

Borough of Elmer Minutes

February 14, 2018

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 on January 8, 2018 pursuant to the Open Public Meetings Act.

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

APPROVAL OF MINUTES: Motion Zee second Davis to approve the minutes from the Reorganization and Regular Council Meeting held on January 3, 2018, and to dispense with the reading of the minutes.
Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

PRESENTATION: Brenda Goins, Executive Director of the Salem Health and Wellness Foundation, presented a \$10,000 check to the Borough for the first installment of the \$20,000 grant for the Walking Trail at the Green Acres Park. Mayor Stemberger and Recreation Committee member and grant writer Peggie Kramme received the check on behalf of the Borough.

PUBLIC SESSION: Motion Davis second Zee to open the public portion of the meeting. All were in favor and the motion carried. Peggie Kramme said she would like to work on more grants and get a pavilion built at the new park. Motion Davis second Nolan to close the public portion of the meeting. All were in favor and motion carried.

EXECUTIVE CLOSED SESSION: The following resolution was introduced by title:

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

Number 30-18

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: Discussion of Inspira Tax Appeal

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, seconded by Zee to approve Resolution 30-18.

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

The Mayor and Council Members entered closed session at 7:37 pm. At 7:52 pm Richards made a motion, seconded by Davis, to adjourn the Executive Session and re-open the Regular Meeting. All were in favor and motion carried.

UNFINISHED BUSINESS:

1. Ordinances: The following Ordinances were read by title for a second reading and public hearing:

ORDINANCE 2018-1 2018 WATER SERVICE RATE ORDINANCE

Motion Zee seconded by Richards to open the public hearing for Ordinance 2018-1. There being no comment, motion Zee seconded by Richards to close the public hearing. Motion Zee seconded by Richards to adopt Ordinance 2018-1.

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

ORDINANCE 2018-2 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion Richards seconded by Zee to open the public hearing for Ordinance 2018-2. There being no comment, motion Richards seconded by Zee to close the public hearing. Motion Richards seconded by Zee to adopt Ordinance 2018-2.

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

NEW BUSINESS:

1. Ordinances: The following Ordinances were read by title:

ORDINANCE 2018-3 2018 SALARY ORDINANCE

Motion Davis seconded by Zee to approve the introduction of Ordinance 2018-3.

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

ORDINANCE 2018-4 EMERGENCY SERVICES COST RECOVERY ORDINANCE

Motion Richards seconded by Davis to approve the introduction of Ordinance 2018-4.

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

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

**BOROUGH OF ELMER, COUNTY OF SALEM
TONNAGE GRANT APPLICATION RESOLUTION**

Number 31-18

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 2017 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 2017 recycling tonnage grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purposes of recycling.

TAX IDENTIFICATION STATEMENT

Number 32-18

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 2017 in the amount of \$2,003.64. 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.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO ENTER INTO AN AGREEMENT FOR THE
2018 WATER CONSUMER CONFIDENCE REPORT**

Number 33-18

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 2018 Water Consumer Confidence Report for an amount not to exceed \$1,250.00 which shall be charged to Water Operating: OE in the 2018 Budget.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING INTER-LOCAL SERVICE AGREEMENT
WITH PITTS GROVE TOWNSHIP FOR CONSTRUCTION CODE ENFORCEMENT SERVICES**

Number 34-18

WHEREAS, the Borough of Elmer desires to enter into an Inter-Local Service Agreement with Pittsgrove Township whereby Pittsgrove Township shall provide construction code enforcement services as described in the attached agreement; and

WHEREAS, it is in the best interest of the Borough and the Township to enter into said agreement;

NOW THEREFORE 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 Inter-Local Service Agreement with Pittsgrove Township to provide construction code enforcement services as described in the attached agreement for the period effective January 1, 2018 through December 31, 2021.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM,
STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A SCOPE OF WORK APPLICATION/AGREEMENT
FOR NJ CLEAN ENERGY FUNDS TO UPGRADE BOROUGH HALL LIGHTING**

