

Borough of Elmer Minutes: Reorganization**January 1, 2016****Swearing in and Oath of Office to Newly Elected Officials**

Mayor-elect Joseph P. Stemberger and Councilmen-elect Lewis M. Schneider and James W. Zee III were administered the oath of office by Acting Borough Clerk, Sarah D. Walker.

Call to Order

The Reorganization Meeting of the Elmer Borough Council convened in the Borough Hall, at 12:00 noon with Mayor Stemberger presiding. Mayor Stemberger announced that the 48-hour notice, as required by the Open Public Meetings Act, had been sent to two newspapers and posted as required.

Invocation

Invocation was given by Pastor David Repenning, Elmer United Methodist Church, Elmer, NJ.

Pledge of Allegiance

The Pledge of Allegiance was led by Anna and Gracie Barker.

Roll Call

Councilpersons Davis, Nolan, Richards, Schneider, Schalick, and Zee answered to the roll call. Absent: None.

Election of Council President

Mayor Stemberger declared that the nominations were now open for President of the 2016 Borough Council. Councilman Lewis M. Schneider was nominated by Councilwoman Davis, seconded by Councilman Zee. Mayor Stemberger declared Lewis M. Schneider duly elected as President of the 2016 Borough Council.

Presentation of Resolutions and Ordinances

The following resolutions were read or summarized by the Clerk:

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION CONFIRMING APPOINTMENTS FOR BOROUGH POSITIONS**

Number 1-16

BE IT RESOLVED:

That Joanne Eddy be appointed Tax Search Officer for the year 2016.

That Sarah Walker be appointed Municipal Search Officer for the year 2016.

That Christina Digneo be appointed Assistant to the Clerk for the year 2016.

That Joanne Eddy be appointed Collector for the Borough of Elmer Water Department for the year 2016.

That Robert M. Richards be appointed Assistant Superintendent of the Borough of Elmer Water Department for the year 2016.

That Donn Nelson be appointed Water Meter Reader for the Borough of Elmer Water Department for the year 2016.

That Barry Davis be appointed Clean Communities Coordinator for the year 2016.

That Jack Justice, Jr. be appointed Fire Safety Code Official for the year 2016.

That Timothy O'Donnell be appointed Fire Code Inspector for the year 2016.

That Christina Digneo be appointed Animal Registrar for the year 2016.

That Roy Duffield be appointed Sub Registrar for three year term ending December 31, 2018.

- That Karen Foster be appointed Custodian of the Elmer Borough Hall for the year 2016.
- That Joseph P. Stemberger be appointed the Borough of Elmer Representative for the Conscientious Employee Protection Act for the year 2016.
- That Joseph P. Stemberger be appointed a Class I member of the Elmer Land Use Board for a four-year term ending December 31, 2019.
- That John Hagen be appointed a Class IV member of the Elmer Land Use Board for a four-year unexpired term ending December 31, 2016.
- That Tammy Collins be appointed a Class IV member of the Elmer Land Use Board for a four-year unexpired term ending December 31, 2018.
- That David Newkirk be appointed Alternate No. 1 of the Elmer Land Use Board for a two-year unexpired term ending December 31, 2016.
- That Derek Leary be appointed Housing Officer and Property Maintenance Officer for the year 2016.
- That Derek Leary be appointed Land Use Board Zoning Official for the year 2016.
- That MaryEllen Volkmar be appointed to the Elmer Board of Health for a three-year term ending December 31, 2018.
- That Annmarie Ruiz be appointed Health Officer for the year 2016.
- That Cynthia L. Nolan be appointed the Borough of Elmer's representative to Salem County Advisory Solid Waste Council for the year 2016.
- That Marita McCarthy-Carll be appointed Administrator of the Mid-Salem County Court for the year 2016.
- That Barbara Garozzo be appointed Deputy Administrator of the Mid-Salem County Court for the year 2016.
- That Martin W. Whitcraft be appointed Municipal Judge of the Mid-Salem County Court for the year 2016.
- That Niki Trunk be appointed Municipal Prosecutor for the Mid-Salem County Court for the year 2016.
- That Craig Kugler be appointed Public Defender for the Mid-Salem County Court for the year 2016.
- That Gamaliel Cruz be appointed Police Officer for a one-year term ending December 31, 2016.
- That Kevin Gandy be appointed Police Officer for a one-year term ending December 31, 2016.
- That Michael Miller be appointed Emergency Management Coordinator for a three-year appointment ending December 31, 2018.
- That Steven Felice be appointed Deputy Emergency Management Coordinator for a three-year term ending December 31, 2018.
- That the Salem County Department of Emergency Services will provide radio dispatching services to the Elmer Borough Police Department on a 24-hour basis during the year 2016 at a cost not to exceed \$13,500.00.
- That Countywide Animal Care and Control, LLC be appointed Animal Control Officer for the year 2016.
- That Cumberland County SPCA be appointed Animal Shelter for the year 2016.

