

Borough of Elmer Minutes**November 14, 2018**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Council President Lewis Schneider 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, and James Zee answered to the roll call. Absent was Mayor Joseph Stemberger. 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 and the Executive Closed Session Meeting held on October 10, 2018, and to dispense with the reading of the minutes.

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

PUBLIC SESSION: Motion Davis second Richards to open the public portion of the meeting. All were in favor and the motion carried. There being no comment 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 the second reading/public hearing:

ORDINANCE NO. 2018-13 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 2, SECTION 2-9 ENTITLED "CHIEF FINANCIAL OFFICER" OF THE CODE OF THE BOROUGH OF ELMER

Motion Richards second Nolan to open the public hearing for Ordinance 2018-9. After a discussion of the procedures involved with the ordinance with Council Members, the CFO, and the Solicitor, motion Richards second Zee to close the public hearing. Motion Richards second Zee to adopt Ordinance 2018-13.

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

2. Public Sale: The bid submitted by State Street Yards for the sale of Block 15 Lot 5 (106 Front St) on November 8, 2018, was discussed. Motion Schneider second Davis to reject the bid.

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

3. Farm Lease: The following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
COUNTY OF SALEM, STATE OF NEW JERSEY AUTHORIZING THE ADDENDUM OF THE FARM
LEASE FOR BOROUGH-OWNED PROPERTY IDENTIFIED AS
BLOCK 2, LOTS 49 AND 56 IN THE BOROUGH OF ELMER**

Number 112-18

WHEREAS, via Resolution 46-16, the Borough Council awarded a Farm Lease to Ward Bishop for Borough-owned property identified as Block 2, Lots 49 and 56 on the Municipal Tax Map of the Borough of Elmer consisting of approximately 15± acres; and

WHEREAS, the Borough Council deems it in the best interests of the residents of the Borough of Elmer to extend the Farm Lease for an additional one-year term.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem and State of New Jersey as follows:

1. The Addendum to the Farm Lease with Ward Bishop for Borough-owned property identified as Block 2, Lots 49 and 56 on the Municipal Tax Map of the Borough of Elmer is hereby approved extending the lease through December 31, 2019.

2. The Mayor and Clerk are hereby authorized to execute said Addendum to the Farm Lease.

Motion Davis second Zee to approve Resolution 112-18.

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

NEW BUSINESS:

1. Ordinances: The following Ordinances were introduced and read by title:

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Richards second Zee to approve the introduction of Ordinance 2018-14. All were in favor and motion carried.

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3 ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Richards second Zee to approve the introduction of Ordinance 2018-15. All were in favor and motion carried.

ORDINANCE NO. 2018-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 10 ENTITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH OF ELMER

Motion Richards second Davis to approve the introduction of Ordinance 2018-16. All were in favor and motion carried.

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

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 RESURFACING OF 2ND, 3RD, AND OAK STREET PROJECT

Number 105-18

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Resurfacing of 2nd, 3rd, and Oak Street project.

NOW, THEREFORE, BE IT RESOLVED that 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 MA-2019- Various-00579 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

**AUTHORIZING A CONTRACT AWARD FOR FURNISHING AND DELIVERING ROCK SALT
THROUGH THE COUNTY OF SALEM AS A MEMBER OF THE SALEM COUNTY COOPERATIVE
PRICING SYSTEM IDENTIFIER NUMBER 75-SCCP**

Number 106-18

WHEREAS, the Borough of Elmer is a member of the County of Salem (“County”) Cooperative Pricing System and as such is extended certain bid prices obtained by competitive bid; and

WHEREAS, the County requested, received, and opened sealed proposals for the Furnishing and Delivery of Rock Salt for the County of Salem and Members of the Salem County Cooperative Pricing System; and

WHEREAS, the County has determined that Atlantic Salt Company, Inc., has substantially met the necessary qualifications for the fulfillment of a contract and further has provided the documentation necessary to successfully fulfill the requirements of the Salem County Cooperative Pricing System; and

WHEREAS, the Borough of Elmer is desirous to enter into a contract through the Salem County Cooperative Pricing System and be availed of the extension of the pricing received by the County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Mayor and Clerk are hereby authorized to execute a contract, subject to the review of the Borough Solicitor, to Atlantic Salt Company, Inc., 134 Middle St., Ste 210, Lowell, MA 01852.

