

**Borough of Elmer Minutes****December 14, 2016**

**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 adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.

**ROLL CALL:** Council President Schneider, Council Members Davis, Nolan, Richards, Schalick, Zee, and Mayor Stemberger answered to the roll call. Also present were Solicitor Duffield, Chief Financial Officer Strang, and Police Chief Bryan.

**APPROVAL OF MINUTES:** Motion Davis, second Richards to approve the minutes from the Elmer Borough Council Meeting held on November 9, 2016, and to dispense with the reading of the minutes.

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

Motion Davis, second Nolan to approve the minutes from the Executive Closed Session Meeting of November 9, 2016 and to dispense with the reading of the minutes.

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

Motion Davis, second Zee to approve the minutes from the Budget Workshop Meeting of December 7, 2016 and to dispense with the reading of the minutes.

Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Schneider, and Zee; Nays: 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. There being no public comments, motion Richards, second Zee to close the public portion of the meeting. All were in favor and motion carried.

**UNFINISHED BUSINESS:****1. Ordinances:**

**ORDINANCE 2016-9 Public Hearing AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION" AT ARTICLE VII ENTITLED "FEES ESTABLISHED FOR MUNICIPAL SERVICES" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Zee, second Davis to open the public hearing; there being no public comment, motion Richards second Zee to close the public hearing. Motion Richards second Davis to adopt Ordinance 2016-9.

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

**NEW BUSINESS:**

**1. Resolutions:** The following Resolutions were read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AWARDED CONTRACT TO GARRISON ENTERPRISES, INC. FOR EMERGENCY ROAD REPAIR AND RELATED SERVICES**

**Number 86-16**

**WHEREAS,** Mayor and Council of the Borough of Elmer have solicited bids for emergency road repair and related services due to roadway excavation for the Elmer Water Department; and

**WHEREAS,** bids were received and opened on November 3, 2016 for the project; and

**WHEREAS,** one (1) bid was received by the Borough's Acting Clerk from Garrison Enterprises, Inc., of 211 West Elmer Road, Vineland, New Jersey 08360; and

**WHEREAS**, the Borough's Engineer and Solicitor have determined that the bid is in conformance with the Bid Specifications and Local Public Contracts Law; and recommend the award of the Contract to Garrison Enterprises, Inc. pursuant to the schedule of time and material fees/expenses attached to said bid.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer that the Contract for emergency road repair and related services due to roadway excavation for the Elmer Water Department be and the same is hereby awarded to Garrison Enterprises, Inc. pursuant to the schedule of time and material fees/expenses subject to the conditions set forth below.

**BE IT FURTHER RESOLVED** that the Mayor and Acting Clerk of the Borough of Elmer are hereby authorized and directed to execute the Contract for same.

**BE IT FURTHER RESOLVED** that the certified checks or bid bonds of the successful bidder are to be returned upon the receipt of fully executed Contract and other required documents from Garrison Enterprises, Inc.

**BE IT FURTHER RESOLVED** that the Borough's Chief Financial Officer must certify that sufficient funds are available to award the Contract.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
COUNTY OF SALEM, STATE OF NEW JERSEY, AWARDED CONTRACT TO  
WASTE MANAGEMENT OF NEW JERSEY, INC. FOR SOLID WASTE AND RECYCLABLE  
MATERIAL COLLECTION AND REMOVAL SERVICES**

**Number 87-16**

**WHEREAS**, Mayor and Council of the Borough of Elmer have solicited bids for solid waste and recyclable material collection and removal services; and

**WHEREAS**, bids were received and opened on November 2, 2016 at 10:00 AM; and

**WHEREAS**, the Contract was Bid for one, three and five-year terms for both solid waste and recyclable material collection and removal services; and

