

**Borough of Elmer Minutes****May 9, 2018**

**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 on January 8, 2018 pursuant to the Open Public Meetings Act.

**ROLL CALL:** Council President Lewis Schneider, Council Members Lynda Davis, Cynthia Nolan, R. Matthew Richards, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

**APPROVAL OF MINUTES:** Motion Zee second Davis to approve the minutes from the Regular Council Meeting held on April 11, 2018, and to dispense with the reading of the minutes.

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

**PRESENTATION:** None.

**PUBLIC SESSION:** Motion Richards second Nolan to open the public portion of the meeting. All were in favor and the motion carried. Robert Richards, Water Department Assistant Superintendent, and Council Members discussed the public works agreement and mowing/trimming. Motion Zee second Richards to close the public portion of the meeting. All were in favor and motion carried.

**UNFINISHED BUSINESS:**

**1. Ordinances:** Second Reading/Public Hearing

**ORDINANCE NO. 2018-5****BOND ORDINANCE AUTHORIZING STATE STREET RECONSTRUCTION**

Motion Richards seconded by Zee to open the public hearing for Ordinance 2018-5. There being no comment, motion Richards seconded by Zee to close the public hearing. Motion Richards seconded by Zee to adopt Ordinance 2018-5.

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

**ORDINANCE NO. 2018-6****AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 14 ENTITLED "WATER" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Zee seconded by Nolan to open the public hearing for Ordinance 2018-6. There being no comment, motion Zee seconded by Richards to close the public hearing. Motion Richards seconded by Zee to adopt Ordinance 2018-6.

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

**2. Resolutions:** 2018 Budget Second Recoding/Public Hearing

The following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION FOR BUDGET TO BE READ BY TITLE ONLY****Number 57-18**

WHEREAS, NJSA40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Motion Davis second by Nolan to adopt Resolutions 57-18.

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

**RESOLUTION OF THE BOROUGH OF ELMER  
ADOPTION OF THE 2018 BUDGET**

**Number 58-18**

**(See page 51a in the Minute Book)**

Motion Richards seconded by Zee to open the public hearing for the 2018 Budget. CFO Strang explained the pros and cons of adopting or postponing as related to the pending school tax levy issues. Motion Davis seconded by Nolan to close the public hearing. Motion Schneider seconded by Richards to adopt the 2018 Municipal Budget. Roll Call: Ayes: Schneider, Richards, Schalick, Stemberger; Nays: Davis, Nolan, Zee; Abstain: None. Motion carried.

**NEW BUSINESS:**

**1. Ordinances:** The following Ordinance was read by title:

**ORDINANCE 2018-7  
AMENDING CHAPTER 20 ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE  
BOROUGH OF ELMER**

Motion Richards second by Zee to approve the introduction of Ordinance 2018-7.

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

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF  
SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #2 AND FINAL  
PAYMENT FOR CONTRACT WITH RICKY SLADE CONSTRUCTION, INC. FOR RECONSTRUCTION  
OF HITCHNER AVENUE AND UNION STREET**

**Number 60-18**

**WHEREAS**, Mayor and Council of the Borough of Elmer determined that the reconstruction of Hitchner Avenue and Union Street was necessary; and

**WHEREAS**, consistent with the New Jersey Public Contracts Law, N.J.S.A. 40A:11-23, the Borough Clerk caused an advertisement for solicitation of bids for the reconstruction of Hitchner Avenue and Union Street; and

**WHEREAS**, on October 4, 2017, the Mayor and Council received and opened bids in accordance with the advertised date for acceptance of said bids for the Project; and

**WHEREAS**, Ricky Slade Construction, Inc. submitted the lowest responsive monetary lump sum bid in the sum of \$88,894.00; and

**WHEREAS**, pursuant to Resolution No. 106-17, the Mayor and Council of the Borough of Elmer on October 11, 2017 approved and awarded the low bid submitted by Ricky Slade Construction, Inc.; and

**WHEREAS**, the Borough's Engineer has recommended Change Order #2 which will result in an overall increase of \$3,125.31, above the original contract amount of \$88,894.00 for a final projected contract amount of \$102,779.10, including all other change orders; and

**WHEREAS**, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Borough of Elmer that Change Order #2 and final payment be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer that Contract Change Order #2 and final payment, as recommended by the Borough Engineer, via correspondence dated April 24, 2018, is hereby approved and authorizes the payments related thereto.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #2 only upon prior written authorization by NJDOT, if required.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY AUTHORIZING AND RATIFYING EXECUTION OF A GRANT AGREEMENT BETWEEN SALEM HEALTH AND WELLNESS FOUNDATION AND THE BOROUGH OF ELMER**