Motion Zee, Second Dave to approve the appointments;
Roll Call: Ayes: Schneider, Davis, Nolan, , Schalick, Zee; Abstain: Richards; Nays: None. Motion carried.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION CONFIRMING THE OFFICERS OF THE ELMER FIRE DEPARTMENT**

Number 2-16

BE IT RESOLVED that this governing body does hereby confirm the following Officers of the Elmer Fire Department for the year 2016:

President	Stephen A. Richards
Vice President	Fredrick C. Lesti
Recording Secretary	Jay L. DuBois
Treasurer	Michael L. Fisher
Chief	Jack D. Justice, Jr
First Asst. Chief	Andrew B. Williams
Second Asst. Chief	Michael Coles
Captain 1	Nathan Crim
Captain 2	Robert Crim

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION FOR THE RULES OF BOROUGH COUNCIL**

Number 3-16

BE IT RESOLVED that the rules of the Elmer Borough Council for the year 2016 be the same as those adopted for the year 2015:

- First - Call to order by Mayor or Chair.
- Second - Meetings open with invocation and pledge of allegiance.
- Third - Roll call of members.
- Fourth - Reading the minutes of the last regular meeting and all subsequent meetings.
- Fifth - Unfinished business.
- Sixth - New business.
- Seventh - Reports of committees, standing, and special.
- Eighth – Adjournment.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION FOR THE SIGNING OF VOUCHERS**

Number 4-16

BE IT RESOLVED by the Borough Council of the Borough of Elmer, that the Acting Borough Clerk, Sarah D. Walker, be authorized as the person to sign all vouchers as to the receipt of goods, materials or as to services rendered for the year 2016.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION FOR THE OFFICE OF THE TAX AND WATER COLLECTOR
FOR THE YEAR 2016**

Number 5-16

WHEREAS, the Borough of Elmer is able to set policies and procedures for the office of the Tax and Water Collector that allows for the best fiscal interest of the municipality,

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector, is hereby authorized and directed to the following:

TAXES

1. Interest on taxes shall be 8% on the first \$1,500 of the delinquency and 18% on all subsequent delinquency until the account is paid in full. All accounts have a 10 day grace period during each quarter when taxes are due.
2. A year end penalty of 6% for taxpayers with a delinquency in excess of \$10,000 who fail to pay the delinquency before the end of the year.
3. A tax sale of all delinquent accounts for the 2015 Municipal Taxes will be held no later than January 31, 2016.
4. A tax sale of all delinquent accounts for the 2016 Municipal Taxes will be held no later than January 31, 2017.
5. Delinquent tax accounts in the amount of +/- \$5.00 may, at the discretion of the Tax Collector be canceled prior to the tax sale.
6. Charges for Certificates of Redemption shall be \$25.00 per certificate.
7. Charges for Replacements of Loss Tax Sale Certificates shall be \$100.00
8. All Tax Sale Liens shall be redeemed through certified funds only (cash, money order, or certified check).
9. All payments made to clear accounts for tax sale must be made through certified funds only (cash, money order, or certified check).
10. Borough Charges for property clean-up, trash removal, and other similar charges shall be charged an interest rate of 18%, 30 days after the billing date.
11. Date of checks and postmark dates are not recognized as date paid. The date paid is the date payments are actually **received** and posted in the office.

