

Borough of Elmer Minutes**October 9, 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 Members Lynda Davis, Bruce Foster, Cynthia Nolan, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Absent was Council President Lewis Schneider. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, Police Chief Bryan, and Clerk Sarah Walker.

APPROVAL OF MINUTES: Motion Davis second Zee to approve the minutes from the Regular Council Meetings held on September 11, 2019, and to dispense with the reading of the minutes.

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

PUBLIC SESSION: Motion Zee second Nolan to open the public portion of the meeting. All were in favor and the motion carried.

Mayor Stemberger thanked everyone involved in the Harvest Day and noted that it was a great community event, lots of people came out on a beautiful day, over 170 cars participated in the Car Show, and the 5K and Mayor's Walk was very successful.

Burry Timberman distributed and discussed a survey of property he owns at 30 State Street (Block 18 Lots 10 & 11). The warehouse encroaches on Borough owned property (28 State St. Block 18 Lot 12) and Elmer Bank owned property. Timberman would like to purchase the property that the Borough owns to resolve the encroachment. Solicitor Duffield described the process for the Borough to sell the property; the property could be offered to adjacent property owners for a minimum fair market value bid as a quit claim deed after adoption of an ordinance. Motion Zee second Nolan for the Solicitor to prepare an ordinance to sell the property at 28 State Street, Block 18 Lot 12. All were in favor and motion carried.

Mayor Stemberger announced that the Talk of the Town Coffee Shoppe was closing due to the retirement of owner Linda Herrmann and that a get together will be held Friday at 9:00 am. He thanked Linda for her 17 years, and Linda thanked everyone and noted that she was blessed to have been able to become part of the small town community.

There being no other public comment, motion Zee second Davis to close the public portion of the meeting. All were in favor and motion carried.

UNFINISHED BUSINESS: None.

NEW BUSINESS

1. Ordinances – the following Ordinance was read by title:

ORDINANCE 2019-7 AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" TO PERMIT GROUND MOUNTED SOLAR ARRAYS

Motion Zee second Davis to approve Ordinance 2019-7. Council members discussed issues of ground mount installations including the height, number of panels, and location within the setbacks (whether side yards installations would be permitted). Zee withdrew his motion.

Motion Schalick second Davis to approve Ordinance 2019-7 with changes to permit ground mounted solar arrays with a maximum height of 10 feet and no units permitted in side or front yards.

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

2. Resolutions – the following Resolutions were read by title:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING AWARD OF PROFESSIONAL CONTRACT TO ENVIRONMENTAL CONSULTANT, CALMAR

**ASSOCIATES, LLC (“CMA”) FOR PROFESSIONAL ENVIRONMENTAL REMEDIATION SERVICES
RELATING TO THE BOROUGH WATER TOWER ENVIRONMENTAL REMEDIATION PROJECT**

Number 81-19

WHEREAS, the Borough of Elmer requires the services of a professional environmental remediation firm relating to the environmental contamination located at the Borough’s water tower (56 State Street); and

WHEREAS, the award of the Contract to CALMAR Associates LLC (“CMA”) will be pursuant to a non-fair and open Contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough of Elmer’s CFO has determined and certified in writing that the value of such services will exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00); and

WHEREAS, the anticipated term of this Contract is one (1) year, and may be extended four (4) times as approved by this governing body; and

WHEREAS, CMA has submitted a proposal and Contract dated September 11, 2019, attached hereto; 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 in the previous one year, and that the award of this contract will prohibit CMA from making any contributions through the term of the contract; and

WHEREAS, the Borough of Elmer’s Chief Financial Officer has certified that funds are available for this purpose and who shall make an appropriate entry into the Borough’s encumbrance system pursuant to N.J.A.C. 5:30-5.1 and 5.2 prior to the issuance of a contract; and

WHEREAS, the Borough Council deems it in the best interests of the Borough to award a Contract to CMA to provide the services delineated in the proposal and wishes to provide its approval to the award of contract; and

WHEREAS, the New Jersey Local Public Contract 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 publically advertised.

