

Borough of Elmer Minutes**May 12, 2021**

CALL TO ORDER: A Regular Meeting of the Council of the Borough of Elmer convened in the Borough Hall at 7:30 p.m. with Mayor Joseph Stemberger presiding.

FLAG SALUTE AND INVOCATION: The pledge of allegiance was given by Mayor Stemberger followed by the invocation. Mayor Stemberger noted that adequate notice of the meeting was provided on January 14, 2021 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 Foster to approve the minutes from the Regular Council Meeting held on April 14, 2021, and to dispense with the reading of the minutes.

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

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

Tom Mellon and Marghi Insignares reviewed their business plans for 20 N. Main St. for a yoga studio and nanobrewery and answered questions from Council Members and the public. They were present to request that the Council consider amending the code of the Borough of Elmer to allow a Limited Brewery License for the production and sale of craft beer. Approximately 25 members of the public were also present and a majority raised their hands in support of the brewery. The following residents spoke in favor of the nano-brewery: Scott and Felicia Hitchner, 319 Center St, Scott Kramme, 145 N. Main St., Sam and Stephanie Wheaton, 130 State St., Christina Borler, 105/107 Third St., Ralph Thomas, 309 State St., and Will Stopper, 24 State St..

The following Ordinance was read by title:

ORDINANCE NO. 2021-7 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3 ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Schneider second Schalick to approve the introduction of Ordinance 2021-7.

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

There being no other public comments, motion Davis second Nolan to close the public portion of the meeting. All were in favor and motion carried. Most of the public left the meeting.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. Ordinances: The following Ordinances were read by title:

ORDINANCE 2021-4 AN ORDINANCE BY THE BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Davis second Foster to reintroduce and approve Ordinance 2021-4.

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

ORDINANCE 2021-5 BOND ORDINANCE AUTHORIZING CONSTRUCTION AND RELATED IMPROVEMENTS FOR THE VETERANS MEMORIAL MONUMENT IN THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY; APPROPRIATING THE SUM OF \$67,200 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 \$39,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Motion Schneider second Nolan to approve Ordinance 2021-5.

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

ORDINANCE 2021-6 BOND ORDINANCE AUTHORIZING CONSTRUCTION AND RELATED IMPROVEMENTS FOR A WALKING TRAIL AT THE GREEN ACRES PARK IN THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY; APPROPRIATING THE SUM OF \$155,000 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 \$74,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Motion Davis second Nolan to approve Ordinance 2021-6.

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

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

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 44-21

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.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR THE 2021 BUDGET TO BE READ BY TITLE ONLY**

Number 45-21

WHEREAS, NJSA40A: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.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELLING OUTSTANDING CHECK**

Number 46-21

WHEREAS, the Borough of Elmer has issued the following Current Fund check to the party and in the amount listed:

<u>DATE</u>	<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
4/14/2021	17550	Patrick H. Bryan Jr.	\$180.00

WHEREAS, this check was unintentionally damaged by the party to whom it was issued;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of May 2021, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to cancel the aforementioned check and the funds represented thereby are to be credited to the respective funds and the checks reissued if deemed appropriate.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION TO AUTHORIZE
THE MAILING OF 2021 THIRD QUARTER ESTIMATED TAX BILLS**

Number 47-21

WHEREAS, all the annual budgets needed for **2021** 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, 2021**; 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, 2021** 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 BOROUGH OF ELMER, COUNTY OF SALEM
AUTHORIZING LAND USE BOARD ESCROW FUND PAYMENTS (Cambre, Jarve)**

Number 48-21

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Cambre Investments LLC for Minor Subdivision – Lot Line Adjustment review for 111 & 115 S. Main St (Block 27 Lots 1, 2, 3) in the amount of \$570.00 be distributed and paid as follows:

Amount: \$570.00 To: Holston MacDonald Uzdavinis & Myles For: Minor Subdivision Review

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Christian and Maura Jarve for Minor Subdivision – Lot Line Adjustment review for 22 Center St (Block 33 Lots 9 & 30) in the amount of \$228.00 be distributed and paid as follows:

Amount: \$228.00 To: Holston MacDonald Uzdavinis & Myles For: Minor Subdivision Review

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING AMENDMENT TO CONTRACT FOR THE BOROUGH HALL ADA IMPROVEMENTS PROJECT WITH BECICA ASSOCIATES, LLC

Number 49-21

WHEREAS, the Borough of Elmer requires professional architectural/engineering services for the Borough Hall ADA Improvements Project; and

WHEREAS, via Resolution No. 51-20, the governing body awarded a Contract to Becica Associates, LLC to provide professional architectural/engineering services for the ADA improvements for the Borough Hall, the permitting process, and potential construction process including plans and specifications for the ADA improvements; and

WHEREAS, bids were advertised, received and opened on April 7, 2021, for the proposed ADA improvements to the Elmer Borough Hall; and

WHEREAS, on April 14, 2021, via Resolution No. 41-21, the governing body rejected all bids as said bids exceeded the engineers estimate and the Borough's appropriation for the project; and

WHEREAS, Becica Associates, LLC has been authorized to revise the scope of work and assist with the re-bidding of the project; and

WHEREAS, by correspondence dated April 27, 2021, Becica Associates, LLC has provided a proposal to perform the requested re-bidding services for a sum not to exceed \$2,400.00; and