**Number 61-18**

**WHEREAS**, the Salem Health and Wellness Foundation was founded in 2002 as a public charity for the purpose of promoting the health and wellness of Salem County residents; and

**WHEREAS**, the Salem Health and Wellness Foundation makes available grant opportunities with the specific requirement that the funds are utilized to promote healthy lifestyles and create awareness regarding health problems throughout Salem County; and

**WHEREAS**, on November 7, 2017, the Mayor and Council of the Borough of Elmer authorized submission of a grant application to the Board of Salem Health and Wellness Foundation in the amount of \$20,000.00 to support the Elmer Walking Trail; and

**WHEREAS**, the terms and conditions of the grant do not require municipal matching funds; and

**WHEREAS**, the Grant Agreement, attached hereto, sets forth the terms and conditions of the Grant Award in the sum of \$20,000.00; and

**WHEREAS**, it is in the best interests of the residents of the Borough of Elmer that the Borough Council accept the grant for the purposes stated in said Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that the Grant Application and Grant Agreement, attached hereto, is hereby ratified and the Mayor and Clerk are hereby authorized to execute the Grant Agreement.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM TO JOIN (RENEW) THE STATEWIDE INSURANCE FUND**

**Number 62-18**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

**WHEREAS**, the Borough of Elmer ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2018** terminating on **January 1, 2021** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers' Compensation & Employer's Liability  
 Comprehensive General Liability  
 Automobile Liability and Physical Damages  
 Public Officials and Employment Practices Liability  
 Pollution Liability  
 Property  
 Inland Marine, Boiler and Machinery  
 Crime-Faithful Performance and Fidelity  
 Cyber Liability  
 Non Owned Aircraft

BE IT FURTHER RESOLVED that Joseph P. Stemberger, Mayor (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and Steven A. Schalick (second ENTITY employee) is hereby appointed as the LOCAL UNIT's Alternate Fund Commissioner.

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION  
 APPOINTING FUND COMMISSIONER FOR THE STATEWIDE INSURANCE FUND**

**Number 63-18**

**WHEREAS**, the Borough of Elmer (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Elmer that Joseph P. Stemberger, Mayor, is hereby appointed as the Fund Commissioner for the Local Unit for the year 2018; and

**BE IT FURTHER RESOLVED** that Steven Schalick is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2018; and

**BE IT FURTHER RESOLVED** that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Ajdari/Monter)**

**Number 64-18**

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicants Rodmehr Ajdari and Michael Monter for Site Plan review for 500 Front Street (Block 13 Lot 3) in the amount of \$159.00 be distributed and paid as follows:

Amount: \$159.00                      To: Fralinger Engineering, PA                      For: Site Plan Review

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION AUTHORIZING ADJUSTMENT OF WATER PAYMENT  
FOR 70 BROAD STREET, BLOCK 26 LOT 2**

**Number 65-18**

WHEREAS, 70 Broad Street had a malfunctioning water meter that resulted in excess water to be billed to the property owner; and

WHEREAS, the water leak was determined to be the responsibility of the Water Department; and

WHEREAS, the Tax Collector and Water Department Superintendent determined that the amount of water billed should be \$50;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that James V. Davis, Tax Collector for the Borough of Elmer be authorized and directed to adjust the bill to \$50 for 70 Broad Street, Block 26 Lot 2.

Motion Schneider second by Zee to adopt Resolutions 60-18 through 65-18.

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

The following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION  
URGING GOVERNOR MURPHY TO SIGN ASSEMBLY BILL A3724 / SENATE BILL S2313  
ESTABLISHING THE ZERO EMISSION CERTIFICATE PROGRAM FOR NUCLEAR  
POWER PLANTS**

**Number 59-18**

WHEREAS, the Council of the Borough of Elmer recognizes the benefit that the PSEG Nuclear, LLC power plants have been to our county by contributing millions to our local and regional economy, supporting 5,800 jobs with 1,600 direct jobs at the plants, many of those employed being from municipalities within Salem County including the Borough of Elmer, and;

WHEREAS, the Council of the Borough of Elmer further recognizes that the power plants have proven to be good neighbors dedicated to safe operations and supporting many volunteer and non-profit organizations within our region’s community, and;

WHEREAS, the Council of the Borough of Elmer desires to see the nuclear power plants continue to be viable Zero Emission Energy providers, protecting our environment by providing more than 90 percent of New Jersey's carbon free electricity, for 3 million homes.

