

Borough of Elmer Minutes**April 10, 2019**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Joseph P. 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 7, 2019 pursuant to the Open Public Meetings Act.

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

APPROVAL OF MINUTES: Motion Zee second Davis to approve the minutes from the Regular and Closed Executive Council Meetings held on March 13, 2019, and to dispense with the reading of the minutes.
Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

PUBLIC SESSION: Motion Davis second Foster to open the public portion of the meeting. All were in favor and the motion carried. There being no public comment, motion Zee second Foster to close the public portion of the meeting. All were in favor and motion carried.

EXECUTIVE CLOSED SESSION: The following Resolution was read by title:

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

Number 50-19

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: Sambor v. Borough

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 Davis second Nolan to approve Resolution 50-19.

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

UNFINISHED BUSINESS:

1. Ordinances: The following Ordinance was read by title:

ORDINANCE 2019-4 AMENDING CHAPTER 11 (BUILDING & HOUSING)

Motion Zee second Davis to open the public hearing for Ordinance 2019-4. There being no other comments, motion Zee second Davis to close the public hearing. Motion Davis second Nolan to adopt Ordinance 2019-4.

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

NEW BUSINESS:

1. Ordinances: The following Ordinance was read by title:

ORDINANCE 2019-5 BOND ORDINANCE FOR ENVIRONMENTAL REMEDIATION (56 STATE ST)

Motion Zee second Davis to table the introduction of Ordinance 2019-5. All were in favor and motion carried.

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

**BOROUGH OF ELMER
COUNTY OF SALEM
EMERGENCY TEMPORARY APPROPRIATIONS RESOLUTION**

Number 40-19

WHEREAS, emergent conditions have arisen with respect to the need to appropriate monies to fund the operations of the Borough of Elmer as the 2019 budget has not yet been adopted and provisions made in the 2019 temporary appropriation resolution adopted January 2, 2019 are not sufficient for the aforesaid purpose and N.J.S. 40A:4-20 provides for the creation of emergency temporary appropriations for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions in the year 2019 pursuant to the provisions of Chapter 96, P. L. 1951 (N.J.S. 40A:4-20) including this resolution total \$292,588.00 for the current fund and \$97,100.00 for the water utility fund;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the following appropriations in the respective amounts listed, totaling \$292,588.00 for the current fund and \$97,100.00 for the water utility fund.

GENERAL GOVERNMENT	CURRENT FUND		
	SALARIES AND WAGES	OTHER EXPENSES	TOTAL
Mayor and Council	\$ 6,700.00	\$ 2,000.00	\$ 8,700.00
Municipal Clerk	4,700.00	1,000.00	5,700.00
Financial Administration	5,000.00	3,000.00	8,000.00
Audit Services		6,500.00	6,500.00
Revenue Administration (Taxes)	4,000.00	1,500.00	5,500.00
Assessment of Taxes	3,100.00	200.00	3,300.00
Legal Services		4,000.00	4,000.00
Engineering Services and Costs		500.00	500.00

Technology		2,200.00	2,200.00
Buildings and Grounds	3,000.00	5,000.00	8,000.00

- 2 -

	SALARIES AND WAGES	OTHER EXPENSES	TOTAL
LAND USE ADMINISTRATION			
Land Use Board	\$ 1,800.00	\$ 800.00	\$ 2,600.00
HOUSING INSPECTION			
Housing Officer	1,700.00	1,000.00	2,700.00
INSURANCE			
Liability Insurance		7,000.00	7,000.00
Workers' Compensation		5,000.00	5,000.00
Unemployment and Disability		700.00	700.00
PUBLIC SAFETY			
Police Department	55,000.00	10,000.00	65,000.00
Office of Emergency Management	1,100.00	500.00	1,600.00
Fire Department		18,000.00	18,000.00
Fire Code Inspector	3,000.00	900.00	3,900.00
First Aid Organization		7,000.00	7,000.00
MUNICIPAL COURT			
Municipal Court		12,000.00	12,000.00
PUBLIC WORKS			
Streets and Road Maintenance		9,000.00	9,000.00
Garbage and Trash Removal		30,000.00	30,000.00
Recycling		10,000.00	10,000.00
Recycling Tax		800.00	800.00
HEALTH AND HUMAN SERVICES			
Board of Health	3,000.00	700.00	3,700.00
Animal Control Services	300.00	2,000.00	2,300.00
PARK AND RECREATION			
Parks and Playgrounds		3,000.00	3,000.00
OTHER COMMON OPERATING FUNCTIONS			
Celebration of Public Events		2,500.00	2,500.00
Aid to Public Library		2,000.00	2,000.00