BE IT FURTHER RESOLVED that said contract shall commence on September 1, 2018 and will terminate August 31, 2019.

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

Number 107-18

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 \$153.00 be distributed and paid as follows:

Amount: \$153.00 To: Fralinger Engineering PA For: Site Plan Review

BE IT FURTHER RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Roger Anderson for a Site Plan review for 415 Chestnut St. (Block 3 Lots 31 & 31) in the amount of \$1,828.50 be distributed and paid as follows:

Amount: \$1,828.50 To: Fralinger Engineering PA For: Site Plan Review

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF
SALEM, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF THE ELMER VETERAN’S
MURAL AGREEMENT WITH APPEL FARM ARTS & MUSIC CENTER**

Number 108-18

WHEREAS, the Borough of Elmer applied and received a grant from the Salem County Cultural and Heritage Commission for the New Jersey State Council on the Arts Re-Grant Program for the design, creation and installation of a mural honoring the six (6) branches of the Armed Forces; and

WHEREAS, the terms of the grant are such that the Grantor provides the Borough with Five Thousand Dollars (\$5,000.00) and the Borough matches the same amount for a total of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, Appel Farm Arts & Music Center has agreed to design, create and construct the mural honoring the six (6) branches of the Armed Forces for the sum of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the proposed Agreement with Appel Farm Arts & Music Center dated October 12, 2018 is attached hereto; and

WHEREAS, this Resolution is adopted to authorize the Mayor of the Borough of Elmer to enter into the Elmer Veteran's Mural Agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, that the Mayor of the Borough of Elmer is hereby authorized to execute the Elmer Veteran's Mural Agreement attached hereto for the purpose set forth above.

IT IS FURTHER RESOLVED that upon completion and delivery to the Borough of Elmer of the Veteran's Mural, payment therefore is authorized.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED
SERVICES AGREEMENT FOR MUTUAL AID WITH THE CITY OF BRIDGETON FIRE DEPARTMENT
Number 109-18**

WHEREAS, N.J.A.C. 5:75A-2.2(a) requires each municipality to prepare, adopt and maintain a Local Mutual Aid Plan; and

WHEREAS, the Elmer Fire Department recognizes that, in case of fire or other emergency, it may need to request the aid of the Fire Department of another party; and

WHEREAS, response plans have been developed by the Fire Chief that call for the response of resources from outside of the jurisdiction of the Elmer Fire Department; and

WHEREAS, the Elmer Fire Department recognizes that it may wish to provide fire fighting equipment and personnel to another party in response to a request for such aid; and

WHEREAS, the Elmer Fire Department desires to implement, in part, its Mutual Aid and Response Plans through the local Mutual Aid Plan set out in the City of Bridgeton Fire Department Mutual Aid Agreement attached to this Resolution as Exhibit "A", and incorporated herein by reference; and

WHEREAS, entry into the Mutual Aid Agreement attached hereto as Exhibit "A" is in the best interests of the Borough of Elmer, and the Elmer Fire Department; and

WHEREAS, this Resolution is adopted to authorize the Mayor and the Elmer Fire Department to enter into the Mutual Aid Agreement attached hereto as Exhibit "A" in order to obtain aid for fire and other emergencies, as set out therein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, as follows:

1. The Borough of Elmer and the Elmer Fire Department are hereby authorized to enter into a Mutual Aid Agreement with the City of Bridgeton Fire Department for the purposes set forth above;
2. The Mayor of the Borough of Elmer and the Fire Chief of the Elmer Fire Department are hereby authorized to execute the Mutual Aid Agreement with the City of Bridgeton Fire Department.
3. A copy of this Resolution, along with the fully executed Mutual Aid Agreement attached hereto as Exhibit "A" shall be filed with the Salem County Fire Coordinator in accordance with N.J.A.C. 5:75A-2.2(e).