Number 35-18

WHEREAS, the New Jersey Office of Clean Energy Direct Install Program provides for the installation of new energy efficient measures, including, but not limited to, LED lighting and energy efficient switches; and

WHEREAS, Mayor and Council of the Borough of Elmer have determined that significant savings can be realized by the installation of such energy efficient equipment; and

WHEREAS, Facility Solution Group has contracted with the State of New Jersey to serve the Gloucester, Salem and Cumberland Counties with regard to the Direct Install Program; and

WHEREAS, Facility Solution Group has submitted a Proposal and Scope of Work (attached hereto) for the Borough’s energy-saving lighting upgrades; and

WHEREAS, the State program pays for up to 70% of the project; and

WHEREAS, the Borough’s Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

- 1) The Mayor and Borough Clerk are hereby authorized and directed to execute the various applications and agreements relating to the New Jersey Office of Clean Energy Direct Install Program, including the Scope of Work and Participation Agreement attached hereto.
- 2) A copy of this Resolution, the New Jersey Office of Clean Energy Direct Install Program Proposal and Participation Agreement shall be placed on file in the office of the Borough Clerk and shall be available for public inspection.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING REFUND OF REGISTRAR PAYMENT**

Number 36-18

WHEREAS, a customer submitted a \$25 money order for a correction to a vital record; and

WHEREAS, the correction was rejected by the State Office of Vital Statistics; and

WHEREAS, on February 2, 2018 the customer verbally requested that the payment be refunded and the Deputy Registrar recommended to the Registrar that the payment be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 14th (fourteenth) day of February 2018, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to refund \$25 to:

Natashia Crosley
175 Lewis Avenue
Bridgeton, NJ 08302

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #1 AND FINAL PAYMENT FOR CONTRACT WITH RICKY SLADE CONSTRUCTION, INC. FOR RECONSTRUCTION OF HITCHNER AVENUE AND UNION STREET

Number 37-18

WHEREAS, Mayor and Council of the Borough of Elmer determined that the reconstruction of Hitchner Avenue and Union Street was necessary; and

WHEREAS, consistent with the New Jersey Public Contracts Law, N.J.S.A. 40A:11-23, the Borough Clerk caused an advertisement for solicitation of bids for the reconstruction of Hitchner Avenue and Union Street; and

WHEREAS, on October 4, 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, Ricky Slade Construction, Inc. submitted the lowest responsive monetary lump sum bid in the sum of \$88,894.00; and

WHEREAS, pursuant to Resolution No. 106-17, the Mayor and Council of the Borough of Elmer on October 11, 2017 approved and awarded the low bid submitted by Ricky Slade Construction, Inc.; and

WHEREAS, the Borough's Engineer has recommended Change Order #1 which will result in an overall increase of \$10,759.79 above the original contract amount of \$88,894.00 for a final projected contract amount of \$99,653.79; 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 #1 and final payment be approved by Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer that Contract Change Order #1 and final payment, as recommended by the Borough Engineer, via correspondence dated January 10, 2018, is hereby approved and authorizes the payments related thereto.

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #1 only upon prior written authorization by NJDOT, if required.

RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM, FOR THE GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

Number 38-18

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Elmer hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**RESOLUTION DETERMINING THE FORM AND OTHER
DETAILS OF NOT EXCEEDING \$580,000 GENERAL
OBLIGATION BONDS OF THE BOROUGH OF ELMER, IN
THE COUNTY OF SALEM, NEW JERSEY, AND
PROVIDING FOR THEIR SALE TO THE NEW JERSEY
INFRASTRUCTURE BANK F/K/A NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE
STATE OF NEW JERSEY PURSUANT TO THE NEW
JERSEY WATER BANK FINANCING PROGRAM AND
AUTHORIZING THE EXECUTION AND DELIVERY OF
CERTAIN LOAN AGREEMENTS AND AN ESCROW
AGREEMENT IN CONNECTION THEREWITH**

Number 39-18

WHEREAS, the Borough of Elmer (the "Local Unit"), in the County of Salem, State of New Jersey, has determined that there exists a need within the Local Unit to undertake improvements to the Borough’s water storage tower including, but not limited to, repainting and general capital repairs and improvements, the acquisition and installation of an emergency generator, and the replacement and installation of existing security systems including, but not limited to, fencing and gates (the “Project”) as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New

Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Water Bank Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds in the aggregate principal amount of not to exceed \$580,000, consisting of a bond to the I-Bank (the "I-Bank Loan Bond") and a bond to the State (the "Fund Loan Bond"), and together with the I-Bank Loan Bond, (the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein.