WATER

1. A late fee penalty on water shall be 5% on the 11th day following the due date on the bill. All accounts have a 10-day grace period during each quarter when the bills are due.
2. A tax sale of all delinquent accounts for the 2015 Municipal Taxes will be held no later than January 31, 2016.
3. A tax sale of all delinquent accounts for the 2016 Municipal Taxes will be held no later than January 31, 2017.
4. All payments made to clear accounts for tax sale must be made through certified funds only (cash, money order, or certified check).
5. Delinquent water accounts in the amount of +/- \$5.00 may, at the discretion of the Tax Collector be canceled prior to the tax sale.
6. Final water reads shall be given a charge of \$20.00 per read.
7. Date of checks and postmark dates are not recognized as date paid. The date paid is the date payments are actually **received** and posted in the office.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION ADOPTING CASH MANAGEMENT PLAN**

Number 6-16

WHEREAS, it is the desire of the Borough Council of the Borough of Elmer to adopt a cash management plan in accordance with NJSA 40A:5-14; and

WHEREAS, the Borough is authorized to invest idle funds in accordance with NJSA 40A:5-15.1 as well as the following Governmental Unit Depository Protection Act (GUDPA) approved banks:

1. First National Bank of Elmer
2. Fulton Bank

WHEREAS, the Chief Financial Officer will provide the governing body with a monthly report that summarizes:

1. All investments made or redeemed over the past month.
2. Each organization holding local unit funds.
3. The amount of securities purchased or sold, class or type of securities purchased, book value, earned income, fees incurred, and market value of all investments as of the report date and;

- 4. Other information that the governing body may request.

WHEREAS, provided that local unit funds are deposited or invested as designated or authorized by this cash management plan, the Chief Financial Officer is relieved of any liability for any loss of such moneys due to the insolvency or closing of any depository designated by, or for the decrease in value of any investment authorized by, the cash management plan.

NOW, THEREFORE BE IT RESOLVED that the above cash management plan be adopted by the Borough Council of the Borough of Elmer, County of Salem and State of New Jersey, effective for the 2016 calendar year.

BE IT FURTHER RESOLVED that all disbursements shall be made by check and signed by the Mayor, Acting Borough Clerk, and Chief Financial Officer. In the event that the Mayor, Acting Borough Clerk, or Chief Financial Officer is absent or incapacitated, the President of Council shall be authorized to sign in their place.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION SETTING 2016 HALLOWEEN HOURS AND CURFEW**

Number 7-16

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, Salem County, New Jersey, that Trick or Treating will be Monday, October 31, 2016 between 5:00 p.m. and 8:00 p.m., and the curfew for Sunday, October 30, 2016 and Monday, October 31, 2016 will be enforced with all persons under the age of 17 being off the streets by 8:00 p.m. unless accompanied by a parent or guardian.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION APPOINTING A BOROUGH SOLICITOR FOR THE YEAR 2016**

Number 8-16

WHEREAS, N.J.S.A. 40A:5-4 provides that the Governing Body of every local unit shall appoint a Borough Solicitor and

WHEREAS, the Borough of Elmer has procured the Borough Solicitor as a FAIR AND OPEN contract pursuant to the provisions of NJSA 19:44A-20.3; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by the Governing Body; and

WHEREAS, Brian J. Duffield, an Attorney at Law, has submitted a proposal on October 30, 2015 indicating that he will provide the services of Borough Solicitor for a fee of \$165.00 per hour; and

WHEREAS, Brian J. Duffield, an Attorney at Law, has completed and submitted a Business Entity Disclosure Certification which certifies that Brian J. Duffield, an Attorney at Law, has not made any reportable contributions to a political or candidate committee in the Borough of Elmer in the previous one year, and that the contract will prohibit Brian J. Duffield, an Attorney at Law, from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised;

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

- 1. The Borough Council authorizes the Mayor to enter into a contract with Brian J. Duffield, an Attorney at Law, as described herein; and,