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 awarded the contract to provide professional environmental remediation services relating to the environmental contamination located at the Borough’s water tower (56 State Street) on the official Tax Map of the Borough of Elmer pursuant to the proposal dated September 11, 2019, attached hereto for a sum of \$27,540.00,
- 2) The 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 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.

- 4) The contract and this resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Borough of Elmer.
- 5) The Business Disclosure Entity Certification, Determination of Value Certification, political Contribution Disclosure Form and Stockholder Disclosure Certification referenced above be placed on file with this resolution.
- 6) The compensation to be paid to CALMAR Associates, LLC shall be based on the proposal submitted by CALMAR Associates, LLC with the understanding that total compensation for performance under the contract shall be \$27,540.00.
- 7) A notice of this contract award, as required by N.J.S.A. 40A:11-5 et seq., shall be published in the Borough's official newspaper within ten (10) days after passage of this Resolution.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A COOPERATIVE PURCHASE AGREEMENT WITH THE COUNTY OF SALEM FOR THE PURCHASE OF MOTOR FUELS

Number 82-19

WHEREAS, the County of Salem owns and operates a motor fuels storage and dispensing system for the motor fuel needs of the County; and

WHEREAS, the County of Salem permits the sale of such motor fuels to each Member Municipality, including the Borough of Elmer; and

WHEREAS, the Borough of Elmer is desirous of purchasing motor fuel from the County of Salem pursuant to the terms and conditions of the Salem County Commodity Resale Agreement for Motor Fuels 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 the Salem County Commodity Resale Agreement for Motor Fuels in the form and upon the terms of the Agreement dated August 27, 2019 attached hereto.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING CONTRACTS WITH DIRECT ENERGY BUSINESS MARKETING, LLC AND UGI ENERGY SERVICES FOR NATURAL GAS SUPPLY AND DELIVERY FOR THE COUNTY OF SALEM

Number 83-19

WHEREAS, the County of Camden, as the Lead Agency for the South Jersey Power Cooperative ("SJPC"), received and opened publicly advertised Bid A-37/2019 on September 17, 2019, for the supply and delivery of natural gas to various South Jersey Power Cooperative locations; and

WHEREAS, the County declared Direct Energy Business Marketing, LLC, as the lowest responsible bidder for Lot 1C and Lot 4C, in Appendix A, which is the Fixed All-Inclusive Product, for a term of thirty-six (36) months listed in Direct Energy Business Market, LLC Proposal for Bid A-37/2019; and

WHEREAS, the County declared UGI Energy Services, as the lowest responsible bidder for Lot 2C, Lot 3C, and Lot 5C, in Appendix A, which is the Fixed All-Inclusive Product, for a term of thirty-six (36) months commencing December 1, 2019 through November 30, 2022, at the dekatherm prices listed in UGI Energy Services Proposal for Bid A-37/2019; and

WHEREAS, Salem County is participating in the South Jersey Power Cooperative with Camden County; and

WHEREAS, it is in the best interest of the residents of the Borough of Elmer to join and participate in the Natural Gas Supply Purchase Cooperative with the County of Salem.

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

1. That the Mayor and Borough Clerk are hereby authorized to join, participate and execute any contracts or agreements with the County of Salem regarding the supply and deliver of natural gas to the Borough of Elmer pursuant to the South Jersey Power Cooperative Agreement with Camden County.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF SHARED SERVICES AGREEMENT FOR PUBLIC WORKS EQUIPMENT AND SERVICES WITH THE COUNTY OF SALEM
Number 84-19**

WHEREAS, the County of Salem provides various public works related equipment, labor and services to the County of Salem and the municipalities therein; and

WHEREAS, the County of Salem has agreed to provide such public work services to the Borough of Elmer upon the terms and conditions of the Shared Services Agreement attached hereto; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., permits local units of this state to enter into a contract with any other governmental unit for shared services; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer to enter into such Agreement with the County of Salem.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Shared Services Agreement attached hereto with the County of Salem for public works equipment, labor and services.

