

Borough of Elmer Minutes**December 11, 2019**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:40 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 Davis to approve the minutes from the Regular Council Meetings held on November 13, 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.

Ralph and Judith Monroe, 145 State Street, distributed and discussed a letter requesting an adjustment of their water bill due to a water leak. They requested that the bill be adjusted to their normal usage for the billing periods affected by the leak. The following resolution was read by title:

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING ADJUSTMENT OF WATER PAYMENT
FOR 145 STATE STREET, BLOCK 14 LOT 7**

Number 100-19

WHEREAS, 145 State Street had a water leak that resulted in excess water to be billed to the property owner; and

WHEREAS, the property owners Ralph and Judith Monroe appeared before the Borough Council to request that their bill be adjusted to their normal usage; and

WHEREAS, the Borough Council and CFO determined that based on the bill provided by the Monroe's for the current quarter dated 10/08/19 that the amount of \$64.05 should be cancelled;

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 reduce the amount owed by the amount of \$64.05 for Account No. 3033, billing date 10/08/19, for 145 State Street, Block 14 Lot 2.

Motion Zee second Davis to approve Resolution 100-19.

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

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

UNFINISHED BUSINESS:

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

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

Motion Zee second Davis to open the public hearing for Ordinance 2019-8. All were in favor and motion carried.

There being no comment, motion Zee second Nolan to close the public hearing. All were in favor and motion carried. Motion Zee second Davis to adopt 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

Motion Zee second Davis to open the public hearing for Ordinance 2019-8. All were in favor and motion carried. Police Chief Bryan and Council members discussed the rates proposed in the Ordinance and Chief Bryan recommended a revision.

Motion Zee second Nolan to close the public hearing; all were in favor and motion carried.

There was no motion for adoption of Ordinance 2019-9 so the ordinance failed.

NEW BUSINESS

1. 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, AUTHORIZING THE EXECUTION OF THE
2019 MEMORANDUM OF UNDERSTANDING FOR THE MID SALEM COUNTY MUNICIPAL COURT
Number 90-19**

WHEREAS, the Mid Salem County Municipal Court is a Joint Municipal Court between the Borough of Elmer, the Borough of Woodstown, the Township of Mannington, the Township of Quinton, and the Township of Oldmans in Salem County; and

WHEREAS, the Borough of Elmer has been a part of the Mid Salem County Municipal Court since April 1, 2011; and

WHEREAS, the Borough of Elmer desires to continue its participation in the Mid Salem County Municipal Court; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer for the Borough to enter into the 2020 Memorandum of Understanding attached hereto pursuant to the terms and conditions set forth therein.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the 2020 Memorandum of Understanding attached hereto.
2. The Borough, through its appropriate staff and officials, is hereby further authorized and directed to undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER RENTS
511 N MAIN STREET, BLOCK 2 LOT 7**

Number 91-19

WHEREAS, the Borough of Elmer received an overpayment of water rents in the amount of \$89.80 for Block 2 Lot 7, commonly known as 511 N. Main Street, and

WHEREAS, this payment was made by Dream Home Abstract and received by the Tax Collection Office on 11/18/2019 and posted to their account, and

WHEREAS, Dream Home Abstract advised us of the overpayment and has requested a refund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 11th (eleventh) day of December 2019, that the Chief Financial Officer of the Borough of Elmer is hereby authorized and directed to refund \$89.80 to:

Dream Home Abstract
381 Egg Harbor Road
Sewell, NJ 08080

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELLING CURRENT FUND OUTSTANDING CHECKS**

Number 92-19

WHEREAS, the Borough of Elmer issued the following Current Fund check to the party and in the amount listed:

<u>DATE</u>	<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
12/13/17	15878	FC COPA South 06	300.00

WHEREAS, because this check had not been presented for payment by the party to whom it was issued, check number 15878 was voided (Resolution 115-18) and reissued as check number 16419 on December 12, 2018; and

WHEREAS, check number 16419 was also not presented for payment by the party to whom it was issued, it too was voided (Resolution 77-19) and reissued as check number 16753 on September 11, 2019; and

WHEREAS, the party to whom both checks were issued has now requested that the check be reissued to the Rusa Soccer Club which is the current name of the organization (previously FC COPA South 06) that provided the services in 2017;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 11th (eleventh) day of December 2019, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to cancel the aforementioned check issued to FC COPA South 06 and the funds represented thereby are to be paid to the Rusa Soccer Club pending receipt of a properly executed Borough of Elmer purchase order.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELING GENERAL CAPITAL FUND NON-SPENDING RESERVE**