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to bond ordinances of the Borough described in Section 2 hereof (the "Bond Ordinances"), shall be combined into a single issue of General Obligation Bonds in the aggregate principal amount of not to exceed \$580,000, consisting of the I-Bank Loan Bonds and the Fund Loan Bonds (collectively, the "Bonds" or "General Obligation Bonds").

Section 2. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in the Bond Ordinances are respectively, as follows:

<u>Ordinance Number</u>	<u>Description and Date of Final Adoption</u>	<u>Amount of Issue</u>	<u>Useful Life</u>
2015-15, as amended by 2017-7	Water Tower Improvements, Finally Adopted 11/22/2015 (2015-15) and 03/08/2017 (2017-7)	\$325,000 (2015-15) + \$255,000 (2017-17) = \$580,000	20 years (as amended)

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to the Bond Ordinances, is 20 years.

(b) The Bonds of the combined issue shall be designated "General Obligation Bonds" consisting of the I-Bank Loan Bonds and the Fund Loan Bonds and shall mature within the period of usefulness hereinabove determined.

(c) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law that are applicable to the sale and issuance of bonds authorized by the Bond Ordinances and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amount of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

(b) The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds and notes may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

Section 5. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in the bond

ordinances referenced in Section 2 hereof.

Section 6. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 20 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 7. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 8. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-1;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 9. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 10. The law firm of Archer & Greiner P.C. is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 11. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 6 hereof shall be set forth in an award certificate executed by the Chief Financial Officer and there shall be no further ratification necessary by the Borough Council in order to award, sell, issue, deliver and close on the Bonds.

Section 12. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 13. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 14. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be

conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 15. This resolution shall take effect immediately.

Section 16. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John M. Cantalupo, Esq., Archer & Greiner P.C., bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER
AUTHORIZING AND RATIFYING CONTRACT WITH CORROSION CONTROL
CORPORATION FOR EMERGENCY REPAIRS TO THE WATER TOWER**

Number 40-18

WHEREAS, on 12/26/2017 it came to the attention of the Borough of Elmer's Assistant Water Department Superintendent that a pipe in the Borough's 200,000 gallon Water Tower was leaking; and

WHEREAS, an emergent condition existed which necessitated immediate repairs and related services to fix the leak; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6 ("Emergency Contracts"), allows the award of contracts without public advertising for bids and bidding when an emergency affecting public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the provisions of the Pay to Play laws, N.J.S.A. 19:44A-20.4 et seq., are waived when an emergency exists affecting the public health, safety or welfare which the requires the immediate delivery of goods or performance of services; and

WHEREAS, the Assistant Water Department Superintendent determined that Corrosion Control Corporation could immediately perform the requested services; and

WHEREAS, Corrosion Control Corporation performed the requested services on 12/28/2017 and 12/29/2017 and again for an additional leak on 1/2/2018 and a copy of the proposal dated 2/8/2018 is attached hereto; and

WHEREAS, it was in the best interests of the residents of the Borough of Elmer to authorize Corrosion Control Corporation to make the necessary repairs to the Water Tower.

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

1. The authorization and award of an emergency contract for the repair of the leaking pipe in the water tower to Corrosion Control Corporation in the sum \$5,900.00 is hereby ratified, authorized and approved; and

2. In accordance with N.J.S.A. 19:44A-20.12, the Municipal Clerk shall file with the Division of Local Government Services an Emergency Procurement Report within thirty (30) days of the date the emergency contract was issued.

Motion Richards second by Zee to table Resolution 35-18 until the budget is finalized; all were in favor and motion carried.