**WHEREAS**, two (2) bids were received by the Borough's Acting Clerk as follows:

<u>Solid Waste Collection and Removal</u>	<u>Waste Management of New Jersey, Inc.</u>	<u>Gold Medal Environ- mental of NJ, Inc.</u>
One-Year Contract	\$ 53,678.00	\$ 91,930.00
Three-Year Contract	\$ 164,276.00	\$ 275,790.00
Five-Year Contract	\$ 279,342.00	\$ 459,650.00
 <u>Recyclable Material Collection and Removal</u>	 <u>Waste Management of New Jersey, Inc.</u>	 <u>Gold Medal Environ- mental of NJ, Inc.</u>
One-Year Contract	\$ 25,370.00	\$ 45,968.00
Three-Year Contract	\$ 77,643.00	\$ 137,904.00
Five-Year Contract	\$ 132,028.00	\$ 229,840.00

**WHEREAS**, Waste Management of New Jersey, Inc. submitted the lowest bids for the one, three and five-year terms for solid waste collection and removal services; and

**WHEREAS**, Waste Management of New Jersey, Inc. submitted the lowest bids for the one, three and five-year terms for recyclable material collection and removal services; and

**WHEREAS**, the bids submitted by Waste Management of New Jersey, Inc. are the lowest monetary responsive bids; and

**WHEREAS**, the Borough's Solicitor has determined that the bids are in conformance with the Bid Specifications and Local Public Contracts Law; and recommend the award of the Contract to Waste Management of New Jersey, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer that a Five-Year Contract for solid waste collection and removal services be and the same is hereby awarded to Waste Management of New Jersey, Inc. on its low bid amount of \$279,342 subject the conditions set forth below.

**BE IT FURTHER RESOLVED** by the Mayor and Borough Council of the Borough of Elmer that a Five - Year Contract for recyclable material collection and removal services be and the same is hereby awarded to Waste Management of New Jersey, Inc. on its low bid amount of \$132,028 subject the conditions set forth below.

**BE IT FURTHER RESOLVED** that the Mayor and Acting Clerk of the Borough of Elmer are hereby authorized and directed to execute the Contract for same.

**BE IT FURTHER RESOLVED** that the certified checks or bid bonds of the successful bidder and next lowest bidder are to be returned upon the receipt of fully executed Contract and other required documents from the lowest bidder, Waste Management of New Jersey, Inc.

**BE IT FURTHER RESOLVED** that the Borough's Chief Financial Officer must certify that sufficient funds are available to award the Contract.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING  
PAYMENT TO CODED SYSTEMS FOR SUPPLEMENTAL CODIFICATION SERVICES**

**Number 88-16**

**WHEREAS**, via Resolution No. 64-01, the Borough Council authorized a Contract with Coded Systems regarding codification of the Borough's Code; and

**WHEREAS**, the Contract was awarded pursuant to N.J.S.A. 40A:4-56 since such services are of a special technical nature; and

**WHEREAS**, Coded Systems performed supplemental codification services to the Borough's Code during the year 2016; and

**WHEREAS**, the Borough's CFO has determined and certified that funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(x) permits the award of such Contract and payment thereafter without competitive bidding.

**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) Payment to Coded Systems in the sum of \$2,908.00 pursuant to the Invoice dated October 26, 2016 (attached hereto) is hereby authorized and approved.
- 2) The Contract and payment for supplemental codification services with Coded Systems is approved without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(x) and/or N.J.S.A. 40A:4-56.
- 3) A notice of the authorization set forth in this Resolution shall be available for public inspection and printed on one (1) occasion in the *South Jersey Times*.

