

April 8, 2015

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 *SOUTH JERSEY TIMES* AND FILED WITH THE BOROUGH CLERK ON JANUARY 1, 2015.

ROLL CALL:

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

APPROVAL OF MINUTES:

Motion Zee, seconded Nolan to approve minutes from Elmer Borough Council Meeting on March 11, 2015 and that the reading of the minutes be dispensed with. Motion carried.

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

OPEN TO THE PUBLIC:

.Motion Zee, seconded Davis to open the public portion of the meeting. Motion carried.

Esther Sykes, 118 State Street addressed Council regarding clutter in her neighboring yards and was concerned about trash, sewerage and mosquitos. She also questioned if something could be done about a neighbor down the street with 8 dogs barking.

CLOSED TO THE PUBLIC:

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

NEW BUSINESS:

The following resolution was presented by the Solicitor:

RESOLUTION**AUTHORIZING EXECUTIVE SESSION****Number 32-15**

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of the Borough of Elmer has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer will go into closed session for the following reason(s) as outlined in J.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the Federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

___X___ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is: Pending Litigation regarding Tax Appeals.

(If contract negotiation the nature of the contract and interested party is: _____)

(Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

_____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining or any specific prospective public officer or employee or current public officer or employee employed or appointed by he public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N.J. 478, the employee(s) and nature of discussion is Terms and Conditions of Employment);

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the

aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: December 31, 2015 or Upon the occurrence of said matter being resolved):

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Motion Zee, seconded Nolan to adopt resolution 32-15. Motion carried.

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

Motion Zee, seconded Davis to re-open Public Meeting. Motion Carried.

OLD BUSINESS:

None.

NEW BUSINESS:

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

RESOLUTION

Number 33-15

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 Zee, seconded Davis to adopt resolution 33-15. Motion carried.

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

RESOLUTION

Number 34-15

**2015 BUDGET ADOPTION
(See page 24 a)**

2015 BUDGET Resolution No. 34-15 (Public Hearing)

Motion to open to public: Zee Second Davis (“All in favor”)

Motion to close Zee Second Nolan (“All in favor”)

Motion Davis, seconded Zee to adopt resolution 34-15,

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

Tax Collector report was presented for March 2015. Motion Davis, seconded Zee that the report be received and filed. Motion carried.

Treasurer's Reports for the month of March 2015 were presented and read.

Motion Richards, seconded Davis that the reports be received, filed and spread full upon the minutes. Motion carried.

(Treasurer's Reports – See Pages 25 a in Minute Book)

The following bills were presented and read: (See pages 25 b in Minute Book)

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

Clerk and Mayor's mail for the month of April 2015, were presented and read.

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

Mayor Stemberger read a letter of retirement from Beverly S. Richards, Borough Clerk/Registrar effective August 31, 2015.

Motion Schneider, seconded Zee to accept letter of retirement from Beverly S. Richards Borough Clerk/Registrar with regrets. ("All in favor") Councilman Richards abstained. Motion carried.

DISCUSSIONS/MOTIONS:

The following items were discussed by Mayor and Council:

1. Mayor Stemberger gave out Property Maintenance/Housing and Zoning Complaint Forms. Any forms are to be returned to the Mayor..

COMMITTEE REPORTS:

Committee reports were made at this time: Finance, Streets, Water/Street Lights and Trash/Recycling/Parks & Playgrounds. (Branch chipping is April 16, 2015)

ADJOURNMENT:

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

April 8, 2015

Beverly S. Richards, Borough Clerk