

July 9, 2014

CALL TO ORDER:

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

FLAG SALUTE AND INVOCATION:

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

Mayor Stemberger noted that PURSUANT TO THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING, AS REQUIRED BY SAID ACT, HAS BEEN PROVIDED BY CONTACTING EACH COUNCIL MEMBER, POSTING SCHEDULED MEETING ON THE MUNICIPAL BUILDING BULLETIN BOARD, EMAILED TO the *ELMER TIMES* and *TODAY'S SUNBEAM* AND FILED WITH THE BOROUGH CLERK ON JANUARY 1, 2014.

ROLL CALL:

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

APPROVAL OF MINUTES:

Motion Zee, seconded Nolan to approve minutes from Council Meeting of May 14, 2014 and that the reading of the minutes be dispensed with. Motion carried.

COMMITTEE REPORTS:

Committee reports were made at this time: Finance/Celebration of Public Events, Streets, Public Safety, Boorugh Hall/Public Property, Water/Street Lights and Trash/Recycling/Parks & Playgrounds..

OPEN TO THE PUBLIC:

.Motion Schalick, seconded Williams to open the public portion of the meeting. Motion carried.

No comment was made by the public.

CLOSED TO THE PUBLIC:

Motion Williams, seconded Davis to close the public portion of the meeting. Motion carried

OLD BUSINESS:

The following Ordinance was presented for adoption:

ORDINANCE 2014-17

AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER, ENTITLED "ALARM SYSTEMS"

Motion Zee, seconded Nolan to open the public hearing. Motion carried.

Motion Nolan, seconded Davis to close the public hearing. Motion carried.

Motion Schneider, seconded Williams to adopt Ordinance No. 2014-16.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following Ordinance was presented for adoption:

ORDINANCE NO. 2014- 17**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Davis, seconded Nolan to open the public hearing. Motion carried.

Motion Nolan, seconded Davis to close the public hearing. Motion carried.

Motion Nolan, seconded Williams to adopt Ordinance No. 2014-16.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

NEW BUSINESS:

The following resolutions were presented by the Clerk by title only:

RESOLUTION**Number 64-14****BOND ANTICIPATION NOTE # 38-Police 4-wheel vehicle**

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. 38 and that the monies be borrowed thereon from First National Bank of Elmer, Elmer, NJ, in the sum of Thirty two thousand dollars (\$32,000.00) and shall bear interest at the rate of .98 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.

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION

(N.J.S.A. 40A:4-87)

Number 65-14

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 2014 in the sum of \$4,000.00, which item is now available as a revenue from the State of New Jersey, Solid Waste Administration FY2014 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 FY2014 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 FY2014 Clean Communities Grant.

RESOLUTION

Number 66-14

350th ANNIVERSARY OF THE ESTABLISHMENT OF NEW JERSEY AS A COLONY

WHEREAS, the year 2014 will mark the 350th anniversary of the patent conveying all the lands between the Connecticut River and the east side of the Delaware River from Charles II to James, Duke of York;

WHEREAS, the year 2014 will also mark the 350th anniversary of the execution of deeds of release by the said James, Duke of York, to John Lord Berkeley, Baron of Stratton and Sir George Carteret of Salt rum, of these lands, which said tract of land is hereafter to be called by the name or names of Nova Caesarea or New Jersey; and the right of Government therein and;

WHEREAS, the year 2014 will be also be the 350th anniversary of the signing and publication by John Lord Berkeley and Sir George Carteret of "The Concessions and Agreements of the Lords Proprietors of the Province of New Caesarea or New Jersey to and with all the Adventurers and all such as shall settle or plant here" a declaration of the organic law of the Colony and truly "The Magna Carta of New Jersey";

WHEREAS, the foregoing events mark the beginning of the separate history of New Jersey as a Colony.

WHEREAS, it is fitting and desirable that we commemorate these beginnings of our State together with its subsequent history and its present and future role in the family of the United States for the benefit of all the people of New Jersey and the Nation, with particular focus on the Core Values that have shaped our State and [County/City/Borough/Township].

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer;

1. The [Board/Council/Township Committee] celebrates the 350th anniversary of the establishment of New Jersey as a colony.
2. The Mayor and Borough Council of the Borough of Elmer authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and religious institutions in the celebrations.
3. The Mayor and Borough Council of the Borough of Elmer further urges all its citizens to reflect upon the significance of this event and the role that our State and its citizens have played in the history and development of our nation and to participate in this important commemoration.

RESOLUTION

Number 67-14

PLANNING BOARD ESCROW FUND

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 \$574.88 be distributed and paid as follows:

\$574.88 To: Fralinger Engineering

RESOLUTION

Number 68-14

PLANNING BOARD ESCROW FUND

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Elmer Presbyterian Church (Applicant) Minor Subdivision (Purpose of Deposit e.g. Site Plan Application) in the amount of \$517.50 be distributed and paid as follows:

\$517.50 To: Jefferis Engineering Associates

Motion Davis, seconded Zee to adopt Resolution 64-14 through 68-14.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None.
Motion carried.

