

**Borough of Elmer Minutes****October 11, 2017**

**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:** Council Members Lynda Davis, Cynthia Nolan, R. Matthew Richards, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Council President Lewis Schneider was absent. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

**APPROVAL OF MINUTES:** Motion Davis second Nolan to approve the minutes from the Regular Council Meeting held on September 13, 2017 and to dispense with the reading of the minutes.

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

**PUBLIC SESSION:** Motion Richards second Davis to open the public portion of the meeting. All were in favor and the motion carried. There being no one present, motion Richards second Davis to close the public portion of the meeting. All were in favor and motion carried.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**1. Ordinances:** None.

**2. Resolutions:** The following Resolutions were read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER  
AUTHORIZING RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY MILLER  
GROUP HOLDINGS, LP AFFECTING A PARCEL KNOWN AS BLOCK 15, LOT 6 ON THE  
OFFICIAL TAX MAP OF THE BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY  
Number 101-17**

**WHEREAS,** the Applicant, Miller Group Holdings, LP, Inc. received approval to perform improvements to property located at Block 15, Lot 6 on the official Tax Map of the Borough of Elmer; and

**WHEREAS,** the Borough Council previously approved the form and amount of Performance and Maintenance Guarantees calculated by the Borough Engineer; and

**WHEREAS,** the required Performance Guarantee (Bond No. 019054406 dated July 28, 2016 in the amount of \$85,220.40 issued by Liberty Mutual Insurance Company), was received by the Borough Clerk and remains in effect; and

**WHEREAS,** the site improvements covered by the Performance Guarantee have been completed; and

**WHEREAS,** the Applicant has requested return of the aforementioned Performance Guarantee; and

**WHEREAS,** the Borough Engineer inspected the site improvements secured by said Performance Guarantee, and has filed a written report with the Borough Clerk dated August 22,

2017, attached hereto, recommending the release of the Performance Guarantee originally posted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Elmer an as follows:

1. The Applicant is hereby released from all liability under the Performance Guarantee (Bond No. 019054406 dated July 28, 2016 in the amount of \$85,220.40 issued by Liberty Mutual Insurance Company), however, subject to the conditions set forth below.

2. The Applicant shall post a Maintenance Guarantee in the amount of \$10,652.55 (15% of \$71,017.00) for a time period of two years pursuant to the correspondence dated August 22, 2017 (attached hereto) from the Borough Engineer.

3. That no above-mentioned Performance Guarantee shall be released until payment by the Applicant of any outstanding fees or costs from inspections, escrows and/or items more particularly set forth in the Application and Resolution of the Borough Zoning Board approving the project.

4. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Applicant, the Borough of Elmer Planning Board, the Borough of Elmer Engineer, the Borough of Elmer Treasurer, and the Borough of Elmer Construction Official.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER  
APPROVING FORM OF MAINTENANCE GUARANTEE SUBMITTED BY MILLER GROUP  
HOLDINGS, LP AFFECTING THE PARCEL KNOWN AS BLOCK 15, LOT 6 ON THE  
OFFICIAL TAX MAP OF BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY**

**Number 102-17**

**WHEREAS**, via Resolution Number 101-17, the Borough of Elmer Council authorized release of the Performance Guarantee and required a Maintenance Guarantee in the amount of \$10,652.55 be posted upon the Borough's Engineer recommendation in correspondence dated August 22, 2017 for Miller Group Holdings, LP affecting the parcel known as Block 15, Lot 6 on the official Tax Map of the Borough of Elmer; and

**WHEREAS**, the Applicant has submitted Maintenance Surety Bond No. 019054406 dated September 7, 2017, in the sum of \$10,652.55 issued by Liberty Mutual Insurance Company, as surety; and

**WHEREAS**, the aforesaid Maintenance Guarantee was issued by a surety listed on the New Jersey list of "Approved Sureties" maintained by the New Jersey Department of Banking and Insurance; and

**WHEREAS**, the Borough of Elmer Solicitor has reviewed the Maintenance Surety Bond which has been submitted by the Applicant, and has approved the amount and form of the Maintenance Guarantee; and

**WHEREAS**, the Borough of Elmer Council has reviewed the aforesaid opinion of the Borough Solicitor and, based upon the opinion of the Borough Solicitor, has determined that the submitted Maintenance Surety Bond is acceptable.

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

1. Maintenance Surety Bond No. 019054406 dated September 7, 2017 issued by Liberty Mutual Insurance Company in the amount of \$10,652.55 is hereby approved, and the Borough Clerk may accept said Maintenance Guarantee.

