

Borough of Elmer Minutes**May 11, 2016**

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 adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.

ROLL CALL: President Schneider, Council Members Davis, Nolan, Richards, Schalick, Zee, and Mayor Stemberger answered to the roll call. Absent: None. Also present were Solicitor Eleftheriou, Chief Financial Officer Strang, Chief of Police Bryan, Tax Assessor Duffield.

APPROVAL OF MINUTES: Motion Zee, second Nolan to approve the minutes from the Elmer Borough Council Meeting held on April 13, 2016, and to dispense with the reading of the minutes.

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

EXECUTIVE SESSION

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

Number 42-16

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: Pending Tax Appeal Negotiations

(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);

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 Richards, second Nolan to approve resolution 42-16.

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

The Mayor and Council Members entered closed session at 7:38 pm.

Motion Zee second Davis to adjourn the Executive Session at 8:02 pm and re-open the Regular Meeting.

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

OPEN TO THE PUBLIC: Motion Zee, second Davis to open the public portion of the meeting. Motion carried.

Albert Hess, 620 North Main St., outlined and presented information regarding dispute with his neighbor about taking down pine trees that Hess said are a hazard to his property. The Mayor mentioned that the Code Official did not issue a violation because he could not determine that the trees were dead when he inspected the property. The Solicitor suggested that he get an arborist to make the determination and present the information for the Code Officer to review or seek legal counsel to bring action against his neighbor in civil court. The Police Chief and Zee recommended that Hess contact the insurance companies involved.

Also present were David Zeck and Ed Ramsey (Elmer Times).

CLOSED TO THE PUBLIC: Motion Zee, second Richards to close the public portion of the meeting. Motion carried.

UNFINISHED BUSINESS:

1. Ordinances:

ORDINANCE 2016-7 Public Hearing Amending Chapter 20 Entitled “Streets and Sidewalks” of the Code of the Borough of Elmer

Motion Richards, second Davis to open the public hearing; there being no comment, motion Richards second Davis to close the public hearing. Motion Richards second Nolan to adopt Ordinance 2016-7.

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

NEW BUSINESS:

1. Ordinances: None

2. Resolutions: The following Resolutions were read by the Clerk by title only.

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

Number 43-16

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Dr. Hassan Salah for Site Plan Review in the amount of \$604.00 be distributed and paid as follows:

Amount: \$604 .00 To: Fralinger Engineering PA For: Site Plan Review

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION TO AUTHORIZE
THE MAILING OF 2016 THIRD QUARTER ESTIMATED TAX BILLS**

Number 44-16

WHEREAS, all the annual budgets needed for **2016** total tax rate for the Borough of Elmer have not been finally set; and

WHEREAS, the governing body of the Borough of Elmer has therefore determined that the Tax Collector will be unable to complete the mailing and delivery of municipal tax bills by **June 30, 2016**; and

WHEREAS, N.J.S.A. 54:4-66.3 provides the authority and procedures by which an estimated and reconciled tax bill can be set and mailed by a municipality in such case made, by June 30th of the said year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmer as follows:

1. The Tax Collector in consultation with the Chief Finance Officer (CFO) of the Borough of Elmer shall compute an estimated annual tax levy range for the County and each taxing district whose tax levy has not yet been certified by the County Board of Taxation, which as of this date, such levies have not been so certified.

2. The range may be within the lower and upper amounts calculated by multiplying the levy of the County and each such taxing district for the previous calendar year by 0.95 and 1.05.
3. The Borough CFO has prepared, delivered, and recommends to the governing body a Certification of the previous calendar fiscal year's annual tax levy with a multiplier of 1.05 to determine an estimated annual tax levy for the County and each such taxing district for the current year.
4. The governing body hereby authorizes the CFO, working in conjunction with the Tax Collector, by **June 30, 2016** to prepare and deliver estimated annual tax levy bills for the County and each such taxing district computed by utilizing the multiplier of 1.05 of the previous calendar fiscal year annual tax levy, and thereafter, to be administered in accordance with the procedures and standards as established by N.J.S.A 54: 4-66.3.

RESOLUTION No. 45-16

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 Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 37 and that the monies be borrowed thereon from First Elmer Investment Corporation a subsidiary of The First National Bank of Elmer, in the sum of Seventy-Three Thousand Three Hundred Fifty-Eight Dollars (\$73,358.00), and shall bear interest at the rate of 1.09 per cent per annum, which money shall be used to pay for the installation, repair, and/or replacement of sidewalks and driveway aprons, and inspections and surveys related thereto in the Borough of Elmer. The said Note would be made payable within a period of one (1) year.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY AWARDED FARM LEASE TO WARD BISHOP FOR BOROUGH-OWNED PROPERTY IDENTIFIED AS BLOCK 2, LOTS 49 AND 56 IN THE BOROUGH OF ELMER
Number 46-16**

WHEREAS, the Borough of Elmer is the owner of property located on North Main Street, designated as Block 2, Lots 49 and 56 on the Municipal Tax Map of the Borough of Elmer consisting of approximately 15± acres, and not needed for public use; and

WHEREAS, in accordance with N.J.S.A. 40A:12-14 et seq., the Borough of Elmer advertised for lease, to the highest bidder, the property described in this Resolution; and

WHEREAS, bid submissions and bid opening occurred on May 5, 2016 at 10:00 a.m.; and

WHEREAS, the initial Lease Term is commencing on May 12, 2016 and ending December 31, 2016; and

WHEREAS, the Acting Borough Clerk received two (2) bids as follows:

- a) David A. Zeck - Bid Amount \$301.01; and
- b) Ward Bishop - Bid Amount \$331.00.

