

**Borough of Elmer Minutes****August 9, 2017**

**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 Members Lynda Davis, Cynthia Nolan, Steven Schalick, and Mayor Joseph Stemberger answered to the roll call. Council Member Lewis Schneider, R. Matthew Richards, and James Zee were absent. Also present were Solicitor Ekaterine Eleftheriou, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

**APPROVAL OF MINUTES:** Motion Davis second Nolan to approve the minutes from the Council Meeting held on July 12, 2017, and to dispense with the reading of the minutes.

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

**PRESENTATION:** The Mayor introduced Bill Nelson, project manager for Habitat for Humanity, who provided a presentation of the Handyman Program to repair and replace homes for income qualified homeowners.

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

Christina Gerstenbacher, who owns a rental at 219 Union St., presented her concerns and showed a poster of pictures showing the condition of various properties in the community. She noted that she took care of the property maintenance violations for her property right away. The Mayor addressed the property maintenance program and the limitations once the violations are issued and the court takes over. Gerstenbacher also discussed the problems with the Union Street outdoor/feral cats that are not being contained that negatively impact her property. She has called the Animal Control officer numerous times, but nothing has changed and that food is being left out for numerous cats. The Mayor mentioned that there are other areas where cats have been a problem and he will look into it.

Christine Nolan, South Jersey Land and Water Trust, updated Council Members on the green infrastructure partnership with Rutgers for the installation of a rain garden near the Ambulance building and Borough parking lot. Council and the Mayor recommended the review of the agreement through the Parks/Playground Committee prior to the September Council meeting. Nolan would like to have a public installation of the rain garden at Harvest Day. Nolan also discussed the National Wildlife grant and the rain gardens proposed for Elmer. The Mayor also mentioned the plan for a butterfly garden in the Green Acres Park.

Motion Davis second Nolan to close the public portion of the meeting. All were in favor and motion carried.

**UNFINISHED BUSINESS:**

**1. Ordinances:** The following Ordinances were read by title for a second reading and public hearing:

**ORD. NO. 2017-10 Amending ORD. 2017-6 2017 Salary Ordinance Amendment Number 1**

Motion Davis, second Nolan to open the public hearing for Ordinance 2017-10. There being no public comment, motion Davis second Nolan to close the public hearing. Motion Davis second Nolan to adopt Ordinance 2017-10.

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

**ORD. NO. 2017-11 Authorizing the Reconstruction of Union Street and Hitchner Avenue, Appropriating the Sum of \$147,000.00 and Providing that Such Sum So Appropriated Shall be Raised from a New Jersey Department of Transportation Grant and from the Borough's Capital Improvement Fund**

Motion Davis, second Nolan to open the public hearing for Ordinance 2017-11. There being no public comment, motion Davis second Nolan to close the public hearing. Motion Davis second Nolan to adopt Ordinance 2017-11.

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

**NEW BUSINESS:**

**1. Ordinances:** None.

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

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION  
AMENDING RESOLUTION 63-17**

**Number 83-17**

WHEREAS, Resolution 63-17 incorrectly identified (clerical error) the initial term as ending June 14, 2019; and

WHEREAS, the purpose of the resolution is to correctly identify the term as ending on June 14, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmer that Sarah D. Walker be appointed Municipal Clerk for a term of three (3) years in accordance with N.J.S.A. 40A:9-133 effective June 14, 2017 and ending June 14, 2020;

BE IT FURTHER RESOLVED that Sarah D. Walker be re-appointed Registrar of Vital Statistics and Water Department Clerk for a term concurrent with the Municipal Clerk term, beginning June 14, 2017 and ending on June 14, 2020.

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION AUTHORIZING EXTENSION  
OF GRACE PERIOD FOR TAXES DUE AUGUST 1, 2017**

**Number 84-17**

WHEREAS, the Borough of Elmer did not mail out the 2017/2018 Tax Bills until July 25, 2017; and

WHEREAS, the Borough of Elmer desires to extend the grace period on taxes due August 1, 2017 to August 25, 2017,

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized and directed to extend the grace period on taxes due August 1, 2017 to August 25, 2017.

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION  
AUTHORIZING MAYOR AND BOROUGH CLERK TO SIGN CONTRACT FOR  
MUNICIPAL ALLIANCE GRANT FOR JULY 1, 2017 THROUGH JUNE 30, 2018 (FY 2018)**

**Number 85-17**

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 Clerk be authorized to sign the contract for Municipal Alliance Program through the Salem County Department of Health and Human Services for July 1, 2017 through June 30, 2018 (FY 2018).