2. The approval granted herein is given in reliance upon all representations made by the Applicant, including drawings, plans and other materials filed in connection with this application, and those items specifically referred to and/or incorporated in all Resolution(s) adopted by the Borough of Elmer Council relating to the Applicant's project.

3. The Borough Clerk is directed to forward a certified copy of this Resolution to the Applicant, the Borough of Elmer Planning Board Engineer, and the Borough of Elmer Treasurer.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION EXPRESSING OPPOSITION TO  
LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC  
RECORDS ACT**

**Number 103-17**

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Elmer, County of Salem, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION  
AUTHORIZING THE STATE CONTRACT PURCHASE OF SCBA BOTTLES FROM  
NAT ALEXANDER COMPANY IN AN AMOUNT NOT TO EXCEED \$8,920.00**

**Number 104-17**

**WHEREAS**, the Borough of Elmer wishes to purchase ten (10) new SCBA bottles from an authorized vendor under the State of New Jersey Cooperative Purchasing program for use by the Elmer Fire Department; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, **N.J.S.A.** 40A:11-12; and

**WHEREAS**, Nat Alexander Company has been awarded New Jersey Contract No. A-80961 for Scott Self-Contained Breathing Apparatus (SCBA); and

**WHEREAS**, the actual cost of the ten (10) SCBA bottles of \$11,070.00 will be offset by a trade-in of ten (10) bottles (value of \$2,150.00) currently owned by the Elmer Fire Department:

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

1. Nat Alexander Company, a division of Mid-Atlantic Fire and Air, 121 North White Horse Pike, Laurel Springs, New Jersey, 08021, is hereby awarded a contract in an amount not to exceed \$8,920.00 to supply ten (10) SCBA bottles (quote attached).
2. A Certification of Funds has been received for said contract assuring that there is a sufficient appropriation to award this contract.
3. The Chief of the Elmer Fire Department is hereby authorized to effectuate the purchase.

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

**Number 105-17**

**BE IT RESOLVED** that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Dollar General for Site Plan Review for the property at 100 Front St. in the amount of \$374.50 be distributed and paid as follows:

<u>Amount:</u>	<u>To:</u>	<u>For:</u>
\$ 77.50	Fralinger Engineering PA	Site Plan Review
\$297.00	Law Office of Brian J. Duffield	Site Plan Review

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AWARDING CONTRACT TO RICKY SLADE CONSTRUCTION, INC. FOR THE RECONSTRUCTION OF HITCHNER AVENUE AND UNION STREET**

**Number 106-17**

**WHEREAS**, Mayor and Council of the Borough of Elmer have solicited bids for the Reconstruction of Hitchner Avenue and Union Street; and

**WHEREAS**, bids were received and opened on October 4, 2017 for the project; and

**WHEREAS**, the project was Bid as a Base Contract and Alternate #1, Alternate #2, and Alternate #3; and

**WHEREAS**, five (5) bids were received by the Borough's Clerk; and

**WHEREAS**, the Borough Council has reviewed the recommendations made by the Borough's Engineer on said bids; and

**WHEREAS**, Ricky Slade Construction, Inc. submitted the lowest combined bid for the Base Contract (\$53,619) with Alternate #1 (\$7,000), Alternate #2 (\$17,225) and Alternate #3 (\$11,050); and

**WHEREAS**, the bids submitted by Ricky Slade Construction, Inc. in the total sum of \$88,894.00 is the lowest monetary responsive bid; and

**WHEREAS**, the Borough's Engineer and Solicitor have determined that the bids are in conformance with the Bid Specifications and Local Public Contracts Law; and recommend the award of the Contract to Ricky Slade Construction, Inc.; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer that the Contract for Reconstruction of Hitchner Avenue and Union Street be and the same is hereby awarded to Ricky Slade Construction, Inc., on its total bid of \$88,894.00 (\$53,619 Base Bid and Alternate #1 \$7,000, Alternate #2 \$17,225 and Alternate #3 \$11,050) subject to approval by the New Jersey Department of Transportation (NJDOT), and 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 and next lowest bidder are to be returned upon the receipt of fully executed Contract and other required documents by the lowest bidder, Ricky Slade Construction, Inc.

