

Borough of Elmer Minutes**January 7, 2020**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Joseph Stemberger presiding.

At the request of Council Members, Mayor Stemberger dispensed with the Invocation, Flag Salute, and Roll Call, since the Reorganization meeting was held prior. Adequate notice of the meeting was provided on November 25, 2019 pursuant to the Open Public Meetings Act.

Present were: Council President Lewis Schneider, Council Members Lynda Davis, Bruce Foster, Cynthia Nolan, Steven Schalick, James Zee, and Mayor Joseph Stemberger. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, Chief Patrick Bryan, and Clerk Sarah Walker.

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

Burroughs Timberman asked about the bid procedure for the sale of Block 18 Lot 12, 128 State St. Council members commended him on Santa's Mailbox. Timberman was very happy with the community response to the project and noted that they collected almost 900 letters and over 20 volunteers helped to respond to every letter. In addition toys were collected and distributed to 21 families. Council member Nolan suggested that photos should go in the "Show Off Your City" NJ League of Municipalities Magazine photo contest.

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

APPROVAL OF MINUTES: Motion Zee second Foster to approve the minutes from the Regular Council and Budget Workshop Meetings held on December 11, 2019, and to dispense with the reading of the minutes. Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

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

ORDINANCE 2020-1 2020 WATER SERVICE RATE ORDINANCE

Motion Zee second by Davis to approve the introduction of Ordinance 2020-1 and to set the public hearing for February 12, 2020. All were in favor and motion carried.

ORDINANCE 2020-2 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion Schalick second by Davis to approve the introduction of Ordinance 2020-2 and to set the public hearing for February 12, 2020. All were in favor and motion carried.

ORD. 2020-3 AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF THE BOROUGH OF ELMER

Motion Schneider second by Davis to approve the introduction of Ordinance 2020-3 and to set the public hearing for February 12, 2020. All were in favor and 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, AWARDED CONTRACT TO GARRISON ENTERPRISES, INC. FOR EMERGENCY ROAD REPAIR AND RELATED SERVICES

Number 19-20

WHEREAS, Mayor and Council of the Borough of Elmer have solicited bids for emergency road repair and related services due to roadway excavation for the Elmer Borough Water Department; and

WHEREAS, bids were received and opened on December 5, 2019 for the project; and

WHEREAS, one (1) bids were received from Garrison Enterprises, Inc., of 211 West Elmer Road, Vineland, NJ, 08360; and

WHEREAS, the Borough’s Solicitor has determined that the bid is in conformance with the Bid Specifications and Local Public Contracts Law, and recommends the award of the Contract to Garrison Enterprises, Inc. pursuant to the schedule of time and material fees/expenses attached to said bid.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Contract for emergency road repair and related services due to roadway excavation for the Elmer Borough Water Department be and the same is hereby awarded to Garrison Enterprises, Inc. pursuant to the schedule of time and material fees/expenses 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 are to be returned upon the receipt of fully executed Contract and other required documents from Garrison Enterprises, Inc.

BE IT FURTHER RESOLVED that the Borough’s Chief Financial Officer must certify that sufficient funds are available to award the Contract.

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

Number 20-20

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 Tax Collector and CFO determined that the amount billed should be \$72.00 for the current quarter dated January 23, 2020 and that the amount of \$75.00 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 \$75.00 for Account No. 3033, billing date January 23, 2020, for 145 State Street, Block 14 Lot 7.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING INTER-LOCAL SERVICE AGREEMENT
WITH UPPER PITTSBORO TOWNSHIP FOR PUBLIC WORKS SERVICES**

Number 21-20

WHEREAS, the Borough of Elmer desires to enter into an Inter-Local Service Agreement with Upper Pittsgrove Township whereby the Township shall provide certain public works services described in the attached agreement; and

WHEREAS, it is in the best interest of the Borough and the Township to enter into said agreement;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Mayor and Clerk be authorized to enter into an Inter-Local Service Agreement with Upper Pittsgrove Township to provide to the Borough of Elmer certain public works services described in the attached agreement for the year 2020.

BE IT FURTHER RESOLVED that these services shall be charged to Streets and Roads: OE, Public Buildings and Grounds: OE, Parks and Playgrounds: OE, and Water: OE in the 2020 Budget.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

Number 22-20

WHEREAS, The Borough of Elmer (hereinafter “Local Unit”) has joined 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 Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Salem and State of New Jersey, as follows:

1. The Borough of Elmer hereby appoints the Sloan Insurance Agency as its Risk Management Consultant.
2. The Mayor and Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2020 in the form attached hereto.