- 3 -

	<u>SALARIES AND WAGES</u>	<u>OTHER EXPENSES</u>	<u>TOTAL</u>
UTILITY EXPENSES AND BULK PURCHASING			
Natural Gas	\$	\$ 1,000.00	\$ 1,000.00
Electricity		7,000.00	7,000.00
Telephone		5,000.00	5,000.00
Street Lighting		7,000.00	7,000.00
Gasoline		3,500.00	3,500.00
DEFERRED CHARGES AND STATUTORY EXPENDITURES			
DCRP		800.00	800.00
PERS		20,088.00	20,088.00
Social Security System		8,000.00	8,000.00
GRAND TOTAL - CURRENT FUND			<u><u>\$ 293,588.00</u></u>

WATER UTILITY FUND**OPERATING**

Salaries and Wages	\$20,000.00
Other Expenses	50,000.00
Liability Insurance	5,600.00
PERS	5,100.00
Contribution to Social Security System	1,200.00
Unemployment Compensation Insurance	200.00
Capital Outlay	15,000.00
GRAND TOTAL - WATER UTILITY FUND	<u><u>\$97,100.00</u></u>

- Said emergency temporary appropriations will be provided for in the 2019 budget under the respective appropriation titles listed above.
- One certified copy of this resolution be filed with the Director of Local Government Services.

**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 \$9,080.00**

Number 41-19

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 (\$11,349.00) will be offset by a trade-in of ten (10) bottles (value of \$2,269.00) 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 \$9,080.00 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
TO ISSUE A MOTORIST SOLICITATION PERMIT TO DOLORES SCHEELER’S NATIONAL
MULTIPLE SCLEROSIS SOCIETY TEAM MAKING STRIDES**

Number 42-19

WHEREAS, Dolores Scheeler, 500 State St., has applied to the Borough of Elmer for a permit to solicit contributions for the National Multiple Sclerosis Society Team Making Strides at the intersection of Route 40 and Main Street on Saturday, July 6, 2019 from 8:00 am to 12:00 (noon) pm with a rain date of Sunday, July 7; and

WHEREAS, compliance with all provisions and restrictions of the Borough Code Chapter 4-4 Charitable Solicitation on Roadways must be effectuated by the applicant;

WHEREAS, the applicant will apply to the Salem County Board of Chosen Freeholders and the State of New Jersey to solicit contributions in the roadways within these government jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, that a Motorist Solicitation Permit be executed by the Clerk of the Borough of Elmer to the National Multiple Sclerosis Society Team Making Strides pending written approval from the State.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF
SALEM, STATE OF NEW JERSEY, ADOPTING AMENDMENT TO
THE BOROUGH OF ELMER PERSONNEL POLICY MANUAL**

Number 43-19

WHEREAS, the Borough Council has determined that certain amendments to the Personnel Policy Manual are required; and

WHEREAS, the Article entitled “Leaves”, at Paragraph 3 entitled “Sick Leave” shall be amended to be consistent with the New Jersey Earned Sick Leave Act, effective October 29, 2018; and

WHEREAS, the proposed amendment is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, that the Borough of Elmer Personnel Policy Manual is hereby revised and amended pursuant to the amendment attached hereto as Exhibit “A”.

BOROUGH OF ELMER COUNTY OF SALEM

**RESOLUTION AUTHORIZING GRANT FUNDS FROM THE POLLUTION CONTROL FINANCING
AUTHORITY OF SALEM COUNTY FOR THE BOROUGH OF ELMER REMEDIATION PROJECT
Number 44-19**

WHEREAS, on August 7, 2018, the Borough of Elmer, represented by Elmer Borough Councilman James Zee, appeared before the Salem County Pollution Control Financing Authority (PCFA) seeking funding for a remediation project needed within the Borough of Elmer; and

WHEREAS, on the above date, Elmer presented to PCFA information regarding an underground storage tank located within the Borough of Elmer, which, upon discovery and notification by the New Jersey Department of Environmental Protection (NJDEP), created contaminated materials which the NJDEP was requiring Elmer to remediate at an anticipated cost of \$113,000;

