

Borough of Elmer Minutes

October 14, 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 Stemberger answered to the roll call.

APPROVAL OF MINUTES:

Motion Davis, seconded Zee to approve minutes from Elmer Borough Council Meeting held on September 9, 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.

OPEN TO THE PUBLIC:

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

Ms. Lynn Kuitems, Interim Director of Child Evangelism of Salem County, 125 S. Main St., presented information about her activities in the community.

Mr. Steven Cupani, 213 Union St., discussed his qualifications for a part-time police officer position.

CLOSED TO THE PUBLIC:

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

OLD BUSINESS: None.

NEW BUSINESS:

1. Executive Session

**BOROUGH OF ELMER
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

Number 73-15

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:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the Federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

_____ Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

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: Pending Litigation Inspira

_____.

(If contract negotiation the nature of the contract and interested party is: _____)

(Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

_____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining or any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N.J. 478, the employee(s) and nature of discussion is Terms and Conditions of Employment);

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

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, seconded Davis to adopt resolution 73-15.

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

Motion Davis, seconded Zee to end Executive Session and re-open the Public Meeting. Motion Carried.

- 2. **Review and Discussion of Best Practices:** The Clerk and CFO reviewed the Best Practices worksheet with the Borough Council. Upon making all clarifications the following resolution was brought to the table:

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
2015 BEST PRACTICES REVIEW AND AUTHORIZATION**

**Number 69-15
Municipal Code 1702**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Mayor and Borough Council have reviewed the 2015 Best Practices Inventory Questionnaire at the October 14, 2015 Regular Borough Council Public Meeting.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, and Chief Financial Officer be authorized to complete and certify the Best Practices Public Meeting Certification Form for 2015.

Motion Davis, seconded Nolan to adopt resolution 69-15.

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

- 3. **Resolutions:** The following resolutions were presented by the Clerk by title only:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION PLANNING BOARD ESCROW FUND (Salah)**

Number 65-15

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Dr. Hassan Salah (Applicant) for Site Plan Application (Purpose of Deposit e.g. Site Plan Application and Variances) in the amount of \$517.90 be distributed and paid as follows:

Amount: \$517.90 To: Fralinger Engineering PA For: Site Plan Review

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR THE NJDOT GRANT
MA-2016-RESURFACING OF STATE STREET SECTION II-00265**

Number 66-15

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Resurfacing of State Street, Section II.

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-2016-Resurfacing of State Street-Section -00265** 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 FOR THE NJDOT GRANT
MA-2016-PROPOSED SIDEWALKS ALONG VARIOUS STREETS -00264
Number 67-15**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Proposed Sidewalks Along Various Streets.

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-2016-Proposed Sidewalks Along Various Str-00264** 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.

**RESOLUTION
AUTHORIZING BOROUGH ENGINEER SERVICES FOR
NJDOT FY 2016 LAIF - DISCRETIONARY AID PROGRAM FOR
RECONSTRUCTION OF STATE STREET
Number 68-15**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Fralinger Engineering, Borough Engineer, be authorized for engineering services for the **NJDOT Fiscal Year 2016 LAIF - Discretionary Aid Program for Reconstruction of State Street** at a cost not to exceed \$20,000.00. This shall be charged to Ordinance 2015-14.

**BOROUGH OF ELMER
CAPITAL BUDGET AMENDMENT
Number 70-15**
See **Page 59a** of the Minute Book

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT
(WQM) PLAN AMENDMENT ENTITLED:
SALEM COUNTY WASTEWATER MANAGEMENT PLAN
Number 71-15**

WHEREAS, the Borough of Elmer, County of Salem, desires to provide for the orderly development of wastewater facilities within the Borough of Elmer; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register September 15, 2015 for the Salem County Wastewater Management Plan has been prepared by the Salem County Planning Department and Sickels and Associates;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council on this day 14th day of October, 2015, that:

1. The Borough of Elmer hereby consents to the amendment entitled Salem County Wastewater Management Plan, and publicly noticed on September 15, 2015, prepared by the Salem County Planning Department, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER
AUTHORIZING THE PURCHASE OF A NEW PHONE SYSTEM
FROM VoIP SYSTEMS USA, LLC**

Number 72-15

WHEREAS, Borough Council has considered the need for upgrades and improvements to the Borough of Elmer's current telephone system; and

WHEREAS, Borough Council has determined that the Borough is in need of a new phone system; and

WHEREAS, VoIP Systems USA, LLC has submitted a proposal and quote dated July 31, 2015 in the sum of \$3,986.00 (Non-recurring) and \$232.21 (Recurring) for a thirty-six (36) month Agreement; and

WHEREAS, two (2) other quotes were received from Monmouth Telecom and Max Communications, Inc.; and

WHEREAS, the Borough Council has determined that the proposal and quote from VoIP Systems USA, LLC provides the most equipment and services for the quoted amount; and

WHEREAS, funds for the purchase of the new phone system and related services described in the July 31, 2015 VoIP Systems USA, LLC's proposal and quote have been certified.

