

February 11, 2015

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 PURSUANT TO THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING, AS REQUIRED BY SAID ACT, HAS BEEN PROVIDED BY CONTACTING EACH COUNCIL MEMBER, POSTING SCHEDULED MEETING ON THE MUNICIPAL BUILDING BULLETIN BOARD, EMAILED TO the *ELMER TIMES* and *SOUTH JERSEY TIMES* AND FILED WITH THE BOROUGH CLERK ON JANUARY 1, 2015.

ROLL CALL:

President Schneider, Councilpersons Davis, Nolan, Richards, Schalick, Zee and Mayor Joseph P. Stemberger answered to the roll call. Absent – None.

APPROVAL OF MINUTES:

Motion Davis, seconded Zee to approve minutes from Elmer Borough Council Meeting on February 14, 2015 and that the reading of the minutes be dispensed with. Motion carried.

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

Joanne Eddy, Tax Collector addressed Council regarding the January 2015 Tax Sale. She received 98.63%.

OPEN TO THE PUBLIC:

.Motion Zee, seconded Nolan to open the public portion of the meeting. Motion carried.

CLOSED TO THE PUBLIC:

Motion Davis, seconded Zee to close the public portion of the meeting. Motion carried

OLD BUSINESS:**ORDINANCE NO. 2015-4**

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

ORDINANCE NO. 2015-4 – (Public Hearing)

Motion to open to public was made by Davis, seconded by Nolan. "All in Favor". Motion carried.

During the Public Hearing several members of the community and surrounding areas expressed their support they were as follows: Linda Herrmann, S. Main St.; Steve Slavoff, 160 S. Main St.; Burroughs W. Timberman, III and Tanya Timberman, 71 Island Rd., Monroeville, (Owns property in the Borough of Elmer); Nancy Pedersen, 23 4th Street; Sam Wheaton, 130 State St.; Patricia Reese, Pittsgrove Township; Terry Quinn, 207 Broad St.; Andrew M. Williams, 150 S. Main St.; Scott Edmunds, Owner of the New Dodge's Market, who also presented list of names and address of persons of support; Beverly Coulson, 131 Elmer St.; Arlene Kramme, N. Main St. and Bernie Reese, Pittsgrove Township.

Those expressing non-support were: Dan Williams, 250 Salem Street; Harriet Laury, Route 40; and Councilwoman Lynda Davis.

Those requesting that a Referendum on the November ballot to let the public decide were: Lee Sutton, 218 S. Main St. and Robert McWilliams, 219 N. Main St.

Jenn Lloyd, 310 N. Main Street, Coda Rosa Winery Representative and Councilman Jim Zee made comments. Councilman Lew Schneider asked questions.

Motion to close the public was made by Zee, seconded Nolan. "All in Favor". Motion carried.

Motion to adopt was made by Schalick, seconded by Schneider.

ROLL CALL:

Ayes – President Schneider, Councilpersons Nolan, Richards, Schalick and Zee. Nays – Davis. Motion carried.

ORDINANCE NO. 2015-5

Title: AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE OROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY REGULATING INSTALLATION OF SIDEWALKS AND HANNDIICAP ACCESS RAMPS UPON APPLICATION FOR CERTIFICATE OF OCCUPANCY WITHIN THE BOROUGH OF ELMER

ORDINANCE NO. 2015-5 – (Public Hearing)

Motion to open to public was made by Davis, seconded by Zee. "All in Favor". Motion carried.

During the Public Hearing several members of the community and surrounding areas expressed their non-support they were as follows: Barry Davis, 300 Salem St.; Denny Hardman, 104 Broad St.; Kathy Both 45 Center St.; Donna Keech, owns property at 508 State St.; Stephanie Macon, 130 S.; Russell Both, 20 2nd St.; Debbie daughter of Janet Zabel, 415 Salem St.; Jack Collins, Owner of 400 Broad St.; Burrough's W. Timberman, III, owns property on Front St.; Beverly Coulson, 131 Elmer St. and Ben Nolan, S. Main St. Z Arlene Kramme, N. Main St. had questions on handicap ramps. Tanya Timberman, 71 Island Rd., Monroeville, Councilman Zee and Mayor Stemberger made suggestions and/or comments on the subject.

There was not a motion to adopt. Ordinance Failed.

ORDINANCE NO. 2015-1

Title: 2015 SALARY ORDINANCE

ORDINANCE NO. 2015-1 – (Public Hearing)

Motion to open to public was made by Zee, seconded by Schalick. "All in Favor". Motion carried.

Motion to close the public was made by Zee, seconded Davis. "All in Favor". Motion carried.

Motion to adopt was made by Zee, seconded by Schneider.

ROLL CALL:

Ayes – President Schneider, Councilpersons Davis, Nolan, Schalick and. Nays – None. Abstained – Richards. Motion carried.

ORDINANCE NO. 2015-2

Title: 2015 WATER SERVICE RATE ORDINANCE

ORDINANCE NO. 2015-2 – (Public Hearing)

Motion to open to public was made by Zee, seconded by Davis. "All in Favor". Motion carried.

Motion to close the public was made by Nolan, seconded Davis. "All in Favor". Motion carried.

Motion to adopt was made by Davis, seconded by Zee.