**BOROUGH OF ELMER
COUNTY OF SALEM
BUDGET APPROPRIATION TRANSFER RESOLUTION**

Number 110-18

WHEREAS, it has become necessary to expend for certain purposes specified in the 2018 budget amounts in excess of the respective sums originally appropriated therefore; and

WHEREAS, there is an excess in one of more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations; and

WHEREAS, transfers between appropriations are permitted pursuant to **N.J.S.A. 40A:4-58** when adopted by not less than two-thirds vote of the full membership; and

WHEREAS, the following transfers are in accordance with **N.J.S.A. 40A:4-45.38**;

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:

	Transfer Amounts	
	To	From
Emergency Management Services:		
Other Expenses	\$ 300.00	\$
Financial Administration (Treasury):		
Salaries and Wages		300.00
Board of Health:		
Other Expenses	200.00	
Board of Health:		
Salaries and Wages		200.00
Streets and Road Maintenance:	5,000.00	
Other Expenses		
Insurance:		
Workers Compensation Insurance		1,000.00
Insurance:		
Liability		600.00
Technology:		
Other Expenses		3,400.00
Gasoline	2,200.00	
Insurance:		
Liability		1,000.00
Social Security System		1,200.00

Garbage and Trash Removal:		
Other Expenses	3,000.00	
Legal Services:		
Other Expenses		2,000.00
Financial Administration (Treasury):		
Salaries and Wages		100.00
Revenue Administration (Tax Collection)		
Salaries and Wages		900.00

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	Transfer Amounts	
	To	From
Electric	\$ 600.00	\$
Technology:		
Other Expenses		600.00
Heat	1,500.00	
Telephone		1,000.00
Board of Health:		
Salaries and Wages		500.00

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
TO APPOINT JARED FOX CLASS II POLICE OFFICER**

Number 111-18

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Jared Fox be appointed a Class II Police Officer for the Borough of Elmer Police Department beginning upon approval from the Salem County Prosecutor’s Office and ending December 31, 2018.

Motion Davis second by Nolan to adopt Resolutions 105-18 through 111-18.

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

DISCUSSIONS/MOTIONS

1. 2018 Best Practices Review: CFO Strang explained and Council Members discussed the 2018 Best Practices list that was submitted on November 9.
2. Animal Control Contract: The Clerk explained that the Salem County Health Department has been calling about their concern that they have not been able to inspect the animal control officer’s vehicle so that he is in compliance. An inspection has been scheduled for November 23; the Solicitor recommended revisiting the status of the inspection at the next meeting.
3. Sick Leave Policy: The CFO noted that the benefit year has to be determined for the new sick leave policy. Council members recommended January 1 to December 31 as the benefit year.
4. Employee Cell Phone Reimbursement: The CFO discussed the status of the cell phone reimbursement of \$180/quarter when the cell phone bills are less than that amount. Council members recommended that the reimbursement should be the amount of the cell phone bill not to exceed \$180 per quarter.
5. OPRA/GRC Complaint: The Clerk and Solicitor discussed a recent Open Public Records Act request and the submission of a NJ Government Records Council complaint against the Records Custodian (Clerk).

6. 2019 Small Cities Grant; ADA assessment: Richards noted that the engineer asked for guidance on the status on the ADA assessment that is needed for the 2019 Small Cities Grant. He will follow up to find out the costs for the assessment of the Borough Hall.

REPORTS/BILL LIST:

Motion Richards second Davis to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 91a**); all were in favor and motion carried.

Motion Davis second Nolan, that the bills be paid and charged to their respective accounts (**see Page 91b**).

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

The Clerk discussed the upcoming 125th celebration and the status of the mural project. Motion Zee seconded by Davis 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: Councilman Schalick reported that Santa will be visiting Centennial Park on Friday, December 7th at 7:00 pm.

Public Safety: Council President Schneider noted that the new police vehicle should be coming soon.

Streets/Sidewalks/IT: Councilman Richards discussed the need for salt and noted that the Union/Hitchner road project is complete.

Borough Hall/Public Property: The Borough roof was discussed and Davis noted that Zeck fixed all of the violations from the Fire Official report as of today.

Water/Street Lights: Zee noted that the street lights are all good, the fire hydrants were flushed this past month, and a new hydrant is needed. He is hoping to hear from about remediation funding after the election.

Trash/Recycling/Parks & Playgrounds: Nolan reported that the Community Service workers from the County placed straw along the stream and installed the wreaths. Schneider noted that the rates at SCIA will be going up for municipal waste.

ADJOURNMENT: At 8:40 pm, motion Richards second Zee that the meeting be adjourned. All were in favor and motion carried.

November 14, 2018

Sarah D. Walker, Borough Clerk

Approved: December 12, 2018