The following resolution was presented:

RESOLUTION

Number 69-14

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE REDUCTION (REQUEST #1) OF THE PERFORMANCE GUARANTEE FOR THE SOUTHWICK PROPERTIES, LLC SITE PLAN AFFECTING THE PARCEL KNOWN AS BLOCK 12, LOTS 2.05, 2.06, 2.07, 7, 8 AND 9 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, RELATING TO LAND USE BOARD RESOLUTION NO. 13-1

WHEREAS, the Borough of Elmer Land Use Board granted final site plan approval to Southwick Properties, LLC via Resolution No. 13-1 on January 3, 2013; and

WHEREAS, Southwick Properties, LLC. has caused certain work to be performed relating to improvements affecting a parcel known as Block 12, Lots 2.05, 2.06, 2.07, 7, 8 and 9 on the official Tax Map of the Borough of Elmer; and

WHEREAS, Southwick Properties, LLC. posted an Irrevocable Letter of Credit dated June 25, 2013 in the sum of \$350,626.86 issued by Colonial Bank FSB, assuring the satisfactory installation of the on-tract improvements; and

WHEREAS, the Borough’s engineers, Fralinger Engineering PA, has inspected and approved the site improvements secured by said Performance Guarantee and has filed a written report with the Borough Clerk dated May 29, 2014, attached hereto as Exhibit “A” (consisting of 1 page), recommending same be accepted by the Borough and that the Applicant’s Performance Guarantees be reduced (Reduction #1) from the total sum of \$350,626.86 to \$105,188.06 as follows:

Amount of original Performance Guarantee	\$ 350,626.86
Amount to be Reduced	<u>\$ 254,438.80</u>
Total Amount of Performance Guarantee Reduction	\$ 105,188.06

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

1. The inspection deemed acceptable by the Borough’s engineers, Fralinger Engineering PA, as set forth in the letter dated May 29, 2014, attached hereto as Exhibit “A”, is hereby approved and accepted, and the Performance Guarantee referred to above are hereby reduced in the total amount of \$254,438.80 as follows:

Amount of original Performance Guarantee	\$ 350,626.86
Amount to be Reduced	<u>\$ 254,438.80</u>
Total Amount of Performance Guarantee Reduction	\$ 105,188.06

2. That no above-mentioned Performance Guarantee shall be reduced until payment by the Applicant of any outstanding fees or costs from inspections, escrows and/or items more particularly set forth in the Borough Land Use Board Resolution approving the project.

3. The Applicant is hereby directed to forward the reduced Performance Guarantee or Rider to the Borough Clerk to satisfy the contingency set forth above.

4. The approval granted herein is given in reliance upon all representations made by the Applicant, including drawings, plans and other application materials filed in connection with this application and those items specifically referred to upon receiving final approval by the Elmer Borough Land Use Board. Should said representations and/or supporting documents by the Applicant prove erroneous, inaccurate, or otherwise misleading, the Borough Council reserves the right to revoke the approval granted herein and direct the Construction Official of Elmer Borough to issue stop work orders until such time as new, adequate Performance Guarantees are submitted to and approved by the Council after review by the Borough Engineer and Borough Attorney.

5. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Applicant and the Elmer Borough engineer.

Motion Davis, seconded Nolan to adopt Resolution 69-14:

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was introduced by title only:

ORDINANCE NO. 2014- 18

“ORDINANCE APPROPRIATING \$16,000 FROM THE CAPITAL FUND BALANCE FOR RENOVATIONS TO THE MUNICIAPAL PARKNG LOT, IN AND BY THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY”

Motion Davis, seconded Nolan to approve.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was introduced by title only:

ORDINANCE NO. 2014- 17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Davis, seconded Williams to approve.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was introduced by title only:

ORDINANCE NO. 2013-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY REGULATING INSTALLATION OF SIDEWALKS AND HANDICAP ACCESS RAMPS UPON APPLICATION FOR CERTIFICATE OF OCCUPANCY WITHIN THE BOROUGH OF ELMER

Motion Schneider, seconded Schalick to approve.

Roll Call: Ayes: Schneider, and Schalick, Nays – Davis, Nolan, Williams and Zee. None. Motion not carried.

The following ordinance was introduced by title only:

ORDINANCE NO. 2014- 19

"ORDINANCE FOR SMOKE-FREE PUBLIC PROPERTY IN AND BY THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY"

Motion Schalick, seconded Williams to approve.

Roll Call: Ayes: Davis, Nolan, Schalick and Williams, Nays – Schneider and Zee. None. Motion not carried.

Tax Collector report was presented for May 2014. Motion Zee, seconded Davis that the report be received and filed. Motion carried.

Treasurer's Reports for the month of May 2014 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 13 a in Minute Book)

The following bills were presented and read: (See pages 13 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.

Clerk and Mayor's mail for the month of June 2014, was presented and read.

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

DISCUSSIONS/MOTIONS:

The following items were discussed by Mayor and Council:

1. Resignation – Arlene Krammee, Elmer Board of Health effective March 23, 2014.

Motion Davis, seconded Schalick to accept Arlene Krammee’s resignation from Elmer Board of Health effective March 23, 2014. Motion carried.

2. Pet Fees for the year 2014. – No changes.
3. Elevator Maintenance Contract – Clerk to look into present contract expiration.
4. Elmer Library Association Off-Premise Raffle Application for August 4, 2014.

Motion Davis, seconded Williams that Raffle Application be approved. Motion carried.

ADJOURNMENT:

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

June 11, 2014

Beverly S. Richards, Borough Clerk