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

Number 23-20

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 **Fund Year 2020**; and

BE IT FURTHER RESOLVED that Steven Schalick is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2020**; 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 AUTHORIZING 2020 EDMUNDS & ASSOCIATES SOFTWARE AGREEMENT**

Number 24-20

BE IT RESOLVED by the Mayor and Borough Council that the CFO be authorized to enter into an agreement with Edmunds & Associates for Software Support for the year 2020 in the amount of \$3,410.00. This shall be charged to Finance: OE in the amount of \$2,410.00 and Water: OE in the amount of \$1,000.00 in the 2020 Budget.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING 2020 MUNICIPAL SOFTWARE CONTRACT**

Number 25-20

BE IT RESOLVED by the Mayor and Borough Council that the Clerk be authorized to enter into an agreement with Municipal Software Inc. for annual support for the year 2020 in the amount of \$6,481.00. This shall be charged to Tax Collection: OE, Animals: OE, Technology: OE, and Water Operating: OE in the 2020 Budget.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING MUNIDEX, INC. CONTRACT**

Number 26-20

BE IT RESOLVED by the Mayor and Borough Council that the Clerk be authorized to enter into an agreement with Muidex, Inc. for Software Support for the year 2020 in the amount of \$620. This shall be charged to Board of Health: OE in the 2020 Budget.

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

Number 27-20

WHEREAS, the Borough of Elmer, County of Salem, finds it necessary to make transfers among various accounts between the 2019 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 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:

	Transfer Amounts	
	To	From
<u>Current Fund</u>		
Police:		
Other Expenses	\$ 5,000.00	\$
Police:		
Salaries and Wages		5,000.00
Street Lighting	500.00	
Telephone		500.00

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION
TO ISSUE A MOTORIST SOLICITATION PERMIT TO THE ELMER FIRE DEPARTMENT**

Number 28-20

WHEREAS, Jay DuBois, on behalf of the Elmer Fire Department, has applied to the Borough of Elmer for a permit to solicit contributions for the Elmer Fire Department at the intersection of Route 40 and Main Street on Saturday, June 6, 2020 and Saturday, August 22, 2020, from 8:00 am to noon; and

WHEREAS, compliance with all provisions and restrictions of the Borough Code Chapter 4-4 Charitable Solicitation on Roadways must be effectuated by the applicant; and

WHEREAS, the applicant will apply to the Salem County Board of Chosen Freeholders and the State of New Jersey to solicit contributions in the roadways within these government jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, that a Motorist Solicitation Permit be executed by the Clerk of the Borough of Elmer to the Elmer Fire Department pending written approval from the County of Salem and State of New Jersey.

Motion Zee second Foster to adopt Resolutions 19-20 through 28-20.

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

DISCUSSIONS/MOTIONS:

1. Clean Communities Coordinator Appointment: The Clerk noted that Barry Davis resigned the position of Clean Communities Coordinator at the end of December. President Schneider will find a replacement to be appointed at the next meeting.

2. Borough Hall Parking: The Clerk noted that the American Legion Ambulance requested permission to use the Borough parking lot for overflow parking as needed as they will be moving more staff and vehicles over to the Elmer location. No objections were raised.

REPORTS/BILL LIST:

Motion Zee second Foster to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 22a**); all were in favor and motion carried.

Motion Davis second Foster to pay all duly authorized bills and charge them to their respective accounts (**see Page 22b**).

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

The Mayor mentioned that he has been in contact with the DEP about the grants for Elmer Lake since the owner of the lake, the Division of Fish & Wildlife, is part of the DEP.

Motion Davis second Nolan that the Clerk and Mayor's mail correspondence be received and filed. All were in favor and motion carried.

EXECUTIVE SESSION

The following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

Number 29-20

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of the Borough of Elmer has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

X Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
If pending or anticipated litigation, the matter is: Sambor v. Borough

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter; estimated date: upon the occurrence of said matters being resolved;

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Motion Zee second Foster to adopt Resolution 29-19. All were in favor and motion carried.
The Regular Council Meeting was closed to the public at 7:55 pm.

At 8:24 pm, motion Schneider second Zee to reopen the Regular Council Meeting to the public. All were in favor and motion carried.

CFO Strang asked for guidance on payment not received for off-duty police work. Solicitor Duffield recommended sending a letter from his office. Street opening permits were also discussed.

COMMITTEE REPORTS:

Finance/Celebration Public Events: The 2020 Salary Ordinance and tax rate were discussed.

Public Safety: No report.

Streets/Sidewalks/IT: No report.

Borough Hall/Public Property: No report.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: Council Member Nolan reported that the County prison work crew will take down the wreaths next month.

ONGOING PROJECTS: None discussed.

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

January 7, 2020

Sarah D. Walker, Borough Clerk

Approved: February 12, 2020