Motion Davis second Zee to adopt Resolutions 81-19 through 84-19. Council members discussed 84-19. Roll Call: Ayes: Davis, Foster, Nolan, Schalick, Zee; Nays: None. Absent: Schneider. Motion carried.

DISCUSSIONS/MOTIONS:

1. American Legion Ambulance Advisory Board Member: Mayor Stemberger updated Council on a recent meeting with the Board of the American Legion Ambulance concerning their finances and their request that each participating town provide at least one elected official to be on their Advisory Board. Councilman Zee volunteered to undertake that commitment and recommended Bob Richards, who said he will consider the position.
2. Best Practices Inventory: Council members reviewed the Best Practices Inventory and discussed a fee ordinance for off-duty police work and recommendations for administrative costs such as fringe benefits. The Solicitor recommended updating the Borough code for 2020.
3. Sidewalks: The Mayor reviewed a plan for sidewalk code enforcement and whether certified mailings were necessary. The Solicitor noted that a general mailing could be sent out in January announcing code enforcement plans, but to enforce a violation a certified letter listing the specific code violation and date to comply (90 days) would need to be sent so that compliance could be enforced through the court system. Members also discussed issue of liability of tree damage in the right of way.
4. Schedule Budget Meeting & Reorganization: Council members scheduled the Budget Meeting for December 12, 2019 at 7:00 pm, the Reorganization Meeting for Tuesday, January 7, 2020 at 6:30 pm, and the Regular January Meeting for Tuesday, January 7, 2020 at 7:30 pm.

5. Authorization to Solicit RFPs for Professional Services:

Motion Zee second Nolan to authorize the Clerk to solicit Requests for Proposals (RFPs) for Professional Services. All were in favor and motion carried.

6. Authorization to Solicit Bids for Water Services:

Motion Zee second Nolan to authorize the Clerk to solicit bids for water services for the Water Department. All were in favor and motion carried.

7. Meeting Room Use: Members discussed having the Elmer VFW move various items to the Borough Hall so that they could have their monthly meetings there.

Motion Schalick second Zee to approve the VFW to use the Election Room on the 1st Wednesday of every month from 7:00-9:00 pm. All were in favor and motion carried.

REPORTS/BILL LIST:

Motion Foster 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 72a**); 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 72b**).

Roll Call: Ayes: Davis, Foster, Nolan, Schalick, Zee; Nays: None. Absent: Schneider. 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: Council Member Schalick noted that Santa will be coming on December 13, 2019. Council Members discussed getting quotes for grass cutting for Borough properties.

Public Safety: Police Chief Bryan discussed the need for IT services for the police and other departments.

Streets/Sidewalks/IT: Council Member Foster discussed removing stop signs on Pfeffers Lane; Council members recommended contacting the County for Broad St and Upper Pittsgrove for State St.

Borough Hall/Public Property: Council Member Davis noted that the new floor has been installed in the Borough Hall and discussed painting the exterior of the Borough Hall.

Water/Street Lights: Council Member Zee discussed street lights and recent electric bills.

Trash/Recycling/Parks & Playgrounds: Council Member Nolan discussed trash pickup issues at Centennial Park and noted that 1 plastic bag in a recycling load can result in additional \$75 cost.

ONGOING PROJECTS:

Green Acres Park: The Mayor mentioned concerns about developing the inside of the park before installing the walking path, and the need to prepare the ground and seed after the end of the farm lease (12/31/19). The Mayor also discussed the need to budget for park and playground maintenance.

Council Member Zee requested that Youth Support and Elmer Lake be added to the project list for next month.

ADJOURNMENT: At 10:25 pm motion Zee second Nolan that the meeting be adjourned. All were in favor and motion carried.

October 9, 2019

Sarah D. Walker, Borough Clerk

Approved: November 13, 2019