

Borough of Elmer Minutes**May 8, 2019**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Joseph 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, Police Chief Patrick Bryan, and Clerk Sarah Walker.

APPROVAL OF MINUTES: Motion Zee second Davis to approve the minutes from the Regular and Executive Council Meetings held on April 10, 2019, and to dispense with the reading of the minutes.

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

PRESENTATION: Joe Stanley, Chair of the New Jersey Section of the American Water Works Association (NJAWWA), presented the 'Best in New Jersey' award to the Borough of Elmer Water Department staff John Meier, Elmer Water Superintendent, and Bob Richards, Elmer Assistant Water Superintendent. Meier entered the Borough's water into the contest held by the Association and over 1000 participants chose Elmer as best tasting water. Meier's company, Water Resource Management, will be sending staff to the National AWWA Conference to enter Elmer's water in that contest.

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

UNFINISHED BUSINESS:

1. 2019 Budget: The following Resolutions were read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR THE SELF-EXAMINATION OF THE 2019 BUDGET**

Number 52-19

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Elmer has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Elmer that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes

- e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR THE 2019 BUDGET TO BE READ BY TITLE ONLY**

Number 53-19

WHEREAS, N.J.S.A.40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Motion Davis second Foster to approve Resolutions 52-19 and 53-19.

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

**RESOLUTION OF THE BOROUGH OF ELMER
2019 BUDGET ADOPTION**

Number 54-19

(See page 48c in the Minute Book for the Adopted Budget)

Motion Zee second Davis to open the public hearing for the 2019 Budget. CFO Strang and Council discussed various budget items including a police department request for a new livescan machine due to phasing out of existing machine's maintenance contract. Motion Davis second Nolan to close the public hearing.

Motion Davis second Nolan to adopt the 2019 Municipal Budget

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

2. Ordinances: The following Ordinance, tabled from last month, was read by title:

ORD. 2019-5 BOND ORDINANCE AUTHORIZING THE ENVIRONMENTAL REMEDIATION AT 56 STATE STREET IN THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY;

APPROPRIATING THE SUM OF \$170,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$136,500 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Motion Zee second Foster to approve Ord. 2019-5 on first reading.

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

3. Resolutions: The following Resolution, tabled from last month, was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER
AWARDING CONTRACT FOR PROFESSIONAL SERVICES TO CALMAR ASSOCIATES, LLC,
TO PROVIDE REMEDIAL ACTION OVERSIGHT SERVICES REGARDING
BLOCK 18, LOTS 6, 7.01, 28 AND 29 (56 STATE STREET)**

Number 45-19

WHEREAS, the Borough of Elmer is the owner of property located at 56 State Street, and identified on the official Tax Map as Block 18, Lots 6, 7.01, 28 and 29; and

WHEREAS, on September 25, 1990, the New Jersey Department of Environmental Protection (NJDEP) was notified of a discharge which was discovered after removal of one (1) one thousand four hundred (1,400) gallon leaded gasoline Underground Storage Tank (UST) system; and

WHEREAS, it is necessary to retain the services of an environmental consulting firm to conduct Remedial Investigation services and bring the site into compliance with current NJDEP regulations; and

WHEREAS, CALMAR Associates LLC ("CMA") provides such Remedial Investigation and compliance services; and

WHEREAS, CMA has provided a proposal dated March 31, 2019, attached hereto, for remedial action oversight during the implementation of Remedial Action (RA) activities; and

WHEREAS, the Borough of Elmer's CFO has certified that funds are available for this purpose; and

WHEREAS, a Resolution is required authorizing the award of a contract for professional services to CMA as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, CMA has or will complete and submit a Business Entity Disclosure Certification which certifies that said firm has not made any contributions to a political or candidate committee in the Borough that would bar the award of this contract and that the contract will prohibit CMA from making any contributions through the term of the contract.

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

- 1) CALMAR Associates, LLC, having a business address of 1415 13th Avenue, Dorothy, New Jersey 08317, is hereby appointed to conduct remedial action oversight related activities during the implementation of Remedial Action (RA) activities for Borough owned property designated as Block 18, Lots 6, 7.01, 28 and 29 (56 State Street) on the official Tax Map of the Borough of Elmer pursuant to the proposal dated March 31, 2019, attached hereto for a sum not to exceed \$38,360.00.
- 2) This contract is awarded without competitive bidding as a "professional contract" in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law,

CALMAR Associates, LLC has professional knowledge as to environmental issues which knowledge is particularly valuable to the Borough Council.

- 3) The Borough Council of the Borough of Elmer has awarded the contract without competitive bidding as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a) to CALMAR Associates, LLC. This contract and resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Borough of Elmer.
- 4) The Mayor and Clerk are hereby authorized and directed to execute on behalf of the Borough of Elmer a Professional Contract in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto, said contract shall become effective.
- 5) A notice of this contract award, as required by N.J.S.A. 40A:11-5, shall be published in the Borough's official newspaper within ten (10) days after passage of this Resolution.

