

Borough of Elmer Minutes Special Meeting**May 1, 2019**

CALL TO ORDER: A Special 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 April 15, 2019 pursuant to the Open Public Meetings Act.

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

UNFINISHED BUSINESS: None.

NEW BUSINESS:**1. Land Use Board Appeal** of Land Use Board Site Plan Waiver for Block 15 Lot 15 (20 N. Main St) and Lot 16 (12 N. Main St)

The Mayor turned the meeting over to Solicitor Duffield to address the Land Use Board Appeal submitted by Mr. Roger Anderson on March 22, 2019. Duffield explained that the purpose of the meeting is to review the record and proceedings of the Elmer Borough Land Use Board regarding the final decision granting Site Plan Waivers for Block 15 Lot 15 (20 N. Main St) and Lot 16 (12 N. Main St) as detailed in Land Use Board Resolution Nos. 19-1 and 19-2. Duffield reviewed the list of documents that he had received and noted that the notice of appeal that was submitted in the appropriate time frame. Duffield said that the full transcript of the tape of the Land Use Board meeting in dispute had not been provided to him or the Clerk as required by law by the appellant, Mr. Roger Anderson. He explained that the statute is very specific in the requirement of the transcript and that without that document the Borough Council has nothing to review so therefore they cannot hear the appeal. Mr. Anderson stated that he did not know he was supposed to provide the transcript. Duffield said that the only options available to Council are to decide either to dismiss the appeal or postpone the appeal to a later date, with consideration of the prejudice to the party receiving the approvals.

Motion Davis second Zee to dismiss the appeal.

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

2. Borough Hall Rain Garden

The Clerk explained the status of the installation of the rain gardens at the Borough Hall and the following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING THE EXECUTION OF THE MEMORANDUM OF UNDERSTANDING
WITH SOUTH JERSEY LAND AND WATER TRUST FOR THE INSTALLATION AND MAINTENANCE
OF A RAIN GARDEN AT THE ELMER BOROUGH HALL**

Number 51-19

WHEREAS the purpose of the Memorandum of Understanding (“MOU”) between the Elmer Borough and the South Jersey Land and Water Trust is to document the obligations and responsibilities of the two entities for the design, installation and implementation of a green infrastructure project (rain garden) at the Elmer Borough Hall, 120 S. Main St., Elmer, NJ;

WHEREAS the Borough will provide certain services as described in the attached MOU;

WHEREAS all conditions and provisions of the Memorandum of Understanding shall become effective May 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmer, County of Salem, and State of New Jersey that the Mayor and Borough Clerk of the Borough of Elmer are hereby authorized and directed to execute said Memorandum of Understanding on behalf of the Borough of Elmer.

Motion Zee second Davis to approve Resolution 51-19.

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

PUBLIC SESSION:

Motion Zee second Davis to open the public portion of the meeting. All were in favor and the motion carried.

Approximately 30 people were in attendance; there was no comment made by the public.

Motion Zee second Davis to close the public portion of the meeting. All were in favor and motion carried.

DISCUSSIONS/MOTIONS: None.

ADJOURNMENT: At 7:45 pm, motion Zee second Foster that the meeting be adjourned. All were in favor and motion carried.

May 1, 2019

Sarah D. Walker, Borough Clerk

Approved: June 12, 2019