**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 SURETY BOND FOR MILLER GROUP HOLDINGS, LP AFFECTING PARCEL  
KNOWN AS BLOCK 15, LOT 6 (DOLLAR GENERAL RETAIL STORE) ON THE OFFICIAL TAX MAP**

**Number 86-17**

WHEREAS, the Borough of Elmer Zoning Board granted final major site plan approval for a project by the Applicant, Miller Group Holdings, LP, for improvements to property identified as 100 Front Street, Block 15, Lot 6 on the Official Tax Map of the Borough of Elmer; and

**WHEREAS**, Miller Group Holdings, LP has caused certain work to be performed relating to the improvements affecting a parcel known as Block 15, Lot 6 on the official Tax Map of the Borough of Elmer; and

**WHEREAS**, the Applicant posted Performance Surety Bond No. 019054406 dated July 28, 2016 in the amount of \$85,220.40 issued by Liberty Mutual Insurance Company, assuring the satisfactory installation of the on-tract site improvements; and

**WHEREAS**, the Borough of Elmer Engineer has inspected all improvements secured by said Performance Surety Bond and has filed a written report with the Borough Clerk dated July 17, 2017, attached hereto as Exhibit "A" (consisting of 2 pages), recommending reduction (Request #1) of the Performance Surety Bond to the total amount of \$25,566.12 as follows:

Amount of original Performance Surety Bond:	\$85,220.40
Amount of Performance Surety Bond to be reduced	<u>\$59,654.28</u>
Total Amount to be reduced (Request #1)	\$25,566.12
Amount of New Performance Surety Bond	\$25,566.12
Total Amount of Bond to Remain Posted	\$25,566.12

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, as follows:

1. The inspection deemed acceptable by the Borough Engineer, as set forth in the letter dated July 17, 2017, attached hereto as Exhibit "A", is hereby approved and accepted, and the Performance Surety Bond referred to above is hereby reduced (Request #1) to the total amount of \$25,566.12 as follows:

Amount of original Performance Surety Bond:	\$85,220.40
Amount of Performance Surety Bond to be reduced	<u>\$59,654.28</u>
Total Amount to be reduced (Request #1)	\$25,566.12
Amount of New Performance Surety Bond	\$25,566.12
Total Amount of Bond to Remain Posted	\$25,566.12

2. That no above-mentioned Performance Surety Bond 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 Zoning Board Application and Resolution approving the project.

3. The Applicant is hereby directed to forward the reduced Performance Surety Bond 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 Borough of Elmer Zoning 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 the Borough of Elmer to issue stop work orders until such time as a new, adequate Performance

Surety Bond is submitted to and approved by the Council after review by the Borough Engineer and Borough Attorney.

5. The approval granted herein is further subject to the submission of a reduced Performance Surety Bond or Rider in a form acceptable to the Borough Attorney or a reduction of the original Performance Surety Bond in the newly approved amount.

6. The Borough Clerk is hereby directed to forward certified copies of the within Resolution to the Applicant and the Borough of Elmer Engineer.

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

**Number 87-17**

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 for the property at 100 Front St. in the amount of \$2,051.25 be distributed and paid as follows:

<u>Amount:</u> \$1,237.50 \$813.75	<u>To:</u> Law Office of Katie Coleman, LLC Fralinger Engineering, PA	<u>For:</u> Site Plan Review Site Plan Review
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Motion Davis seconded by Nolan to adopt Resolutions 83-through 87-17.

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

**DISCUSSIONS/MOTIONS:** The following items were discussed by Council Members:

1. **Water Tower Project:** Borough Engineer Carl Gaskill discussed the status of the Water Tower Project and the details regarding the Change Order #2 to replace a ladder, Change Order #3 for an additional tank rental for water storage and Change Order #4 for the enhancement of the logo. Council Members discussed the two options for the logo. 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 APPROVING CONTRACT CHANGE  
ORDER #2 TO THE CONTRACT WITH BRAVE INDUSTRIAL PAINT, LLC FOR REPAINTING  
AND REPAIR OF THE ELMER BOROUGH WATER STORAGE TOWER**

**Number 88-17**

**WHEREAS,** Mayor and Council of the Borough of Elmer determined that repairs and repainting were necessary to the Borough's Water Storage Tower; and

**WHEREAS,** on May 24, 2017, the Mayor and Council received and opened bids in accordance with the advertised date for acceptance of said bids for the Project; and

**WHEREAS,** the Borough's Engineer has requested a change order whereby the contractor shall remove and replace the existing ladder located in the wet storage bowl which will increase the original contract amount by \$7,000.00 above the original contract amount of \$437,807.00, not including other change orders; and

**WHEREAS**, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Borough of Elmer that Change Order #2 be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that Contract Change Order #2, as recommended by the Borough Engineer, via correspondence dated August 4, 2017, is hereby approved and authorizes the payment related thereto in the sum of \$7,000.00.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #2 only upon prior written authorization by NJDEP and/or NJEIT.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #3 TO THE CONTRACT WITH BRAVE INDUSTRIAL PAINT, LLC FOR REPAINTING AND REPAIR OF THE ELMER BOROUGH WATER STORAGE TOWER**