Motion Zee second Davis to adopt Resolution 45-19.

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

NEW BUSINESS:

1. Ordinances: None.

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

RESOLUTION OF THE BOROUGH OF ELMER AUTHORIZING AWARD OF PROFESSIONAL SERVICES CONTRACT FOR EXTRAORDINARY UNSPECIFIABLE SERVICES TO BLAUER ASSOCIATES FOR FY 2020 SMALL CITIES GRANT APPLICATION

Number 55-19

WHEREAS, the Borough of Elmer seeks to apply for FY 2020 Small Cities grant funds; and

WHEREAS, the Borough of Elmer has sought the services of a grant writing consultant to seek out both public and private grant opportunities to help offset future increases in property taxes; and

WHEREAS, Blauer Associates provides grant writing consulting and related services to obtain public and private grant opportunities to help offset future increases in property taxes; and

WHEREAS, the Borough Council deems it in the best interests of the Borough to award a Contract to Blauer Associates to provide the services delineated in the proposal attached hereto dated April 4, 2019 and wishes to provide its approval to the award of contract; and

WHEREAS, the availability of funds has been certified by the Chief Financial Officer; 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" without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Elmer that a Professional Services Contract be awarded and executed with Blauer Associates to provide the aforementioned grant writing consulting and related services reflected in the attached proposal dated April 4, 2019 with the understanding that total compensation for performance under the contract for a fee of \$1,800.00 to submit the application, and post-grant approval services at the hourly of \$135.00 per hour, in a contract not to exceed \$17,500.00.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract and any and all related documents reflected in the proposal with Blauer Associates to take any and all actions necessary to complete the intent and purpose of this Resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be publicly advertised pursuant to NJSA 40A:11-5 et seq.

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 ARCHER EXTERIORS FOR BOROUGH HALL ROOF REPAIR PROJECT

Number 56-19

WHEREAS, Mayor and Council of the Borough of Elmer determined that Borough Hall roof repairs were necessary; and

WHEREAS, consistent with the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough Clerk obtained quotes for the Borough Hall roof repairs; and

WHEREAS, on February 13, 2019, via Resolution No. 34-19, the Mayor and Council awarded the Quote to Archer Exteriors upon the lowest responsive quote in the sum of \$16,248.00; and

WHEREAS, the Borough's Engineer has recommended Change Order #1 which will result in an overall increase of \$200.00 above the original contract amount of \$16,248.00 for a final projected contract amount of \$16,448.00; and

WHEREAS, 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 in the amount of \$16,448.00 are hereby approved and authorizes the payments related thereto.

BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION TO AUTHORIZE THE MAILING OF 2019 THIRD QUARTER ESTIMATED TAX BILLS

Number 57-19

WHEREAS, all the annual budgets needed for **2019** total tax rate for the Borough of Elmer have not been finally set; and

WHEREAS, the governing body of the Borough of Elmer has therefore determined that the Tax Collector will be unable to complete the mailing and delivery of municipal tax bills by **June 30, 2019**; and

WHEREAS, N.J.S.A. 54:4-66.3 provides the authority and procedures by which an estimated and reconciled tax bill can be set and mailed by a municipality in such case made, by June 30th of the said year.

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

1. The Tax Collector in consultation with the Chief Finance Officer (CFO) of the Borough of Elmer shall compute an estimated annual tax levy range for the County and each taxing district whose tax levy has not yet been certified by the County Board of Taxation, which as of this date such levies have not been so certified.
2. The range may be within the lower and upper amounts calculated by multiplying the levy of the County and each such taxing district for the previous calendar year by 0.95 and 1.05.

3. The Borough CFO has prepared, delivered, and recommends to the governing body a Certification of the previous calendar fiscal year's annual tax levy with a multiplier of 1.05 to determine an estimated annual tax levy for the County and each such taxing district for the current year.
4. The governing body hereby authorizes the CFO, working in conjunction with the Tax Collector, by **June 30, 2019** to prepare and deliver estimated annual tax levy bills for the County and each such taxing district computed by utilizing the multiplier of 1.05 of the previous calendar fiscal year annual tax levy, and thereafter, to be administered in accordance with the procedures and standards as established by N.J.S.A 54: 4-66.3.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING
ADVERTISING AND RECEIPT OF BIDS FOR THE
56 STATE STREET ENVIRONMENTAL REMEDIATION PROJECT**

Number 58-19

WHEREAS, the Borough of Elmer is the owner of property located at 56 State Street, and identified on the official tax map as Block 18, Lot 6, 7.01, 28 and 29; and