WHEREAS, on January 8, 2019 PCFA offered a financial package including a grant in the amount of \$22,600 and a loan in the amount of \$90,400 and on February 13, 2019 the Borough of Elmer approved Resolution Number 35-19 accepting the grant amount of \$22,600 and declining the loan amount of \$90,400 in order to pursue other financing; and

WHEREAS, on March 5, 2019 the Borough of Elmer, represented by Councilman James Zee, appeared before the PCFA to request a grant award of \$25,000 with no loan funds; and

WHEREAS the PCFA has provided a copy of Resolution 2019-13 approving the grant award of \$25,000 as adopted on April 2, 2019; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer that the Borough Council accept the grant for the purposes as stated above;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer, that the Grant is hereby ratified and the Mayor and Clerk are hereby authorized to execute the Grant Agreement.

**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 47-19

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.

Motion Davis second Foster to adopt Resolutions 40-19 through 44-19 and 47-19.

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

Motion Zee second Davis to table Resolution 45-19 Awarding Professional Services Contract to Calmar Associates LLC as Environmental Consultant and Resolution 46-19 Temporary Capital Budget Amendment. All were in favor and motion carried.

The following Resolution was discussed and read by title:

BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AWARDING CONTRACT FOR PROPERTY MAINTENANCE SERVICES
Number 48-19

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

WHEREAS, the Clerk solicited quotes from seven (7) companies performing such services and received two (2) responses:

1. Eaise Design & Landscaping @ \$48 per hour for various services; and
2. The "J" Boys @ \$45 per hour for various services except tree work @\$50

WHEREAS, these quotes were reviewed by Council and a recommendation made that the quote be awarded to Eaise Design & Landscaping;

WHEREAS, the rates for the requested property maintenance services are set forth on the quote dated March 19, 2019, 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 March 19, 2019 submitted by Eaise Design & Landscaping 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 Zee to adopt Resolution 48-19.

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

3. 2019 Budget: Council members discussed various budget items including the proposed rate, the walking trail funds, and plans for the Veteran's monument restoration. The 2019 Budget Notice Resolution was read:

RESOLUTION OF THE BOROUGH OF ELMER
INTRODUCTION OF THE 2019 BUDGET

Number 49-19

(See page 38c in the Minute Book for the Introduced Budget)

Motion Davis second Zee to approve Resolution 49-19 and to set the public hearing for May 8, 2019.

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

DISCUSSIONS/MOTIONS:

1. Set Special Meeting Date: A Special Meeting to hear a Land Use Board appeal will be held May 1st, 2019 at 7:30 pm in the Borough Council room.

2. Elmer Fire Department Golf Tournament: Motion Schalick second Davis to approve sponsoring the Elmer Fire Department Golf Tournament. All were in favor and motion carried.
3. Phone System changes: The Clerk updated Council on changes to the allocation of fax lines from Spectrotel to USA Phones to save up to \$83 per month. All were in favor of making changes.
4. Letter of Support for Green Infrastructure Grant: the Clerk reviewed a letter of support that was requested today from the South Jersey Land and Water Trust for a potential grant. All were in favor of the letter of support.

EXECUTIVE CLOSED SESSION:

Motion Foster second Davis to open the Executive Closed Session at 8:16 pm (as per approved Resolution 50-19). All were in favor and motion carried.

At 8:40 pm, motion Zee second Nolan to close the Executive Closed Session and return to the Regular Meeting. All were in favor and motion carried.

Council members discussed status of Elmer Ambulance sale and concerns about Pfeffers Lane. No action was taken.

REPORTS/BILL LIST:

Motion Zee second Nolan to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 38a**); all were in favor and motion carried.

Motion Davis second Nolan to pay all duly authorized bills and charge them to their respective accounts (**see Page 38b**). Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

Motion Davis second 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 Fire and Police Department reports.

Streets/Sidewalks/IT: No report.

Borough Hall/Public Property: Davis is looking into replacing the first floor tiles in the Borough Hall.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: No report.

ONGOING PROJECTS: No report.

ADJOURNMENT: At 10:07 pm, motion Zee second Foster that the meeting be adjourned. All were in favor and motion carried.

April 10, 2019

Sarah D. Walker, Borough Clerk

Approved: May 8, 2019