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) the Borough Council hereby authorizes the purchase of a new phone system pursuant to the terms, conditions and specifications of the July 31, 2015 proposal and quote from VoIP Systems USA, LLC.
- 2) the Mayor and Acting Clerk are hereby authorized to execute a Contract/Purchase Order with VoIP Systems USA, LLC for the purchase of new phone system.

**RESOLUTION
OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER
AUTHORIZING THE RESURFACING OF THE BOROUGH HALL PARKING LOT**

Number 74-15

WHEREAS, Borough Council has considered the need for upgrades and improvements to the Borough of Elmer's parking lot; and

WHEREAS, Borough Council has determined that the Borough parking lot is in need of a resurfacing; and

WHEREAS, A.E. Stone Inc., 1435 Doughty Rd, Egg Harbor Township, NJ has submitted Proposal 15-170 dated October 1, 2015 in the quoted sum of \$16,250.00; and

WHEREAS, two (2) other quotes were received and the quote from A.E. Stone was the lowest amount for the Chip Seal with one single application of 3/8 aggregate for the Borough Hall Parking Lot; and

WHEREAS, the funds for this project have been certified;

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) the Borough Council hereby authorizes the resurfacing of the parking lot pursuant to the terms, conditions and specifications of the October 1, 2015 proposal and quote from A.E. Stone, Inc..

2) the Mayor and Acting Clerk are hereby authorized to execute a Contract/Purchase Order with A.E. Stone, Inc..

A motion was made by Zee and seconded by Davis to adopt resolutions 66-15 through 68-15, 70-15 through 72-15, and 74-15.

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

DISCUSSIONS/MOTIONS: The following items were discussed by Mayor and Council:

1. Richards made a motion that was seconded by Nolan to authorize Fralinger Engineering to solicit bids for the Reconstruction of State St. The motion carried.
2. Zee made a motion that was seconded by Richards to authorization for the Clerk to solicit RFQs for Professional Services. The motion carried.
3. Zee made a motion that was seconded by Nolan to authorize the Clerk to solicit bids for water service & maintenance. The motion carried.
4. Zee made a motion that was seconded by Davis authorizing the Mayor to advertise for the positions of Zoning, Housing, and Property Maintenance Officers.
5. Davis made a motion that was seconded by Nolan to approve the meeting room request of Kristy Alward, Brownie Girl Scout Troop 92703 leader, for Mondays, 2:45 pm – 4:30 pm, 2nd Floor Community Room or Basement Scout Room. Motion carried.
6. Zee made a motion that was seconded by Davis to approve the meeting room request of Cheryl Cagle, Cubmaster Pack #258, for the Basement Scout Room for Mondays, Wednesdays, Thursdays, 6:00 – 8:30 pm for Wolf, Bears, Webelo I, Webelos II Dens, and for an available Community Room for Tuesday, 11/17 and 12/8, 7:00 – 9:00 pm, for the Leaders Meetings. Motion carried.
7. The Budget Meeting was scheduled for Thursday, November 12, at 7:00 pm.

REPORTS/BILL LIST:

The Tax/Water Collector report was presented for September 2015. Motion Davis, seconded Zee that the report be received and filed. Motion carried.

The Treasurer's Report for the month of September 2015 was presented. Motion Richards, seconded Zee that the reports be received, filed and spread full upon the minutes. Motion carried.

(Treasurer's Report: See **Pages 59b** in Minute Book)

The following bills were presented: (See **Pages 59c** in Minute Book)

Motion Davis, seconded Nolan that the bills be paid and charged to their respective accounts.

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

Clerk and Mayor's mail for the month of September was presented and read. Motion Davis, seconded Zee that the correspondence be received and filed. Motion carried.

COMMITTEE REPORTS:

The following Committee reports and status of ongoing projects were made:

Streets/Sidewalks/IT: Discussed status of State Street resurfacing, sidewalks, and Borough Hall phone system and computers;

Public Safety: Interviewing for judge;

Borough Hall/Public Property: Discussed status of Borough Hall parking lot, painting, and records room;

Water/Street Lights: Discussed status of Water Works remediation;

Trash/Parks and Playgrounds: Chipper in town this week; downtown wreaths scheduled for holiday installation on 11/21/15 at 10 am.

ADJOURNMENT:

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

October 14, 2015

Sarah D. Walker, Acting Borough Clerk