Motion Richards second by Zee to adopt Resolutions 31-18 through 34-18 and 36-18 through 40-18.

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

DISCUSSIONS/MOTIONS:

1. A request to purchase Borough owned property (Block 15 Lot 5) was discussed. The Solicitor said the lot could be sold to any adjacent property owner for fair market value as determined by assessment or appraisal. The Solicitor recommended that the Clerk talk to the Tax Assessor for an opinion on the fair market value of the lot.
2. The farm lease for the Green Acres property was discussed. Council members recommended that the Clerk contact the current tenant to determine the interest in continuing the lease at the same rate but approximately 1-1.5 acres less due to the walking trail installation.
3. The Mayor updated Council on the animal shelter services contract and efforts to find less costly services. Since the contract expires at the end of February and other options are still being investigated, the Solicitor recommended that a special meeting be scheduled. Council members chose Monday, February 26 at 7:00 pm for a Special Meeting to finalize the 2018 animal shelter services contract.
4. CFO Strang summarized two budget issues: the \$366,000 deferred tax due to the County assessment of the difference owed for the true cost of the school district and the \$583,000 deferred school tax paid from surplus but never raised in the tax levy. Council members discussed funding options and the CFO will seek direction from the state.
5. The Mayor discussed recent updates to Certificate of Occupancy checklist. Motion Richards, seconded by Zee, to approve the changes to the checklist. All were in favor and motion carried.
6. The request for proposals for a park walking path will be prepared for next month's meeting.
7. The Mayor updated Council on the Arts Grant funding deficit of \$5,000 for the Veterans Monument; the Clerk will check with the County to see what changes can be made to adjust for the deficit.
8. Motion Richards, seconded by Zee, to approve the following: Authorize the bond renewals of CFO Cynthia Strang (Bond#1195856 for \$74,000 effective 1/1/18-1/1/19) and CTC James V. Davis (Bond #B11195820 for \$225,000 effective 1/1/18-1/1/19); authorize the printing of the 2018 Directory; and approve the Elmer Library Bingo & Raffle for April 14, 2018 , 5-8 pm, at the Elmer Fire Hall. All were in favor and motion carried.
9. The Mayor summarized recent disturbances in the Borough and the Solicitor and Chief Bryan discussed the legal process for trespassing and harassment complaints.

REPORTS/BILL LIST:

Motion Richards seconded by Nolan to receive and file the Tax/Water Collector reports; all were in favor and motion carried.

Motion Richards seconded by Nolan to receive, file and spread full upon the minutes the Treasurer's Report (see **Page 32a**). All were in favor and motion carried.

Motion Richards seconded by Nolan, that the bills be paid and charged to their respective accounts (see **Page 32b**). Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Schneider, Zee; Nays: None. Motion carried.

Motion Richards seconded by Nolan 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: No report.

Public Safety: Schneider summarized the police and fire reports and a new police car was discussed.

Streets/Sidewalks/IT: Richards discussed computer support for the Borough Hall and recommended using Kokua on demand. The Mayor noted that the sidewalk citations are planned for March.

Borough Hall/Public Property: Davis reported on interior painting and a leak in the Mayor's office; records have been moved into the new Records Room. The Clerk discussed shelving and partitioning the room, and noted that the Records Room needs to be kept locked now.

Water/Street Lights: Zee reported that the Assistant Water Superintendent met with the new engineers regarding the Water Quality Accountability Act; Council Members also discussed well remediation and the recommendation from the engineer for re-testing. Zee also reported on the status of street light repairs.

Trash/Recycling/Parks & Playgrounds: Nolan and the Mayor discussed Centennial Park sign, hanging baskets for the light poles, a fountain for the front of the building, and replacing the marquee for the Borough Hall.

Other: The CFO discussed capital budget items and the Clerk discussed changing office hours.

ADJOURNMENT: Motion Richards second by Zee that the meeting be adjourned. All were in favor and motion carried.

February 14, 2018

Sarah D. Walker, Borough Clerk

Approved: March 14, 2018