WHEREAS, it is in the best interest of the residents of the Borough of Elmer to award the Farm Lease to Ward Bishop on the high bid amount of \$331.00.

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

1. A Farm Lease containing terms and conditions in the form attached hereto is awarded to Ward Bishop for the high bid amount of \$331.00.
2. The Mayor and Acting Clerk are hereby authorized to execute said Farm Lease.

A motion to adopt Resolutions 43-16 to 46-16 was made by Davis and seconded by Zee.
Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

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

1. The new owners at 200 Salem Street called the Animal Control Officer to remove over 10 cats that were left at the property that they purchased; the Animal Control Officer wanted Council to be informed of the cost before he took action. The Mayor suggested that Solicitor Duffield look into the matter. It was also speculated that the animals are being fed on a property located in Pittsgrove Township not Elmer. No action was taken.

2. The approval for Brandon M. Smith, 101 4th Street, for NJ State Firemen's Association Membership was requested.

Motion Richards, second Nolan to approve the membership of Brandon Smith. Motion carried.

The following Resolution was read by title only:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
COUNTY OF SALEM, STATE OF NEW JERSEY AWARING CONTRACT
TO EASE DESIGN & LANDSCAPING, INC. FOR PROPERTY MAINTENANCE SERVICES
Number 47-16**

WHEREAS, the Borough of Elmer is in need of a contractor to provide property maintenance services for vacant and abandoned properties; and

WHEREAS, the Acting Clerk solicited quotes from five (5) companies performing such services; and

WHEREAS, the Acting Clerk received one (1) response from Eaise Design & Landscaping, Inc.; and

WHEREAS, the rates for the requested property maintenance services are set forth on the quote dated April 15, 2016, and shall not exceed the Local Public Contracts Law quote threshold in the aggregate sum of \$2,625.00 as set forth in N.J.S.A. 40A:11-3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Borough of Elmer, County of Salem and State of New Jersey, that the quote dated April 15, 2016 submitted by Eaise Design & Landscaping, Inc. is hereby authorized and approved; and

BE IT FURTHER RESOLVED, that the award of the contract referenced in this Resolution is subject to the vendor providing the following:

- 1) New Jersey Business Registration Certificate; and
- 2) Certificate of Insurance naming the Borough of Elmer, Salem County, New Jersey as "Additional Insured" with minimum general liability insurance limits of \$250,000.00 each occurrence.

Motion Davis, second Nolan to approve Resolution 47-16. Motion carried.

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

REPORTS/BILL LIST:

The Tax/Water Collector report was presented for April 2016. Motion Davis second Zee that the reports be received and filed; motion carried.

The Treasurer's Report for the month of April 2016 was presented (**Page 37a** in Minute Book). Motion Richards, second Davis that the report be received, filed and spread full upon the minutes. Motion carried.

The April 2016 bill list was presented (see **Page 37b** in Minute Book). Motion Davis, second Richard, that the bills be paid and charged to their respective accounts.

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

The Clerk and Mayor's mail for the month of April was presented and read. Motion Zee second Nolan that the correspondence be received and filed. Motion carried.

COMMITTEE REPORTS: Committee reports were made at this time:

Finance/Celebration Public Events: Schalick reported on plans for the Memorial Day Parade and Harvest Day and noted that the County Muddy Run project will be starting in July. The Mayor thanked Nolan and Schalick for their work on the ball field.

Public Safety: Schneider discussed the Police & Fire Department reports for April.

Streets/Sidewalks/IT: Richards reported on the finalization of the State Street reconstruction project and the Mayor discussed the Safe Sidewalks survey and possible pilot program.

Borough Hall/Public Property: Davis reported on status of Borough Hall projects including lightbulb replacement, dehumidifier, ants, and roof project.

Water/Street Lights: Zee reported on status of the Water Tower project (pre-bid meeting scheduled for May 17 at 10am), and that the Remediation project is on hold.

Trash/Recycling/Parks & Playgrounds: Nolan reported on parks and playgrounds, on trash complaints and the problem locations, and that the trash contract renewal needs to be started soon.

ADJOURNMENT: Motion Zee, second Richards that the meeting be adjourned. Motion carried.

May 11, 2016

Sarah D. Walker, Acting Borough Clerk