

Borough of Elmer Minutes**June 12, 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 Ekaterine Eleftheriou, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

APPROVAL OF MINUTES: Motion Davis second Zee to approve the minutes from the Regular and Special Council Meetings held on May 8, 2019 and May 1, 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 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 Davis second Zee to close the public portion of the meeting. All were in favor and motion carried.

UNFINISHED BUSINESS:**1. Ordinances - Second Reading/Public Hearing**

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 Davis second Nolan to open the public hearing for Ordinance 2019-5. There being no comment, motion Davis second Zee to close the public hearing. Motion Zee second Nolan to adopt Ordinance 2019-5.

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

2. Pfeffer's Lane: Mayor Stemberger outlined the concerns regarding Borough maintenance of Pfeffer's Lane. Council recommended writing a letter to the property owners about ownership of the road for future maintenance.

3. Remediation Project Update: Councilman Zee provided an update on the status of the bid and Council members discussed the Licensed Site Remediation Professional proposal and Solicitor recommendation. Assistant Water Superintendent Richards noted that an agreement from the neighboring property will be needed prior to the start of construction in case the excavation extends into that property. A verbal agreement was already obtained from Mr. Foote.

NEW BUSINESS:**1. Ordinances - Discussion/First Reading:**

a. Chapter 25 Land Use Board request for Solar/Small Energy Facilities for Residential & Commercial Properties: The Mayor noted that a recent application for a zoning permit was denied due to lack of information in the Land Use code for ground mount solar units. The Land Use Board discussed ground mount solar setbacks at their June 6th meeting. The Solicitor recommended getting changes in writing from the Land Use Board. No action was taken.

b. Chapter 11-5 Landlord Registration Late Fee: The Zoning and Housing Office recommended a \$60 late fee to be enacted starting next year. Council discussed a progressive fee. Council President Schneider recommended tabling the discussion for next month.

c. Chapter 9-1.5 Lien Unpaid Vacant/Abandoned Property Fees: The Clerk noted that the Tax Collector recently attended a seminar whereby the recommendation was made that unpaid vacant/abandoned property registration fees could not be recovered via property lien. Solicitor Duffield is reviewing for next month. No action was taken.

d. Chapter 5 Limit Number of Pets Permitted: A recent complaint concerning the number of dogs being kept on a property and the request by the Animal Registrar to limit the number of pets permitted on a property was discussed. No action was taken.

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

**BOROUGH OF ELMER, COUNTY OF SALEM
2018 AUDIT RESOLUTION**

Number 60-19

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments
Recommendations**

and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body attached hereto, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Elmer, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION
REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40A:4-87)**

Number 61-19

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount:

SECTION 1

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Elmer, in the County of Salem, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$4,000.00, which item is now available as a revenue from the State of New Jersey, Solid Waste Administration FY2019 Clean Communities Grant pursuant to the provisions of statute, and

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$4,000.00 is hereby appropriated under the caption of "Public and Private Programs Offset by Revenues", State of New Jersey, Solid Waste FY2019 Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is a result of a State grant of \$4,000.00 from the State of New Jersey, Solid Waste Administration FY2019 Clean Communities Grant.

Motion Davis second Nolan to adopt Resolutions 60-19 through 61-19.

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

Resolution 62-19 was read by title and was amended as follows:

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

Number 62-19

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Allison Foote for a Site Plan Review for 47 Broad Street (Block 18 Lots 7 & 8) in the amount of \$993.25 be distributed and paid as follows:

Amount: \$993.25 To: Fralinger Engineering For: Site Plan Review

Motion Foster second Davis to adopt Resolutions 62-19.

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

The following resolution was read by title:

**RESOLUTION OF THE BOROUGH OF ELMER IN SUPPORT OF THE COUNTY OF SALEM TO
UNDERTAKE A STUDY TO RESEARCH A COUNTY-WIDE SCHOOL SYSTEM AND/OR COUNTY-
WIDE ADMINISTRATION**

Number 63-19

WHEREAS, the per-pupil school district costs are rising resulting in higher property taxes; and

WHEREAS, a consolidated county district could be advantageous from both a tax savings perspective as well as in educational areas, such as establishing a standardized curriculum, that could have ‘tangible benefits’ to students in addition to saving on costs; and

WHEREAS, there are models of county-based school districts throughout the country, some of which are highly successful, that prove consolidation or regionalization may be achievable in Salem County; and

WHEREAS, the Borough of Elmer desires to declare its support for the County of Salem to undertake a study to explore the idea of regionalization or consolidation of school districts in the County of Salem, which would include the effectiveness and detriments of such a proposal, where the cost of such study would be paid for by the State of New Jersey;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Elmer, County of Salem, that it declares its support for the County of Salem to undertake a study to explore the idea of regionalization or consolidation of school districts in the Count of Salem, which would include the effectiveness and detriments of such a proposal, where the cost of such study would be paid by the State of New Jersey.