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH  
AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT  
Number 89-16**

**WHEREAS**, the Borough of Elmer supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

**WHEREAS**, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

**WHEREAS**, in February, the Ocean County Superior Court included a distinct “gap period” analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

**WHEREAS**, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any “gap period” number; and

**WHEREAS**, the New Jersey Supreme Court has, for the stated purposes of, “...*judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*” agreed to hear an appeal of the Appellate Division ruling in late November; and

**WHEREAS** the Fair Housing Act (FHA) and existing case law, requires that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” [N.J.S.A. 52:27D-307(c)]; and

**WHEREAS**, the “gap issue” arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

**WHEREAS**, any retroactive “gap” obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

**WHEREAS**, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

**WHEREAS**, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

**NOW, THEREFORE, BE IT RESOLVED**, on this 14th day of December, 2016 by the Borough of Elmer, County of Salem, that:

1. The Borough of Elmer strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. The Borough of Elmer supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, Third District Assembly Representatives John J. Burzichelli and Adam Taliaferro, Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Dollar General)**

**Number 90-16**

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Dollar General for Site Plan Review in the amount of \$151.00 be distributed and paid as follows:

Amount: \$2,607.10

To: Fralinger Engineering PA

For: Site Plan Review

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION AUTHORIZING INTER-LOCAL SERVICE AGREEMENT  
WITH UPPER PITTSBORO TOWNSHIP FOR PUBLIC WORKS SERVICES**

**Number 91-16**

WHEREAS, the Borough of Elmer desires to enter into an Inter-Local Service Agreement with Upper Pittsboro Township whereby the Township shall provide certain public works services described in the attached agreement and

WHEREAS, it is in the best interest of the Borough and the Township to enter into said agreement;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Mayor and Clerk be authorized to enter into an Inter-Local Service Agreement with Upper Pittsboro Township to provide to the Borough of Elmer certain public works services described in the attached agreement for the year 2017. These services shall be charged to Streets and Roads – OE, Public Buildings and Grounds – OE, Parks and Playgrounds – OE, and Water - OE in the 2017 Budget.

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION CANCELLING CURRENT FUND OUTSTANDING CHECKS**

**Number 92-16**

WHEREAS, the Borough of Elmer has issued the following Current Fund checks to the parties and in the amounts listed:

<b>DATE</b>	<b>NUMBER</b>	<b>NAME</b>	<b>AMOUNT</b>
08/12/15	14643	Karen Foster	\$26.70
11/11/15	14823	Katherine Harper	30.00
11/11/15	14826	Patricia Hall	30.00

WHEREAS, these checks have not been presented for payment by the parties to whom they were issued;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 14<sup>th</sup> (fourteenth) day of December 2016, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to cancel the aforementioned checks and the funds represented thereby are to be credited to the Current Fund and the checks reissued if deemed appropriate.

**BOROUGH OF ELMER  
COUNTY OF SALEM  
BUDGET APPROPRIATION TRANSFER RESOLUTION**

**Number 93-16**

WHEREAS, it has become necessary to expend for certain purposes specified in the 2016 budget amounts in excess of the respective sums originally appropriated therefore; and

WHEREAS, there is an excess in one of more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations; and

WHEREAS, transfers between appropriations are permitted pursuant to **N.J.S.A.** 40A:4-58 when adopted by not less than two-thirds vote of the full membership; and

WHEREAS, the following transfers are in accordance with **N.J.S.A.** 40A:4-45.38;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem and State of New Jersey, that the following transfers are hereby approved:

	Transfer Amounts	
	To	From
Police:		
Other Expenses	1,500.00	
Police:		
Salaries and Wages		1,500.00
Legal Services:		
Other Expenses	1,500.00	
Insurance: Liability		500.00
Engineering Services:		
Other Expenses		1,000.00
Recycling:		
Other Expenses	5,000.00	
Municipal Clerk:		
Other Expenses		2,500.00
Social Security		1,000.00
Technology:		
Other Expenses		500.00
Heating		1,000.00
Buildings and Grounds:		
Other Expenses	1,500.00	
Parks and Playgrounds:		
Other Expenses		1,000.00
Gasoline		500.00
Telephone	700.00	
Heating		700.00

**RESOLUTION FOR SNOW TRUST TRANSFER****Number 94-16**

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the following transfer be made in the appropriations for the year 2015.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Streets & Roads: OE	Snow Removal Trust Fund	\$2,000.00

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION CANCELLING WATER CAPITAL OUTLAY**

**Number 97-16**

WHEREAS, the following appropriation included in the 2016 Municipal Water Utility Budget will not be expended:

Water Capital Outlay: \$15,000

WHEREAS, it is necessary to cancel said item of appropriation;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Elmer, County of Salem, that the above listed item be canceled from the 2016 Municipal Water Utility Budget.