Number 93-19

WHEREAS, a non-spending reserve balance of \$755.36 for Purchase of Police Vehicle remains on the General Capital Fund balance sheet as of December 31, 2018; and

WHEREAS, this \$755.00 non-spending reserve was the amount remaining from the 2018 budget appropriation for Purchase of Police Vehicle; and

WHEREAS, the 2018 contract and other expenses related to the purchase of the police vehicle have been completed and no encumbrances are outstanding; and

WHEREAS, it is desired to cancel the non-spending reserve balance in the amount of \$755.36;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, assembled in public session this 11th (eleventh) day of December 2019, that the \$755.36 non-spending reserve for the Purchase of Police Vehicle be canceled from the record and that the funds represented thereby be credited to the Current Fund Reserve for Sale of Municipal Assets.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
CANCELING \$8,449.14 OF THE APPROPRIATED RESERVE FOR THE MUNICIPAL ALLIANCE
FOR THE PREVENTION OF ALCOHOL AND DRUG ABUSE PROGRAM**

Number 94-19

WHEREAS, an appropriated reserve balance for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program remains on the Federal and State Grant Fund balance sheet and on the Schedule of Appropriated Reserves for Federal and State Grants as of December 31, 2018; and

WHEREAS, this reserve amount represents grant monies for the fiscal year 2018 (July 1, 2017 to June 30, 2018) and fiscal year 2019 (July 1, 2018 to June 30, 2019) grant periods; and

WHEREAS, for both of these fiscal years, the Borough of Elmer contracted with the Township of Pittsgrove for Municipal Alliance Services; and

WHEREAS, as a result of this contract, the County of Salem opted to funnel all funding for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program (including the Borough's allocation) through the Township of Pittsgrove; and

WHEREAS, because of this funding change, the Township of Pittsgrove is responsible for all payment and expenses of the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program except for those covered by the Borough's matching share (prorated accordingly); and

WHEREAS, the contracts have been completed and no encumbrances are outstanding for the fiscal year 2018 grant period; and

WHEREAS, the Borough's fiscal year 2019 matching share of \$1,044.50 should remain open; and

WHEREAS, it is necessary to cancel the remaining appropriated reserve balance in the amount of \$8,449.14;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, assembled in public session this 11th (eleventh) day of December 2019, that \$8,449.14 of the appropriated reserve for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program be canceled from the record.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
CANCELING THE MUNICIPAL ALLIANCE FOR THE PREVENTION OF
ALCOHOL AND DRUG ABUSE PROGRAM STATE GRANT RECEIVABLE**

Number 95-19

WHEREAS, a receivable balance of \$8,356.00 for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program remains on the Federal and State Grant Fund balance sheet and on the Schedule of State Grants Receivable as of December 31, 2018; and

WHEREAS, the receivable amount represents grant monies for the fiscal year 2018 (July 1, 2017 to June 30, 2018) and fiscal year 2019 (July 1, 2018 to June 30, 2019) grant periods; and

WHEREAS, for both of these fiscal years, the Borough of Elmer contracted with the Township of Pittsgrove for Municipal Alliance Services; and

WHEREAS, as a result of this contract, the County of Salem opted to funnel all funding for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program (including the Borough's allocation) through the Township of Pittsgrove; and

WHEREAS, because of this funding change, the Borough will not receive any Municipal Alliance reimbursement monies directly from the County of Salem, thereby making it necessary to cancel the \$8,356.00 receivable balance;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, assembled in public session this 11th (eleventh) day of December 2019, that the \$8,356.000 for the Municipal Alliance for the Prevention of Alcohol and Drug Abuse Program grant receivable be canceled from the record.

BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION

CANCELING UNEXPENDED BALANCE OF IMPROVEMENT AUTHORIZATION

Number 96-19

WHEREAS, the Borough of Elmer did adopt the following ordinance on the date listed:

<u>OrdinanceNumber</u>	<u>Purpose</u>	<u>Date</u>
2018-8	Lighting Renovations to Borough Hall	6/13/18

WHEREAS, all purchases and agreements have been completed and there remains an unexpended balance as follows:

<u>OrdinanceNumber</u>	<u>Purpose</u>	<u>Unexpended Balance</u>
2018-8	Lighting Renovations to Borough Hall	\$954.13

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, assembled in public session this 11th (eleventh) day of December 2019, that the unexpended balance be cancelled as follows:

<u>OrdinanceNumber</u>	<u>Purpose</u>	<u>Cancelled to</u>
2018-8	Lighting Renovations to Borough Hall	General Capital Fund Fund Balance