2. That a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services of the State of New Jersey;
3. That a copy of this Resolution be published in the Elmer Times, as required by law, within ten (10) days of its passage;
4. That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein in verbatim;
5. That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION APPOINTING AN AUDITOR FOR THE YEAR 2016**

Number 9-16

WHEREAS, N.J.S.A. 40A:5-4 provides that the Governing Body of every local unit shall cause an annual audit of its books, accounts and financial transactions to be made after the close of the fiscal year and for that purpose shall employ a Registered Municipal Accountant of the State of New Jersey; and

WHEREAS, the Borough of Elmer has procured the audit as a FAIR AND OPEN contract pursuant to the provisions of NJSA 19:44A-20.3; and

WHEREAS, the Clerk has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by the Governing Body; and

WHEREAS, Nightlinger, Colavita & Volpa, 991 S. Black Horse Pike, PO Box 700, Williamstown, NJ 08094 has submitted a proposal dated November 3, 2015 indicating they will provide the audit for a fee of \$20,100.00; and

WHEREAS, Nightlinger, Colavita & Volpa has completed and submitted a Business Entity Disclosure Certification which certifies that Nightlinger, Colavita & Volpa has not made any reportable contributions to a political or candidate committee in the Borough of Elmer in the previous one year, and that the contract will prohibit Nightlinger, Colavita & Volpa from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services", must be publicly advertised;

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

1. The Borough Council authorizes the Mayor to enter into a contract with Nightlinger, Colavita & Volpa as described herein; and,
2. That a certified copy of this Resolution be forwarded to the Director of the Division of Local Government Services of the State of New Jersey.
3. That a copy of this Resolution be published in the Elmer Times, as required by law, within ten (10) days of its passage.
4. That the attached certification showing availability of funds and specifying the exact line item appropriations which shall be charged is incorporated herein and attached hereto as though set forth herein in verbatim.
5. That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
RESOLUTION TO SET SCHEDULE OF REGULAR MEETINGS
AND PUBLIC NOTICES INCLUDING OFFICIAL NEWSPAPERS**

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

1. Regular Borough Council Meetings shall be held on the second Wednesday of each month at 7:30 p.m., prevailing time at the Borough Hall, Elmer, NJ, at which time Borough Council shall discuss and formally act upon all business matters.
2. Regular Meetings of the Borough Council shall be held on the following dates:

January 13, 2016	July 13, 2016
February 10, 2016	August 10, 2016
March 9, 2016	September 14, 2016
April 13, 2016	October 12, 2016
May 11, 2016	November 9, 2016
June 8, 2016	December 14, 2016

3. The Official newspaper is hereby designated as the Elmer Times.
4. The newspapers for publication of notices are hereby designated as the Elmer Times and/or South Jersey Times.
5. The Borough Clerk shall mail copies of all notices, including 48-hour notices, to any person or persons requesting the same upon a prepayment of the sum of \$25.00 per year.
6. A copy of this resolution shall be forthwith published in the Elmer Times.

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
 RESOLUTION AUTHORIZING THE BOROUGH OF ELMER TAX ASSESSOR TO FILE TAX
 APPEALS WITH THE SALEM COUNTY BOARD OF TAXATION AS NECESSARY**

WHEREAS, statutory provision is made for review and correction of errors prior to certification of an assessment list; and

WHEREAS, provision is also allowed for the discovery and correction of errors after establishment of the tax rate; and

WHEREAS, changes in property ownership at times necessitates adjustments in the veteran's and/or senior citizen's deduction allowed on the assessment list; and

WHEREAS, responsibility for the maintenance and correction of the assessment list rests with the Borough Tax Assessor subject to laws and regulations; and

WHEREAS, the Mayor and Borough Council, again for the aforementioned reasons, hereby authorize and direct the Borough Solicitor or special tax counsel to the Borough, as the case may be, to authorize the filing of Counterclaims seeking an increase in the assessment in the event true value is determined to be higher than anticipated.