Motion Schneider to adopt Resolutions 63-19. There being no second, motion FAILED.

The following resolution was read by title:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF CONTRACT WITH BECICA ASSOCIATES, LLC FOR BOROUGH HALL AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY ASSESSMENT

Number 64-19

WHEREAS, the Borough Council seeks to conduct an Americans with Disabilities Act (“ADA”) accessibility assessment of the Borough Hall with the objective of addressing ADA compliance for the building’s public spaces; and

WHEREAS, the Borough Clerk, with the assistance of the Borough Engineer, has solicited proposals from qualified firms to prepare the ADA accessibility assessment; and

WHEREAS, the following firms submitted proposals and their proposed fees as follows:

	First Floor	Second Floor	Total
Becica Associates	\$6,700.00	\$2,150.00	\$ 8,850.00
MMPF Architects	\$8,500.00	\$2,500.00	\$11,000.00
Lammey & Giorgio	\$8,700.00	\$3,700.00	\$12,400.00

; and

WHEREAS, Becica Associates, LLC submitted the lowest qualified proposal dated June 7, 2019 for the total sum of \$8,850.00, attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, that the Mayor of the Borough of Elmer and Borough Clerk are hereby authorized to execute a Contract with Becica Associates, LLC to prepare the ADA accessibility assessment of the Borough Hall in the form and upon the terms of the proposal dated June 7, 2019 for the total sum of \$8,850.00 attached hereto.

Motion Zee second Nolan to adopt Resolution 64-19.

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

DISCUSSIONS/MOTIONS:

1. Community Work Experience Program (CWEP):

Motion Zee second Nolan to approve the CWEP volunteer to work with the Clerk for the designated work period (June through October). All were in favor and motion carried.

2. Donation of Impounded Bikes

Motion Davis second Nolan to approve the donation of bikes that have been in police storage to the Woodstown Rotary for the Pedals for Progress nonprofit. All were in favor and motion carried.

3. Storm Drain Retrofit

Motion Foster second Nolan to approve the storm drain retrofit by the South Jersey Land and Water Trust at no cost to the Borough. All were in favor and motion carried.

REPORTS/BILL LIST:

Motion Foster second Davis to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 53a**); all were in favor and motion carried.

Motion Davis second Zee to pay all duly authorized bills and charge them to their respective accounts (**see Page 53b**). Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

The Clerk reviewed correspondence from the Office of Planning Advocacy regarding the 2020 expiration of the Town Center designation.

Motion Zee second Foster to decline the renewal of the Town Center designation in 2020. All were in favor and motion carried.

Motion Zee second Davis 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 was a success and Council discussed buses for next year.

Public Safety: Council President Schneider summarized the Fire Department report.

Streets/Sidewalks/IT: Council members discussed the sidewalks around the Borough Hall.

Borough Hall/Public Property: Councilwoman Davis is looking into a cheaper floor for the first floor hallway.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: Councilwoman Nolan discussed trash complaints and getting a water line placed in Centennial Park for watering flowers. The Boy Scouts will put the flags up next year.

ONGOING PROJECTS:

Green Acres Park: The Mayor discussed working with Salem County for construction at the park. He will write a letter to the Freeholders requesting support.

Flag Pole: The Mayor is still working on getting the flag pole painted.

Veteran's Monument: The VFW is interested in participating in the ribbon cutting ceremony and Chief Bryan is working on the EP Henry Heroscaping program for a fall renovation of the monument.

ADJOURNMENT: At 10:18 pm, motion Zee second Nolan that the meeting be adjourned. All were in favor and motion carried.

June 12, 2019

Sarah D. Walker, Borough Clerk

Approved: July 10, 2019