ROLL CALL:

Ayes – President Schneider, Councilpersons Davis, Nolan, Richards, Schalick and Zee. Nays – None. Motion carried.

ORDINANCE NO. 2015-3

Title: 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S. 40A:4-45.14

ORDINANCE NO. 2015-3 – (Public Hearing)

Motion to open to public was made by Davis, seconded by Nolan. "All in Favor". Motion carried.

Motion to close the public was made by Nolan, seconded Zee. "All in Favor". Motion carried.

Motion to adopt was made by Zee, seconded by Davis.

ROLL CALL:

Ayes – President Schneider, Councilpersons Davis, Nolan, Richards. Schalick and Zee. Nays – None. Motion carried.

NEW BUSINESS:

The following resolutions were presented by the Clerk by title only:

TONNAGE GRANT APPLICATION RESOLUTION

Number 21-15

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs;

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Borough of Elmer hereby endorses the submission of the 2014 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Cynthia L. Nolan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2014 recycling tonnage grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purposes of recycling.

RESOLUTION

Number 22-15

TAX IDENTIFICATION STATEMENT

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE, BE IT RESOLVED by the Borough of Elmer that the Borough of Elmer hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2014 in the amount of \$1901.73 Documentation supporting this submission is available at 120 South Main Street, Elmer, NJ and shall be maintained for no less than five years from this date.

RESOLUTION

Number 23-15

CONSUMER CONFIDENCE REPORT CONTRACT

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 agreement with Water Resource Management for the preparation of the 2014 Water Consumer Confidence Report for an amount not to exceed \$1,200.00 which shall be charged to Water Operating: OE in the 2015 Budget.

RESOLUTION

Number 24-15

JUSTIN NOLAN CONTRACT

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey that Justin Nolan be authorized to remove metal heating unit from the Borough Hall Basement.

BE IT FURTHER RESOLVED that this be charged to Public Buildings & Grounds: OE in the 2015 Budget.

RESOLUTION

Number 25-15

MUNICIPAL SOFTWARE CONTRACT

BE IT RESOLVED by the Mayor and Borough Council that the Clerk be authorized to enter into an agreement with Municipal Software for Support for the year 2015 in the amount of \$5,272.10. This shall be charged to Tax Collection: OE, Animals: OE, Technology: OE and Water Operating OE in the 2015 Budget.

RESOLUTION

Number 26-15

RESOLUTION AUTHORIZING MAYOR AND BOROUGH CLERK TO SIGN CONTRACT FOR MUNICIPAL ALLIANCE GRANT FOR JULY 1, 2015 THROUGH JUNE 30, 2016 (FY 2016)

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey that the Mayor and Borough Clerk be authorized to sign the contract for Municipal Alliance Program through the Salem County Department of Health and Human Services for July 1, 2015 through June 30, 2016 (FY 2015).

RESOLUTION

Number 27-15

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE AMENDED 2015 MEMORANDUM OF UNDERSTANDING FOR THE MID SALEM COUNTY MUNICIPAL COURT

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 amended 2015 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 Amended 2015 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.

ADOPTED at a regular meeting of the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey held on March 11, 2015.

Motion Davis, seconded Zee to adopt Resolutions 20-15 through 27-15. Motion carried.

Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick and Zee, Nays – None. Abstained – Nolan on resolution Number 24-15. Motion carried.

The following ordinances were introduced by title only:

ORDINANCE NO. 2015-6

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

ORDINANCE NO.2015-7

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

ORDINANCE NO. 2015-8

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

ORDINANCE NO. 2015-9

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 4 ENTITLED “GENERAL LICENSING AND BUSINESS REGULATIONS” OF THE CODE OF THE BOROUGH OF ELMER

ORDINANCE NO. 2015-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 11 ENTITLED “BUILDING AND HOUSING” OF THE CODE OF THE BOROUGH OF ELMER

Motion Zee, seconded Davis to approve all the above.

Roll Call: Ayes: Schneider, Nolan, Richards, Schalick and Zee, Nays – Davis. Motion carried.

Tax Collector report was presented for January 2015. Motion Zee, seconded Davis that the report and all others be received and filed. Motion carried.

Treasurer’s Reports for the month of January 2015 were presented and read.

Motion Richards, seconded Davis that the reports be received, filed and spread full upon the minutes. Motion carried.

(Treasurer’s Reports – See Pages 15 a in Minute Book)

The following bills were presented and read: (See pages 15 b in Minute Book)

Moved Davis, seconded Nolan that the bills be paid and charged to their respective accounts. Ayes –Schneider, Davis, Nolan, Richards, Schalick and Zee. Nays – None. Motion carried.

Clerk and Mayor’s mail for the month of February 2015, was presented and read.

Motion Zee, seconded Davis that the correspondence be received and filed. Motion carried.

DISCUSSIONS/MOTIONS:

The following items were discussed by Mayor and Council:

1. None
- 2.

COMMITTEE REPORTS:

Committee reports were made at this time: Streets, Public Safety, Borough Hall/Public Property, Water/Street Lights and Trash/Recycling/Parks & Playgrounds.

ADJOURNMENT:

There being no further business, motion Zee, seconded Davis that the meeting be adjourned. Motion carried.

February 11, 2015

Beverly S. Richards, Borough Clerk