WHEREAS, the Borough Council deems it in the best interests of the Borough to authorize and approve the quote dated April 27, 2021, from Becica Associates, LLC for a sum not to exceed \$2,400.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, that the quote dated April 27, 2021, from Becica Associates, LLC for a sum not to exceed \$2,400.00 for the revised scope of work and services relating to re-bidding of the Borough Hall ADA improvement project is and hereby authorized and approved;

BE IT FURTHER RESOLVED, that the Mayor and Clerk of the Borough of Elmer are hereby authorized to execute the Contract Addendum and any and all related documents reflected in the proposal with Becica Associates, LLC, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution;

BE IT FURTHER RESOLVED, that the compensation to be paid to Becica Associates, LLC shall be based on the quote submitted by Becica Associates, LLC with the understanding that the total compensation for performance under the contract shall be \$2,400.00;

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

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO APPOINT GLENN M. DAVIS PATROLMAN
FOR THE ELMER BOROUGH POLICE DEPARTMENT**

Number 50-21

BE IT RESOLVED by the Mayor and Council of the Borough of Elmer that Glenn M. Davis be appointed Patrolman for the Borough of Elmer Police Department for a term effective upon the completion of the background investigation and ending on December 31, 2021.

Motion Davis second Foster to adopt Resolutions 44-21 to 50-21.

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

3. 2021 Budget: The budget notice was read by the Clerk for the public hearing:

**RESOLUTION OF THE BOROUGH OF ELMER
FOR THE ADOPTION OF THE 2021 BUDGET**

Number 51-21

(See page 45c in the Minute Book for the Adopted Budget)

Motion Davis second Zee to open the public hearing for the 2021 Budget. All were in favor and motion carried. There being no comment, motion Davis second Nolan to close the public hearing. All were in favor and motion carried.

Motion Davis second Nolan to adopt the 2021 Budget.

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

President Schneider and Members discussed the need for a web site administrator and funding the position. The following Ordinance was read by title:

**ORDINANCE NO. 2021-8 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING ORDINANCE 2021-3 ENTITLED
“2021 SALARY ORDINANCE” TO CREATE THE POSITION OF WEBSITE ADMINISTRATOR**

Motion Schneider second Foster to approve Ordinance 2021-8.

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

DISCUSSIONS/MOTIONS

1. NJDOT Municipal Aid Grant Application 2022: Council Members discussed the various street needs for the NJDOT grant application due July 1. The following resolution was read by title:

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION FOR THE APPROVAL TO SUBMIT A
GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR 2021 CENTER, MILL, COTTAGE, & BARTON
IMPROVEMENTS AND BROAD STREET SIDEWALK**

Number 52-21

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for 2022 Center, Mill, Cottage, & Barton Improvements and Broad Street Sidewalk.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Elmer formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Center Street Improvements & Broad S-00180 to the New Jersey Department of Transportation on behalf of the Borough of Elmer.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Elmer and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Motion Zee second Foster to approve Resolution 52-21.

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

2. **Fire Department Golf Tournament:** Motion Schalick second Davis to approve sponsorship of the Elmer Fire Department Gold Tournament. All were in favor and motion carried.
3. **Borough Web Site Domain Letter:** The Clerk noted the new availability of dot gov domain name registration for no cost. Motion Zee second Foster for the Mayor to write a letter requesting elmernj.gov and elmerboroughnj.gov domain names. All were in favor and motion carried.
4. **Resignation of Land Use Board Member (Lloyd):** Motion Davis second Zee to accept with regret the resignation of Land Use Board Member Jenn Lloyd. All were in favor and motion carried.
5. **Borough Hall Meeting Room Use – VFW:** Council Members were in favor of opening the Borough Hall to the public, including the meeting rooms, on May 19, 2021.
6. **Coronavirus Local Fiscal Recovery Funds:** The Clerk and CFO noted that the Borough has not been solicited to apply for the funds that have been advertised to be available to all municipalities in NJ. The CFO will look into it.
7. **Other:** The Solicitor updated Council on the status of property maintenance of the Hathaway properties; no action was taken. Council President Schneider discussed the use of shipping containers for storage in town and requested that the Solicitor look into Ordinances banning the use. Members also discussed renovations of the basketball court at the ballpark.

REPORTS/BILL LIST:

Motion Foster second Zee to receive and file the Tax/Water Collector's report and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 45a**); 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 45b**).

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

Motion Zee second Nolan that the Clerk and Mayor's correspondence be received and filed. All were in favor and motion carried.

Solicitor Duffield left the meeting at 9:50 pm.

COMMITTEE REPORTS:

Finance/Celebration Public Events: No report.

Public Safety: No report.

Streets/Sidewalks: Foster mentioned that the storm water report has been submitted. Members also discussed maintenance needed on County roads in town.

Borough Hall/Public Property: Davis noted that the supply costs for the roof have increased so new quotes will likely be needed. No action was taken.

Water/Street Lights/IT: Zee discussed street light outages.

Trash/Recycling/Parks & Playgrounds: Nolan mentioned the recycling report has been submitted and the trash contact bid specifications need to be reviewed soon. Members also discussed the need for new flags.

ONGOING PROJECTS: No additional reports provided.

ADJOURNMENT: At 10:08 pm, motion Foster second Zee that the meeting be adjourned. All were in favor and motion carried.

May 12, 2021

Sarah D. Walker, Borough Clerk

Approved: June 9, 2021