

Borough of Elmer Minutes**November 13, 2019**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:35 p.m. with Mayor Joseph 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 7, 2019 pursuant to the Open Public Meetings Act.

ROLL CALL: Council President Lewis Schneider, Council Members Lynda Davis, Bruce Foster, Cynthia Nolan, 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 Foster to approve the minutes from the Regular Council Meetings held on October 9, 2019, and to dispense with the reading of the minutes.

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

PUBLIC SESSION: Motion Zee second Davis to open the public portion of the meeting. All were in favor and the motion carried. There being no public present, motion Davis second Zee to close the public portion of the meeting. All were in favor and motion carried.

UNFINISHED BUSINESS: None.

1. Ordinances – the following Ordinance was read by title for second reading and adoption:

ORDINANCE 2019-7 AMENDING CHAPTER 25 ENTITLED “LAND DEVELOPMENT REGULATIONS” TO PERMIT GROUND MOUNTED SOLAR ARRAYS

Motion Zee second Foster to open the public hearing for Ordinance 2019-7. All were in favor and motion carried.

There being no comment, motion Davis second Zee to close the public hearing; all were in favor and motion carried.

Motion Davis second Nolan to adopt Ordinance 2019-7.

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

NEW BUSINESS

1. Ordinances – the following Ordinances were read by title:

ORD. 2019-8 AUTHORIZING THE SALE OF BLOCK 18 LOT 12 COMMONLY KNOWN AS 28 STATE ST

Motion Zee second Foster to approve Ordinance 2019-8.

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

ORD. 2019-9 AMENDING CHAPTER 2 ENTITLED “ADMINISTRATION” OF THE CODE OF THE BOROUGH OF ELMER

Council discussed the procedures and amounts for the Borough to charge companies for off-duty police work.

Motion Davis second Nolan to approve Ordinance 2019-9.

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

2. Resolutions – the following Resolutions were read by title:

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

Resolution 85-19

WHEREAS, it has become necessary to expend for certain purposes specified in the 2019 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
Grantsman:		
Other Expenses	\$ 1,800.00	\$
Social Security System		1,500.00
Financial Administration (Treasury):		
Other Expenses		300.00
Revenue Administration (Tax Collection):		
Other Expenses	950.00	
Revenue Administration (Tax Collection):		
Salaries and Wages		950.00
Electricity	5,000.00	
Insurance:		
Workers Compensation Insurance		5,000.00
Technology:		
Other Expenses	4,500.00	
Police:		
Salaries and Wages		3,000.00
Mayor and Council:		
Salaries and Wages		500.00
Garbage and Trash Removal:		
Other Expenses		1,000.00
Engineering Services:		
Other Expenses	3,800.00	
First Aid Organization Contribution		
Other Expenses		3,800.00

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	Transfer Amounts	
	To	From
	\$	\$
Board of Health:		
Other Expenses	300.00	
Financial Administration (Treasury):		

Salaries and Wages		300.00
Police:		
Other Expenses	500.00	
Police:		
Salaries and Wages		500.00

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

Number 86-19

WHEREAS, N.J.S.A. 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 approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities, and

WHEREAS RealAuction.com has supplied and negotiated a contract to provide electronic tax sales services to the Borough of Elmer, which contract is attached hereto and made a part hereof by reference, 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 conduct an electronic tax sale and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services;

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 conduct an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

1. The Mayor is hereby authorized to sign the attached contract for services with RealAuction.com, which has offices located at 861 SW 78th Avenue, Plantation, FL 33224.

2. The Mayor and other officers and employees of the Borough are hereby authorized to perform whatever task may be necessary to effectuate the purposes of this Resolution.

3. This Resolution is subject to the availability of funds.

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

Number 87-19

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 2020 electronic tax sale.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING
PAYMENT TO CODED SYSTEMS FOR SUPPLEMENTAL CODIFICATION SERVICES**

Number 88-19

WHEREAS, via Resolution No. 64-01, the Borough Council authorized a Contract with Coded Systems regarding codification of the Borough's Code; and

WHEREAS, the Contract was awarded pursuant to N.J.S.A. 40A:4-56 since such services are of a special technical nature; and

WHEREAS, Coded Systems performed supplemental codification services to the Borough's Code during the year 2019; and

WHEREAS, the Borough's CFO has determined and certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(x) permits the award of such Contract and payment thereafter without competitive bidding.

