

April 10, 2013

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

Invocation was given by Mayor Stemberger, followed by the pledge of allegiance.

Mayor Stemberger noted that the requirements of the Open Public Meetings Act have been met by the filing and posting of the Annual Notice.

Councilpersons Schneider, Davis, Nolan, Schalick Williams and Zee answered to the roll call. Absent – None.

Motion Davis, seconded Zee that the last regular meeting and all subsequent meetings be approved and that the reading of the minutes be dispensed with. Motion carried.

Mr. Mark Adams, Elmer Public Library President spoke to Mayor and Council regarding the additional funding that will be needed to keep the Library open. An information sheet was handed out to Council (See page 41 a for more details).

Mary Linda LaCotte, Librarian spoke regarding the availability of resources for the Library which includes Inter-Library loans and the Library's outreach programs which include Story Time for young children from September to May and that they have 20-15 children attending.

Carol Kiniry representing Ford,-Scott & Assoc., LLC., the Borough Auditor presented the 2013 Municipal Budget for adoption. The tax rate will be a \$.022 cent increase over 2012 which totals \$.534 per \$100.00 (1 cent = \$10,500.00).

The following resolution was presented:

RESOLUTION

Number 45-13

BUDGET READ BY TITLE ONLY

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.

Motion Schalick, seconded Davos that the resolution be adopted as read. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

SELF-EXAMINATION OF BUDGET RESOLUTION

Number 51-13

WHEREAS, NJSA 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, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 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 2013 budget year.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Elmer that in accordance with NJAC 5:30-7.6a & b 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 NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the CAP law)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 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 NJSA 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.

Motion Zee, seconded Williams that the resolution be adopted as read. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Motion Nolan, seconded Davis that the public hearing on the 2013 Budget be opened. Motion carried.

Mayor Stemberger opened the public hearing for the 2013 Budget.

There being no comment it was moved Zee, seconded Davis to close the public hearing for the 2012 Budget. Motion carried.

The following resolution was presented:

2012 BUDGET ADOPTION

Number 46-13

(See page 43 a in Minute Book)

Motion Davis, seconded Nolan that the resolution be adopted as read. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Committee reports were made at this time: Finance, Streets, Public Safety Water/Street Lights, Trash/Recycling/Parks & Playgrounds and Public Buildings and Grounds.

The following resolution was presented:

Motion Davis seconded Zee that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION**Number 42-13****BOND ANTICIPATION NOTE # 36**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that the Mayor and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 36 and that the monies be borrowed thereon from Pennsville National Bank, Elmer, NJ, in the sum of Twenty four thousand nine hundred dollars (\$19,900.00) and shall bear interest at the rate of .63 per cent per annum, which money shall be used to pay for the purchase of a four-wheel drive police vehicle. The said Note would be made payable within a period of one (1) year.

Motion Zee, seconded Davis that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented

RESOLUTION**Number 43-13****BOND ANTICIPATION NOTE # 35**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that the Mayor and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 35 and that the monies be borrowed thereon from Pennsville National Bank, Elmer, NJ, in the sum of Fifty two thousand five hundred dollars (\$52,500.00) and shall bear interest at the rate of .63 per cent per annum, which money shall be used to pay for the of re-paving Penn Street. The said Note would be made payable within a period of one (1) year.

Motion Zee, seconded Davis that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

2012 AUDIT RESOLUTION**Number 44-13**

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 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 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 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 "Comments and 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 "Comments and Recommendations" as evidenced by the group affidavit form of the governing body, 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, as per the regulations of the Local Finance Board, 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 governing body of the Borough of Elmer, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

Motion Davis seconded Nolan that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

**RESOLUTION
PLANNING BOARD ESCROW FUND**

Number 48-13

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Southwick Properties. (Applicant) Variance (Purpose of Deposit e.g. Site Plan Application) in the amount of \$2,058.05 be distributed and paid as follows:

\$2,058.05 To: Fralinger Engineering

Motion Davis seconded Zee that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

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

Number 49-13

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 I

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 2013 in the sum of \$2,965.00, which item is now available as a revenue from Residents donations for the purchase of a Decorative Street Light pursuant to the provisions of statute, and

SECTION II

BE IT FURTHER RESOLVED, that a like sum of \$2,965.00 is hereby appropriated under the caption of "Public and Private Programs Offset by Revenues", Street Lighting Donations; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$2,965.00 from Residents donations for the purchase of a Decorative Street Light pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED that the above is a result of donations of \$2,965.00 from area residents.

Motion Zee seconded Davis that the resolution be adopted as read: Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION

Number 50-13

Salem County Improvement Authority Contract

BE IT RESLVED by the Mayor and Borough Council of the Borough of Elmer that the Mayor and Clerk be authorized to enter into an agreement for solid waste disposal with the Salem County Improvement Authority for one half year beginning February 2, 2013 and ending December 31, 2013.

BE IT FURTHER RESOLVED that payment for the above mentioned service be charged to Trash and Garbage: Other Expenses in the 2013 Municipal Budget.

Motion Davis seconded Nolan that the resolution be adopted as read: Ayes –Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Clerk presented Raffle Application Amendment for Elmer Library Association to change an off-premise Raffle to June 29, 2013.

Motion Davis, seconded Zee that the Amendment Application be approved. Motion carried.

Clerk presented request from Elmer Fire Department to be a Sponsor for their Annual Golf Tournament.

Motion Williams, seconded Schneider that the Golf Sponsorship for Elmer Fire Departments Annual Golf Tournament be approved at a cost of \$150.00. Motion carried.

Clerk and Mayor’s mail for the month of April 2013, was presented and read.

Motion Davis, seconded Nolan that the correspondence be received and filed. Motion carried.

Tax Collector report was presented for March 2013. Motion Zee, seconded Williams that the report be received and filed. Motion carried.

Treasurer’s Reports for the month of March 2013 were presented and read.

Motion Williams, seconded Davis that the reports be received, filed and spread full upon the minutes. I state this Andrew M. Williams. Motion carried.

(Treasurer’s Reports – See Pages 47 a in Minute Book)

The following bills were presented and read: (See pages 47 b in Minute Book)

Moved Davis, seconded Zee that the bills be paid and charged to their respective accounts. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented by title only:

FIRST RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled **ORDINANCE REGULATING THE USE OF WATER FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3** be adopted on first reading, final hearing thereof be held on May 8, 2013, at 7:30 p.m., Borough Hall, Elmer, New Jersey, and that said Ordinance, together with Notice of Final Hearing, be published in the Elmer Times in accordance with law.

Motion Zee seconded Davis. that the resolution be adopted as read: Ayes – Schneider. Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented by title only:

FIRST RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance **AN ORDINANCE AMENDING ORDINANCE**

2003-11 AND 2008-6 BOROUGH OF ELMER PARKING ORDINANCE be adopted on first reading, final hearing thereof be held on May 8, 2013, at 7:30 p.m., Borough Hall, Elmer, New Jersey, and that said Ordinance, together with Notice of Final Hearing, be published in the Elmer Times in accordance with law.

Motion Zee seconded Nolan. that the resolution be adopted as read: Ayes – Schneider. Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following items were discussed by Mayor and Council:

Sidewalk Ordinance
Comcast Cable Ordinance

There being no further business, motion Zee, seconded Davis that the meeting be adjourned. Motion carried.

April 10, 2013

Beverly S. Richards, Borough Clerk