**Number 89-17**

**WHEREAS**, Mayor and Council of the Borough of Elmer determined that repairs and repainting were necessary to the Borough's Water Storage Tower; and

**WHEREAS**, on May 24, 2017, the Mayor and Council received and opened bids in accordance with the advertised date for acceptance of said bids for the Project; and

**WHEREAS**, pursuant to Resolution No. 79-17, the Mayor and Council of the Borough of Elmer authorized Change Order #1 relating to the contractor's provision and installation of a 10,000 gallon temporary pressure storage tank system and a 125 KW 48 volt generator to provide temporary power to the pumping station; and

**WHEREAS**, after the adoption of Resolution 79-17, the Borough Engineer determined that a 20,000 gallon temporary pressure storage tank system would be required; and

**WHEREAS**, the Borough Engineer has requested a change order whereby the contractor shall furnish, install and operate a 20,000 gallon temporary pressure storage tank system which will result in an increase of \$11,500.00 above contract Change Order #1 in the sum of \$32,200.00 for a total increase of \$43,700.00 above the original contract amount, not including other change orders; and

**WHEREAS**, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Borough of Elmer that Change Order #3 be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that Contract Change Order #3, as recommended by the Borough Engineer, via correspondence dated August 2, 2017, is hereby approved and authorizes the payment related thereto in the sum of \$11,500.00.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #3 only upon prior written authorization by NJDEP and/or NJEIT.

Motion Davis seconded by Nolan to adopt Resolutions 88-17 and 89-17.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #4 TO THE CONTRACT WITH BRAVE INDUSTRIAL PAINT, LLC FOR REPAINTING AND REPAIR OF THE ELMER BOROUGH WATER STORAGE TOWER**

**Number 90-17**

**WHEREAS**, Mayor and Council of the Borough of Elmer determined that repairs and repainting were necessary to the Borough's Water Storage Tower; and

**WHEREAS**, on May 24, 2017, the Mayor and Council received and opened bids in accordance with the advertised date for acceptance of said bids for the Project; and

**WHEREAS**, the Borough's Engineer has requested a change order whereby the contractor shall provide all labor, materials and equipment required to paint the enhanced logo in lieu of the original proposed logo set forth in the contract bid documents, which will result in an overall increase of \$6,000.00 above the original contract amount of \$437,807.00, not including other change orders; and

**WHEREAS**, based upon the Engineer's submission and recommendation, it is in the best interest of the residents of the Borough of Elmer that Change Order #4 be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that Contract Change Order #4, as recommended by the Borough Engineer, via correspondence dated August 7, 2017, is hereby approved and authorizes the payment related thereto in the sum of \$6,000.00.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #4 only upon prior written authorization by NJDEP and/or NJEIT.

Motion Davis second Nolan to adopt Resolution 90-17 in the amount not to exceed \$6,000 pending approval of the font and script for the logo.

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

**2. FY 2018 NJDOT State Aid Program:** Borough Engineer Gaskill discussed options for the 2018 NJDOT Grant Program and recommended reapplying for State Street and for sidewalks for various streets and bike trails.

**3. Elevator Contract:** The Clerk and Council Members discussed the recent repair of the elevator and the proposals from Ace Elevator for a maintenance plan compared to the current plan. Council Members recommended revisiting the elevator contract in October.

**4. School Consolidation:** CFO Strang updated Council Members on the school consolidation and the proposed school tax levy in the amount of \$366,000, including how that amount was determined and the effect on the tax rate. She has not gotten a final determination and is waiting to hear back from the County.

**REPORTS/BILL LIST:**

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

Motion Schalick, second Nolan to receive, file and spread full upon the minutes the Treasurer's Report (**Page 90a**). All were in favor and motion carried.

Motion Davis, second Nolan, that the bills be paid and charged to their respective accounts (see **Page 90b**).

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

The Clerk read the thank you note from Roy Duffield and the letter of resignation of Police Officer Kevin Gandy. The Clerk mentioned the deadline for participation in the South Jersey Gas Bid; no action was taken to participate. The Mayor mentioned that he will review the COAH resolution that several municipalities have passed for the September meeting.

Motion Davis second Nolan 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:** No report.

**Public Safety:** No report.

**Streets/Sidewalks/IT:** Mayor Stemberger noted that sidewalks were a topic at the Land Use Board meeting and that there were questions regarding trees overlapping the sidewalks. The Mayor also stated that he will take on the (Always Safe Sidewalks) sidewalk project.

**Borough Hall/Public Property:** The Clerk mentioned that a volunteer offered to paint the railings on the Borough Hall. The Mayor suggested that they do the wire brush scraping and the Borough will have them painted.

**Water/Street Lights:** No report.

**Trash/Recycling/Parks & Playgrounds:** No report.

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

August 9, 2017

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Sarah D. Walker, Borough Clerk

Approved: September 13, 2017