WHEREAS, on September 25, 1990, the New Jersey Department of Environmental Protection ("NJDEP") was notified of a discharge which was discovered after removal of One Thousand Four Hundred (1,400) gallon leaded gasoline underground storage tanks ("UST"); and

WHEREAS, on May 8, 2019, via Resolution No. 45-19, the Elmer Borough Council awarded a Professional Services Contract to Calmar Associates, LLC to oversee the implementation of Remedial Action activities implemented by a third-party Environmental Remediator; and

WHEREAS, Calmar Associates, LLC has developed bid specifications for the Environmental Remediator; and

WHEREAS, the Borough Council desires to advertise and receive bids for the 56 State Street Environmental Remediation Project.

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 Borough Clerk, in conjunction with Calmar Associates, LLC, shall advertise and receive bids for the 56 State Street Environmental Remediation Project.

BE IT FURTHER RESOLVED that the advertisement for bids shall conform to the requirements of N.J.S.A. 40A:11-23, and such notice shall be published in the official newspaper of the Borough of Elmer.

BE IT FURTHER RESOLVED that the bids will be submitted to the Borough Clerk and in accordance with the terms, conditions and specifications of the Notice to Bidders and Proposal form.

Motion Zee second Davis to adopt Resolutions 55-19 through 58-19.

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

DISCUSSIONS/MOTIONS:

1. NJLM Letter Hopewell v. Verizon: Solicitor Duffield reviewed the letter from the New Jersey League of Municipalities about the Hopewell Township Tax Appeal against Verizon and the request for the Borough to contribute to the litigation. No action was taken.

2. Plan for Proposed School Tax Deferral Payment: CFO Strang discussed the plan for the reimbursement of the deferred school tax levy using a method of 'pay as we levy' and the request from the Pittsgrove Board of Education's Operations Committee that the final payment be made by 2030.

Motion Schneider second Foster to agree to finalize the payment of the deferred school tax to the Pittsgrove Board of Education by 2030.

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

3. Salem County Gas Bid: Council Members discussed joining the South Jersey Power Cooperative for an upcoming natural gas bid.

Motion Schalick second Schneider to join the South Jersey Power Cooperative for the Natural Gas bid for all three natural gas accounts (Fire Department, Water Department, and Borough Hall).

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

4. GovDeals: The Clerk updated Council Members on the change from GovDeals to Municibid for the State Contract for online sales. The Solicitor stated that the current bidding for the boiler can stay with GovDeals until it is finalized.

REPORTS/BILL LIST:

Motion Davis second Zee to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 48a**); 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 48b**). Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

The Mayor discussed the letter he received from the NJ Senate requesting a resolution of support for the Path to Progress. The following resolution was read:

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
IN SUPPORT OF PATH TO PROGRESS RECOMMENDATIONS MADE BY
NEW JERSEY ECONOMIC AND FISCAL POLICY WORKGROUP**

Number 59-19

WHEREAS, New Jersey faces a daunting fiscal crisis; and

WHEREAS, for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the 2% arbitration cap; and

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Elmer, County of Salem, expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Governor Phil Murphy, Senate President Steven M. Sweeney, Assembly Speaker Craig J. Coughlin, Third District Assembly Representatives John J. Burzichelli and Adam Taliaferro, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Louis D. Greenwald, Assemblywoman Eliana Pintor Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

Motion Schneider second Schalick to approve Resolution 59-19.

Roll Call: Ayes: Schneider, Nolan, Schalick, Zee; Nays: Davis; Abstain: Foster. Motion carried.

Motion Davis 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: Councilman Schalick noted that the Memorial Day parade is scheduled for May 27, 219 at 9:30 am lineup on Salem St., 10 am start to parade, and ceremony at Chestnut Grove around 11:20 am. Harvest Day is scheduled for October 5, 2019.

Public Safety: Schneider summarized the Fire and Police Department reports.

Streets/Sidewalks/IT: Foster and Council members discussed complaints about water in the streets and items that need to be addressed by the County on the County roads such as painting crosswalks and curbs and replacing signs.

Borough Hall/Public Property: Davis is looking getting other quotes for flooring; the Borough hall roof is completed.

Water/Street Lights: Zee noted that he will contact Calmar to move forward with the Remediation project and street light outages were discussed.

Trash/Recycling/Parks & Playgrounds: Nolan mentioned buying flowers for the pots and the Clerk and Mayor discussed the Veterans Monument 'EP Henry Heroscaping' project for materials to renovate the monument.

ONGOING PROJECTS: No report.

ADJOURNMENT: At 9:55 pm, motion Zee second Foster that the meeting be adjourned. All were in favor and motion carried.

May 8, 2019

Sarah D. Walker, Borough Clerk

Approved: June 12, 2019