**BE IT FURTHER RESOLVED** that the Clerk of the Borough of Elmer is hereby authorized and directed to return the certified checks or bid bonds to the remaining unsuccessful bidders.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #5 TO THE CONTRACT WITH BRAVE INDUSTRIAL PAINT, LLC FOR INTERIOR PIT WELDING OF THE ELMER BOROUGH WATER STORAGE TOWER**

**Number 107-17**

**WHEREAS**, Mayor and Council of the Borough of Elmer determined that repairs and repainting were necessary to the Borough's Water Storage Tower; and

**WHEREAS**, on May 24, 2017, the Mayor and Council received and opened bids in accordance with the advertised date for acceptance of said bids for the Project; and

**WHEREAS**, the Borough's Engineer has requested a change order whereby the contractor shall provide all labor, materials and equipment required to perform pit welding to interior areas exhibiting greater than 50% metal loss or seams with undercutting , which will result in an overall increase of \$8,400.00 above the original contract amount of \$437,807.00, not including other change orders; and

**WHEREAS**, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Borough of Elmer that Change Order #5 be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that Contract Change Order #5, as recommended by the Borough Engineer, via correspondence dated September 21, 2017, is hereby approved and authorizes the payment related thereto in the sum of \$8,400.00.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #5 only upon prior written authorization by NJDEP and/or NJEIT.

Motion Richards second Zee to adopt Resolutions 101-17 through 107-17.

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

**DISCUSSIONS/MOTIONS:**

1. Motion Richards, second Davis to terminate the contract with South Jersey Elevator effective January 1, 2018.  
Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Zee; Nays: None; Absent: Schneider. Motion carried.

2. Mayor Stemberger updated Council on the status of the application for \$20,000 grant funds for the Green Acres Park. Motion Zee, second Richards to authorize the submission of the New Jersey Healthy Communities Community Grant Program. All were in favor and motion carried.

The Mayor also updated Council on the Salem County grant for the Veteran's Monument. Motion Davis second Nolan to authorize the submission of a grant application for the New Jersey State Council on the Arts 2018 Re-Grant Program. All were in favor and motion carried.

3. The Mayor discussed the Housing, Zoning, and Property Maintenance Office. No action was taken.

4. Motion Zee second Davis to approve the Budget Meeting for December 4, 2017, at 6:30 pm, the Reorganization Meeting for January 3, 2018 at 6:30 pm, and the January Regular Council Meeting for January 3, 2018 at 7:30 pm. All were in favor and motion carried.

5. Motion Richards second Zee to authorize the Clerk to solicit RFQs for professional services. All were in favor and motion carried.

6. Motion Richards second Zee to authorize the Clerk to solicit bids for water service & maintenance. All were in favor and motion carried.

7. Motion Zee second Richards to approve the following meeting room use for the Scout Room:

GS Troop 92764 (Jeanne Wurth) Tuesdays 2:45 – 4:00 pm;

GS Troop 92703 (Kristy Alward) Tuesdays 6:00 - 8:00 pm;

BS Pack 248 Tigers & Cubs (Cathy Bennett) Thursdays 6:00-8:00 pm

BS Pack 248 (Jeff McFeely) Mondays, Wednesdays 6:00-8:00 pm

All were in favor and motion carried.

**REPORTS/BILL LIST:**

Motion Richards second Davis to receive and file the Tax/Water Collector report; all were in favor and motion carried.

Motion Richards second Zee to receive, file and spread full upon the minutes the Treasurer's Report (**Page 104a**). All were in favor and motion carried.

Motion Davis second Richards, that the bills be paid and charged to their respective accounts (see **Page 104b**). Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Zee; Nays: None; Absent: Schneider. Motion carried.

The Mayor updated Council members on the meeting he attended regarding plans that Appel Farm is developing for a STEAM Charter School and the letter of support they would like from the Borough. The Mayor asked for a vote of Council members for the letter of support: Ayes: Davis, Nolan, Zee; Nays: Richards, Schalick; Absent: Schneider. The Mayor will send the letter of support.

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

#### **COMMITTEE REPORTS:**

**Finance/Celebration Public Events:** Mayor Stemberger commended Chairman Schalick on the 13<sup>th</sup> year of Harvest Day. Schalick noted that Santa will be in town on December 8.

**Public Safety:** Richards noted that the Fire Department has the specifications for the new fire truck and would like to meet with the Public Safety Committee. The Mayor mentioned that the Elmer call volume was up for the Elmer Ambulance.

**Streets/Sidewalks/IT:** Richards discussed the Union and Hitchner project.

**Borough Hall/Public Property:** Davis reviewed the quotes for new chairs for the Election Room and requested getting rugs cleaned in the Borough Hall.

**Water/Street Lights:** Zee mentioned getting a price to move the old generator to the Borough Hall once the new water tower generator is installed.

**Trash/Recycling/Parks & Playgrounds:** Nolan noted that the chipper is coming tomorrow and discussed the rain garden installation at the Elmer Ambulance and problems with the outlets at Centennial Park.

**Other:** Strang updated Council on the school tax levy. The Mayor noted that someone is needed to represent the Borough for the 2020 Census.

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

October 11, 2017

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Sarah D. Walker, Borough Clerk

Approved: November 8, 2017