Motion Zee second Richards to table Resolution 90-16. All were in favor and motion carried.

Motion Richards, second Davis to adopt Resolutions 86-16 through 89-16, 91-16 through 94-16, and 97-16.  
Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Schneider, Zee; Nays: None. Motion carried.

Motion Zee second Davis to adopt Resolution 90-16.

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

**DISCUSSIONS/MOTIONS:**

1. Motion Davis second Zee to approve a Raffle License for South Jersey Cancer Fund for an Off-Premises Raffles at Krise Electric, Saturday, March 11, 2017, at 1:00 pm. All were in favor and motion carried.
2. Motion Schneider second Nolan to approve the Meeting Room Use of the Council Room for a Freeholder Meeting to be held on Wednesday April 19, from 5:00-9:00 pm. All were in favor and motion carried.
3. The following 2017 NJDOT Resolutions were discussed and ranked (96-16 was ranked #1; 95-16 ranked #2 in priority):

**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 THE  
RECONSTRUCTION OF HITCHNER AND UNION STREETS**

**Number 95-16**

Resolution: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Hitchner and Union Streets

NOW, THEREFORE, BE IT RESOLVED that the Borough 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-2017-Elmer Borough-00062 Reconstruction of Hitchner and Union Streets 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.

**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 THE  
RESURFACING OF STATE STREET SECTION 3**

**Number 96-16**

Resolution: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Resurfacing of State Street Section 3

NOW, THEREFORE, BE IT RESOLVED that the Borough 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-2017-Elmer Borough-00064 Resurfacing of State Street Section 3 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 Nolan second Davis to approve Resolutions 95-16 and 96-16.

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

4. Council Members reviewed and discussed recommended changes in Land Use Board application fees proposed by the Land Use Board, Zoning and Housing Fees, and the Master Plan review. No action was taken.
5. Council Members discussed Puppy Mill Pet Shop Ordinance proposal; no action was taken.
6. Council Members, Solicitor Duffield, and Police Chief Bryan reviewed and discussed a recommendation for a Social Media Policy; no action was taken.

**REPORTS/BILL LIST:**

Motion Zee second Nolan to receive and file the November 2016 Tax/Water Collector report; all were in favor and motion carried.

Motion Richards, second Davis to receive, file and spread full upon the minutes the Treasurer's Report for the month of November 2016 (**Page 82a** in Minute Book). All were in favor and motion carried.

Motion Davis, second Richards, that the bills be paid and charged to their respective accounts (see **Page 82b** in Minute Book). Roll Call: Ayes: Davis, Nolan, Richards, Schalick, Schneider, Zee; Nays: None. Motion carried.

Motion Davis second Zee 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:** Schalick reported on the Santa visit (88 children participated);

**Public Safety:** Schneider summarized the police report;

**Streets/Sidewalks/IT:** No report;



**Borough Hall/Public Property:** Davis noted that the Borough Hall failed fire inspection for fire extinguishers and exit signs;

**Water/Street Lights:** Zee reported on Remediation project;

**Trash/Recycling/Parks & Playgrounds:** Nolan discussed leaf pickup and holiday decorations.

**Other:** CFO Strang asked for clarification on several budget items and recommended that Council Members wait until the budget is prepared before introducing the 2017 Salary Ordinance. Mayor Stemberger noted that Bob Richards is retiring from the Elmer Ambulance Corp and commended him for his service. The Mayor also asked for guidance on a letter of support for School Choice Week. No action was taken.

**ADJOURNMENT:** Motion Zee, second Davis that the meeting be adjourned. Motion carried.

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Sarah D. Walker, Acting Borough Clerk

December 14, 2016  
Approved: January 4, 2017