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

1. The Mayor and Borough Council, for the aforementioned reasons, hereby authorize the Borough Tax Assessor to file such appeals as may be necessary with the Salem County Board of Taxation to maintain

the accuracy and equality in the assessment list of the Borough of Elmer, subject to the advice of the Borough Solicitor and the prior approval of the Mayor and Borough Council.

2. The Mayor and Borough Council, for the aforementioned reasons, hereby authorize the Borough Tax Assessor to execute Stipulations of Settlement on behalf of the Borough of Elmer, subject to the advice of the Borough Solicitor and the prior approval of the Mayor and Borough Council.
3. The Borough Council, for the aforementioned reasons, hereby authorizes and directs the Borough Solicitor or special tax counsel to prepare and file the appropriate Counterclaims seeking an increase in the assessment to correspond with the true value to be established by the Court or the Board of Taxation, whichever the case may be.
4. The Mayor and Borough Council hereby direct the Borough Clerk to forward a certified copy of this Resolution to the Salem County Board of Taxation and to the Borough Assessor.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
 COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE
 2016 MEMORANDUM OF UNDERSTANDING FOR THE MID SALEM COUNTY MUNICIPAL COURT
 Number 12-16**

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 2016 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 2016 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 January 1, 2016.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
 APPOINTING 2016 PUBLIC AGENCY COMPLIANCE OFFICER
 Number 13-16**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, that Sarah D. Walker is hereby appointed the Elmer Borough Public Agency Compliance Officer for the year 2016 in compliance with N.J.A.C. 17:27-3.5.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward this Resolution to the Division of Contract Compliance and EEO in Public Contracts forthwith.

**BOROUGH OF ELMER, COUNTY OF SALEM,
RESOLUTION OF THE APPOINTING CONFLICT ENGINEER FOR THE YEAR 2016
Number 14-16**

WHEREAS, there exists in the Borough of Elmer, County of Salem, State of New Jersey, a need for certain conflict engineering services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-15) requires that the Resolution Authorizing the Award of Contract for "Professional Services" without competitive bidding must be publicly advertised.

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. Consulting Engineer Services, LLC, an Engineering Firm of the State of New Jersey, be and is hereby appointed Conflict Engineer for the Borough of Elmer to render such conflict engineering services as may be required for a term beginning January 1, 2016 and ending December 31, 2016.
2. The Mayor and Borough Clerk are hereby authorized and directed to enter into an agreement with the aforesaid individuals for "Professional Services" under the provisions of the Local Public Contracts Law.

Councilwoman Davis made a motion, seconded by Nolan, to adopt resolutions 2-16 through 14-16. Richards abstained from voting on resolution 2-16: Roll Call: Ayes: Schneider, Davis, Nolan, Richards (except for 2-16), Schalick, Zee; Nays: None. Motion carried.

Committee Assignments

The following Committees of the Council of the Borough of Elmer were assigned for 2016:

**BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY
COMMITTEES OF COUNCIL
2016**

FINANCE, CELEBRATION OF PUBLIC EVENTS	Schalick* Schneider Richards
STREETS, SIDEWALKS, INFORMATION TECHNOLOGY	Richards* Schalick Schneider
PUBLIC SAFETY	Schneider* Zee Richards
BOROUGH HALL, PUBLIC PROPERTY	Davis* Schalick Nolan
WATER, STREET LIGHTS	Zee* Davis Nolan

TRASH, PARKS, PLAYGROUNDS

Nolan*
Davis
Zee

* Chairperson

Commendation for Police Chief Patrick Bryan

The Mayor presented Chief of Police Patrick Bryan a Letter of Commendation for his actions going above the call of duty for several citizens in the Borough of Elmer in 2015.

Introduction of Guests and Borough Officials

The Mayor introduced several members of the public, including Freeholder Benjamin Laury, who made a short presentation. Each Borough Council Member, the Chief Financial Officer, and the Borough Clerk also made short presentations.

Mayor's Address

The Mayor presented his annual address to the public; see page 11a in the Minute Book.

Adjournment

There being no further business, it was motioned by Richards and seconded by Zee to adjourn the meeting. Motion carried.

January 1, 2016

Sarah D. Walker, Acting Borough Clerk