session.
2. Green Acres/Elmer Community Park – Mayor Stemberger updated Council on Park Committee activities including plans for a walking bridge and gazebo, and that Rotary wants to paint the sign on the backstop. Schalick mentioned that cleanup will be next Saturday 3/18.
3. The Deputy Emergency Management Coordinator position was discussed. The Clerk read the following resolution:

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
 APPOINTING DAVID M. GREGORIO DEPUTY EMERGENCY MANAGEMENT COORDINATOR
 Number 44-17**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the David M. Gregorio be appointed Deputy Emergency Management Coordinator for the Borough of Elmer beginning March 9, 2017 and ending December 31, 2017.

Motion Davis second Nolan to approve Resolution 44-17.

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

4. The Clerk mentioned the request received today for approval of quotes for a new control system for the well, and read the following resolution in full:

**BOROUGH OF ELMER, COUNTY OF SALEM
 RESOLUTION TO APPROVE UNIVERSAL INSTRUMENT SERVICE COMPANY QUOTE
 FOR NEW CONTROL SYSTEM FOR THE WATER DEPARTMENT WELLS
 Number 45-17**

WHEREAS, the Borough of Elmer Water Department has determined the need to upgrade the well control system for efficiency and reliability; and

WHEREAS in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., the solicitation of quotes were received from the following vendors:

1. Universal Instrument Service Company, Pitman NJ, \$8,700
2. Eric M. Krise Electric, Elmer NJ, \$10,371.50
3. Dirks Electric, Elmer NJ (no response to request for quote);

WHEREAS, these quotes were reviewed, and a recommendation made by the Assistant Superintendent of the Water Department that the quote be awarded to Universal Instrument Service Company, Pitman, NJ as the lowest responsible quote totaling \$8,700;

WHEREAS, funds for this purpose have been provided for in the following account:
 Water Utility Capital Improvement: Capital Outlay

THEREFORE, BE IT RESOLVED that the quote to purchase and install a new control system from Universal Instrument Service Company is approved for an amount of \$8,700.00.

Motion Schneider second Zee to approve Resolution 45-17.

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

5. The Clerk read a resolution received today from Mannington Township concerning the recent bail reform. President Schneider and Solicitor Duffield described the current situation and potential for increases in court costs for the municipality. President Schneider recommended adopting the Mannington resolution as follows:

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM SUPPORTING THE FILING OF
A COMPLAINT BY THE NEW JERSEY ASSOCIATION OF COUNTIES WITH THE NEW JERSEY
COUNCIL ON LOCAL MANDATES THAT THE CRIMINAL JUSTICE REFORM ACT, N.J.S.A. 2A:162-
15 ET SEQ., CONSTITUTES AN UNFUNDED STATE MANDATE IN VIOLATION OF ARTICLE VIII,
SECTION II, PARAGRAPH 5 OF THE NEW JERSEY CONSTITUTION**

Number 46-17

WHEREAS, the New Jersey Criminal Justice Reform Act will impose upon municipal governments an undue financial hardship to implement as each municipality in some capacity must hire new personnel, invest in new equipment and information technology, and, make capital and other necessary improvements to jail, court and ancillary court facilities; and

WHEREAS, the New Jersey Council on Local Mandates is responsible for resolving disputes on whether a law, rule, or regulation adopted after 1996 constitutes an unfunded mandate; and

WHEREAS, an unfunded mandate upon boards of education, municipalities, and counties is a law, rule, or regulation that does not authorize resources, other than the property tax, to offset additional direct expenditures required to implement said law, rule, or regulation; and

WHEREAS, other than the collection of local property taxes, the Criminal Justice Reform Act did not allocate monies to county or local governing bodies to offset the costs associated with implementing and administering the Criminal Justice Reform Act in violation of New Jersey's State Constitution.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer, County of Salem, does, in fact, hereby support the filing of a complaint by New Jersey Association of Counties with the New Jersey Council on Local Mandates that the Criminal Justice Reform Act N.J.S.A. 2A:162-15 et. seq. constitutes an unfunded State mandate in violation of Article VIII, Section II, Paragraph 5 of the New Jersey Constitution.

BE IT FURTHER RESOLVED, that the Clerk forward a certified true copy of this resolution to the Governor of the State of New Jersey, Chris Christie; the President of the New Jersey State Senate, Steve Sweeney; the Speaker of the General Assembly, Vincent Prieto; the New Jersey Association of Counties and the Office of County Counsel and all Salem County Municipalities.

Motion Davis second Schneider to approve Resolution 46-17.

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

6. The Mayor commended Robert Richards (present) for staying on with the Ambulance as it transitions to a full time operation. The Mayor and Richards updated the Council on the needs and future challenges of the Ambulance Corp.
7. CFO Strang and Council members discussed the proposed 2017 budget and introduced the budget by title:

**RESOLUTION OF THE BOROUGH OF ELMER
INTRODUCTION OF THE 2017 BUDGET**

Number 39-17

(See page 43c in the Minute Book)

Motion Zee second Davis to approve Resolution 39-17 and set the public hearing for the Budget for April 12, 2017.

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

REPORTS/BILL LIST:

Motion Davis second Nolan to receive and file the February 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 February (**Page 43a**). All were in favor and motion carried.

Motion Davis, second Zee, that the bills be paid and charged to their respective accounts (see **Page 43b**).
Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Schneider, Zee; Nays: None. Motion carried.

Motion Schneider second Davis that the Clerk and Mayor's mail correspondence be received and filed. The Mayor mentioned the research he has been conducting for a Complete Streets Policy for the NJPN Grant; he reviewed the Housing, Property Maintenance, and Zoning Report and addressed Council Members concerns; he updated Council Members on sidewalk maintenance particularly noting the need to fix Borough sidewalks. The Clerk discussed items including the code book error for the dog licensing fee, status of insurance money for light pole, new tab on web site for forms & downloads, local government dinner on 3/23, and the contact list that was distributed. All were in favor and motion carried.

COMMITTEE REPORTS: The following Committee reports were made:

Finance/Celebration Public Events: Schalick reported that Little League Opening Day will be April 8.

Public Safety: Schneider summarized the police report.

Streets/Sidewalks/IT: Richards updated Council on recent storm water permit changes and discussed the basement wall problems and recommendation from the engineer to remove the concrete layer.

Borough Hall/Public Property: Schneider updated the status of the roof project.

Water/Street Lights: Zee is working on second quote for the decorative light; he also discussed options for the Water Works remediation;

Trash/Recycling/Parks & Playgrounds: Nolan is working on the recycling report and ordered mulch for the playgrounds; Mayor Stemberger recommended that the flag poles be painted.

Other:

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

March 8, 2017

Sarah D. Walker, Acting Borough Clerk

Approved: April 12, 2017