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELING WATER CAPITAL OUTLAY**

Number 97-19

WHEREAS, the following appropriation included in the 2019 Municipal Water Utility Budget will not be expended:

Water Capital Outlay: \$20,000

WHEREAS, it is necessary to cancel said item of appropriation;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Elmer, County of Salem, that the above listed item be canceled from the 2019 Municipal Water Utility Budget.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION FOR STORM RECOVERY FUND TRANSFER**

Number 98-19

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the following transfer be made in the appropriations for the year 2019.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Streets & Roads: OE	Storm Recovery Fund	\$6,000.00

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING
AWARD OF CONTRACT TO ARAWAK PAVING CO., INC. FOR THE RESURFACING OF STATE
STREET, SECTION III, PROJECT**

Number 99-19

WHEREAS, the Clerk of the Borough of Elmer solicited bids for the resurfacing of State Street, Section III; and

WHEREAS, bids were received and opened on December 4, 2019; and

WHEREAS, the project was bid as a Base Contract (Items 1-8), Alternative #1 (Items 1-4) and Alternative #2; and

WHEREAS, four (4) bids were received by the Borough Clerk from the following contractors:

Arawak Paving Co., Inc.	\$117,940.00
South State, Inc.	\$125,192.00
Think Pavers	\$139,106.50
GWP Enterprises, Inc.	\$171,888.50

WHEREAS, the Borough Council has reviewed the recommendations made by the Borough's Engineer, Consulting Engineer Services, via correspondence dated December 6, 2019, (attached) on said bids; and

WHEREAS, Arawak Paving Co., Inc. submitted the lowest bid in the sum of \$117,940.00; and

WHEREAS, the bid submitted by Arawak Paving Co., Inc. is the lowest monetary responsive bid; and

WHEREAS, the Borough's Engineer has determined that the bid is in conformance with the Bid Specifications, and recommends the award of the Contract to Arawak Paving Co., Inc.; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available to award the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Elmer that the Contract for the resurfacing of State Street, Section III, be and the same is hereby awarded to Arawak Paving Co., Inc. on its bid in the sum of \$117,940.00 subject to the conditions set forth below.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute the Contract for same.

BE IT FURTHER RESOLVED that the certified checks or bid bonds of the successful bidder and next lowest bidder are to be returned upon the receipt of fully executed Contract and other required documents by the lowest bidder, Arawak Paving Co., Inc., Inc.

Motion Zee second Foster to adopt Resolutions 90-19 through 99-19.

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

DISCUSSIONS/MOTIONS:

1. Winery Outlet Dodges Market: Members discussed the application for a winery outlet at Dodges Market and the objections raised in 4 letters sent to the NJ Division of Alcoholic Beverage Control.

Motion Schneider second Nolan for a letter to be sent to the NJ Division of ABC by the Mayor approving the winery outlet as permitted by Borough Code Section 3.1.1. All were in favor and motion carried.

2. Sale of 106 Front Street Block 15 Lot 15: The Clerk updated Council on request of neighboring property owner to purchase this property. Solicitor Duffield confirmed that the minimum bid is \$22,000 as per the appraisal and Ordinance 2018-11.

3. Elmer Fire Company Lighting Project: Councilman President Schneider recommended contributing \$1000 toward the \$1900 lighting project at the Elmer Fire Department building since the Borough pays the electric bill for the building. The amount will be added to the EFD budget in 2020.

4. Green Acres Farm Lease Renewal: The Clerk received an email request from the Bishop's to renew the Anthony property farm lease. Council members decided not to renew the farm lease in anticipation of the development of the park and walking trail in 2020.

5. Receive and File RFPs for Professional Services: Motion Schneider second Zee to receive and file the RFPs for Professional Services for 2020. All were in favor and motion carried.

6. Receive and File Bids for Water Services: Motion Davis second Zee to receive and file the bids for Water Services for 2020. All were in favor and motion carried.

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 86a**); all were in favor and motion carried.

Motion Davis second Zee to pay all duly authorized bills and charge them to their respective accounts (**see Page 86b**). Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

Motion Schneider second Nolan 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 confirmed that Santa will be visiting Centennial Park on December 13, 2019 at 7:00 pm and the Hangar will have cookies and hot chocolate.

No other committee reports were provided.

ONGOING PROJECTS: None discussed.

ADJOURNMENT: At 8:55 pm motion Zee second Foster that the meeting be adjourned. All were in favor and motion carried.

December 11, 2019

Approved: January 7, 2020

Sarah D. Walker, Borough Clerk