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

- 1) Payment to Coded Systems in the sum of \$5,169.00 pursuant to the Invoice (attached hereto) is hereby authorized and approved.
- 2) The Contract and payment for supplemental codification services with Coded Systems is approved without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(x) and/or N.J.S.A. 40A:4-56.
- 3) A notice of the authorization set forth in this Resolution shall be available for public inspection and printed on one (1) occasion in the *Elmer Times*.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING THE
PURCHASE OF ONE (1) IDEMIA LIVESCAN IDENTIFICATION SYSTEM UNDER STATE CONTRACT
#A81520/T3083 FOR THE ELMER BOROUGH POLICE DEPARTMENT**

Number 89-19

WHEREAS, the Chief of Police of the Borough of Elmer has determined there exists a need for the purchase of one (1) software and hardware identification system; and

WHEREAS, the Chief of Police of the Borough of Elmer has recommended the software and hardware identification system manufactured by IDEMIA; and

WHEREAS, the purchase of such goods and/or services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c) under a State Contract; and

WHEREAS, the State Contract Bid alleviates the need for competitive price bidding by the Borough of Elmer and, thereby, complies with all Bid Specification and Bid Requirement; and

WHEREAS, a State Contract has been awarded to IDEMIA, 5515 East LaPalma Avenue, Suite 100, Anaheim, California 92807, under State Contract #A81520/#T3083 for a LiveScan System Desktop for the sum of \$10,745.00; and

WHEREAS, funds in the amount of \$10,745.00 had been certified to be available by the Borough's Chief Financial Officer.

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

1. The Mayor, or his designee, is hereby authorized to execute a Contract/Purchase Order, and any other necessary documents, for the purchase of one (1) IDEMIA LiveScan System Desktop Identification System via State Contract #A81520/#T3083, in an amount not to exceed \$10,745.00.

2. A Certification of Funds has been received for the said Contract assuring that there is a sufficient appropriation to award this Contract and the availability of a sufficient appropriation to fund the purchase authorized in this Resolution is an express and mandatory condition of the award of this Contract.

4. This Contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law.

Motion Zee second Davis to adopt Resolutions 85-19 through 89-19.

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

DISCUSSIONS/MOTIONS:

1. Green Acres Park Walking Trail Budget: Mayor Stemberger discussed the funds for the development and future maintenance of the Green Acres Park. Council Members recommended adding the maintenance of the park to the Parks & Playground Budget for 2020. No action was taken.

2. Vacant Abandoned Properties Bankruptcy/Legal Costs: Mayor Stemberger presented concerns about two properties under bankruptcy protection that have been vacant for several years and which have structures in disrepair. Solicitor Duffield will look into the status of the bankruptcy proceedings for the properties. No action was taken.

3. Land Use Board Professional Appointments/Contracts: The Solicitor explained the roles of the Land Use Board and the Council for the appointments and contracts for Land Use Boards Professionals. No action was taken.

4. Engineer Projects: The Clerk updated Council on the Tax Map project requested by the Tax Assessor and recommended by the County Tax Board to be completed. Council members were in favor of moving forward with the project.

5. Remediation Project: Council Member Zee discussed the need for wetlands delineation and permitting for the remediation project and Council members approved moving forward with the proposal from the engineer.

REPORTS/BILL LIST:

Motion Foster 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 78a**); all were in favor and motion carried.

Motion Davis second Nolan to pay all duly authorized bills and charge them to their respective accounts (**see Page 78b**). Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

Council discussed changing the Budget Meeting to December 11, 2019 at 5:00 pm so that members could attend the local government association dinner on December 12. Members also discussed the correspondence regarding the water allocation permit of Spring Brook and recommended that a letter of concern about the permit be sent to the DEP. The notice about the winery outlet application for Dodges Market was mentioned; no objections were expressed.

Motion Zee second Foster 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: Council Member Schalick noted that Santa will be coming on December 13 and mentioned that the County is looking for recommendations for 2022 road projects. He suggested that Broad Street, from Hitchner Ave. to Salem St., be added to the paving list for the County; the Clerk will send a letter to the County Engineer with that recommendation.

Public Safety: Council members were updated by Officer Woods on recent police activities.

Streets/Sidewalks/IT: Council Member Foster discussed removing stop signs on Pfeffers Lane; the Clerk will send a letter to the County requesting removal. Members also discussed the process for sidewalk code violations and utilizing the State arborist for conserving the Gingko tree.

Borough Hall/Public Property: Council Members Davis and Foster discussed replacing towel dispensers and a request from the Preschool Storytime participants for a changing table. A new vacuum cleaner is also needed. Foster will get prices.

Water/Street Lights: Council Member Zee discussed various street light outages.

Trash/Recycling/Parks & Playgrounds: Council Member Nolan requested that the fence is repaired at the Toddler’s Playground. Leaf pickup will be scheduled for 12/3 or 12/10 depending on Waste Management. Community service workers are coming Thursday 11/21 to do wreaths.

ONGOING PROJECTS:

Veteran’s Monument: Council President Schneider will contact Chief Bryan on the status of the Heroscaping Program to work on moving this project forward.

Youth Support: Councilman Zee is working on this project.

Street Sweeping: Members recommended March for street sweeping to remove winter sand.

UPT Shared Service Contract: Members discussed the list of services and mowing and recommended sending list to Upper Pittsgrove to add more detail to the agreement for mowing, edging, etc.

ADJOURNMENT: At 10:58 pm motion Zee second Nolan that the meeting be adjourned. All were in favor and motion carried.

November 13, 2019

Sarah D. Walker, Borough Clerk

Approved: December 11, 2019