NOW THEREFORE BE IT RESOLVED by the Council of the Borough of Elmer that it does hereby urge Governor Phil Murphy to sign the Zero Energy Emission Certificate Program for nuclear power plants legislation.

BE IT FURTHER RESOLVED that this resolution be forwarded to New Jersey Governor Phil Murphy, Senate President Stephen M. Sweeney and the municipalities of Salem County.

Motion Davis second Nolan to adopt Resolution 59-18. Council members discussed the pros and cons of the adopting the resolution.

Roll Call: Ayes: Schneider, Davis, Nolan, Stemberger; Nays: Richards, Zee; Abstain: Schalick. Motion carried.

#### **DISCUSSIONS/MOTIONS**

1. The Solicitor summarized the new law requiring the designation of a Municipal Humane Law Enforcement Officer and the Clerk read the following resolution by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY APPOINTING CHIEF PATRICK BRYAN, JR., ELMER POLICE DEPARTMENT, AS THE MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER FOR THE BOROUGH OF ELMER**

**Number 66-18**

**WHEREAS**, on January 15, 2018, a new law was enacted whereby the State's Prevention of Cruelty to Animals Law (N.J.S.A. 4:22-15 et seq.) will be enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Protection of Cruelty to Animals ("NJSPCA") to the County Prosecutor, and requiring the designation of a Municipal Humane Law Enforcement Officer in each municipality with an existing police department; and

**WHEREAS**, as a result of the new law, the NJSPCA was disbanded; and

**WHEREAS**, the new law requires the County Prosecutor of each county to designate an Animal Cruelty Prosecutor, and will allow such Prosecutor to investigate, prosecute and/or take other legal action as appropriate for violations of the Animal Cruelty laws of the State; and

**WHEREAS**, consistent with N.J.S.A. 4:22-14.1, each municipal governing body with a police department is required to designate at least one (1) Municipal Humane Law Enforcement Officer ("MHLEO") who shall be responsible for animal welfare within the jurisdiction of the municipality, and who will enforce and abide by the animal cruelty laws of the state and ordinances of the municipality; and

**WHEREAS**, Chief Patrick Bryan, Jr. of the Elmer Police Department has recommended to the governing body that he will serve as the municipality's Municipal Humane Law Enforcement Officer ("MHLEO").

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey, that Chief Patrick Bryan, Jr. of the Elmer Police Department is hereby designated and appointed as the Municipal Humane Law Enforcement Officer ("MHLEO") for the Borough of Elmer.

Motion by Davis and second by Zee to approve Resolution 66-18.

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

2. The Landlord Registration law was discussed and the proposed form was reviewed. Motion Davis second Richards to approve the Landlord Registration form; all were in favor and motion carried.

3. The funding for the Borough Hall lighting project was discussed. The following Ordinance was read by title:

**ORDINANCE NO. 2018-8  
AN ORDINANCE APPROPRIATING \$4,400.00 FROM THE CAPITAL FUND BALANCE FOR  
LIGHTING RENOVATIONS TO BOROUGH HALL BY THE  
BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY**

Motion Davis second by Schneider to approve the introduction of Ordinance 2018-8.

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

**REPORTS/BILL LIST:**

Motion Richards seconded by Schalick to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer report (see Page 51b); all were in favor and motion carried.

Motion Davis seconded by Zee, that the bills be paid and charged to their respective accounts (see Page 51c).

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

Motion Zee seconded by Richards that the Clerk and Mayor’s mail correspondence be received and filed. All were in favor and motion carried.

**COMMITTEE REPORTS:**

**Finance/Celebration Public Events:** Schalick reported that the Memorial Day Parade will be May 28 at 10:00 am.

**Public Safety:** No report.

**Streets/Sidewalks/IT:** Richards reported on the filing of the Storm Water report, new street signs, sink hole on State Street; Council members and the Mayor discussed the sidewalk violations.

**Borough Hall/Public Property:** No report.

**Water/Street Lights:** Zee reported on lights fixed at the Centennial Park and the painting of the Water Works building.

**Trash/Recycling/Parks & Playgrounds:** Nolan discussed the mulch for the playground and mark outs for the Centennial Park sign.

The Mayor mentioned the May 23 meeting with the Heath & Wellness grant participants at the Elmer Diner and Green Acres Park.

**ADJOURNMENT:** At 9:55 pm, motion Richards second by Zee that the meeting be adjourned. All were in favor and motion carried.

May 9, 2018

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Sarah D. Walker, Borough Clerk

Approved: June 13, 2018