

Borough of Elmer Minutes**December 13, 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 on January 5, 2017.

ROLL CALL: Council President Lewis Schneider, Council Members Lynda Davis, Cynthia Nolan, R. Matthew Richards, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, Police Chief Patrick Bryan, and Clerk Sarah Walker.

APPROVAL OF MINUTES: Motion Davis second Zee to approve the minutes from the Regular Council Meeting held on November 8, 2017, the Executive Closed Session Meeting of November 8, 2017, and the Special Budget Workshop held on December 4, 2017, and to dispense with the reading of the minutes.

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

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

Norman Rodgers, President, and Mike Brown, engineer, from Consulting Engineer Services in Sicklerville, NJ, provided information about their municipal engineering services and answered Council questions.

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

UNFINISHED BUSINESS:

1. Solicitor Duffield commented on the draft agreement for animal shelter services received from Cumberland County and Council discussed options. No action was taken.
2. Council discussed options for shared services for the Construction Office. No action was taken.

NEW BUSINESS:

1. Ordinances: None.

2. 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 AUTHORIZING FINAL PAYMENT TO BRAVE INDUSTRIAL PAINT, LLC FOR RELATING TO THE REPAIR AND REPAINTING OF THE BOROUGH OF ELMER WATER STORAGE TOWER

Number 115-17

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 had requested five (5) change orders for the project, which resulted in an overall increase in the original contract amount of \$437,807.00, for a total sum to be paid to Brave Industrial Pain, LLC in the amount of \$502,907.00; and

WHEREAS, on October 26, 2017, the Borough's Engineer, Carl R. Gaskill, PE, PLS, PP & CME, determined that all work was completed in accordance with the terms and condition of the contract documents; therefore, recommends payment of the outstanding balance in the sum of \$56,961.87.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer, that final payment in the sum of \$56,961.87 is hereby authorized and approved to Brave Industrial Paint, LLC based upon the Borough Engineer's recommendation dated October 26, 2017.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF CERTIFICATE OF SUBSTANTIAL COMPLETION RELATING TO THE REPAIR AND REPAINTING OF THE BOROUGH OF ELMER WATER STORAGE TOWER

Number 116-17

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 had requested five (5) change orders for the project, which resulted in an overall increase in the original contract amount of \$437,807.00, for a total sum to be paid to Brave Industrial Pain, LLC in the amount of \$502,907.00; and

WHEREAS, on October 3, 2017, the Borough's Engineer, Carl R. Gaskill, PE, PLS, PP & CME, determined that all work was substantially completed on September 29, 2017; and

WHEREAS, based upon the recommendation of the Borough Engineer, the Mayor and Council accepts the project as substantially complete.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer, that the Mayor is hereby authorized to execute the Certificate of Substantial Completion attached hereto.

**Resolution of the Borough of Elmer, County of Salem
Authorizing Municipal Alliance Grant Form 1B for Fiscal Year 2019**

Number 117-17

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Council of the Borough of Elmer, County of Salem, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Council of the Borough of Elmer further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Council of the Borough of Elmer has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Salem and seeks to participate jointly with the Township of Pittsgrove;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey hereby recognizes the following:

1. The Council of the Borough of Elmer does hereby authorize submission of a strategic plan for the Pittsgrove/Elmer Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$10,464
Cash Match	\$2,617
In-Kind	\$7,847

2. The Council of the Borough of Elmer acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Council of the Borough of Elmer does hereby authorize submission of an application for Pittsgrove/Elmer Municipal Alliance grant for fiscal year 2019 in the amount of \$10,464.00 (Pittsgrove \$6,286.00 and Elmer \$4,178.00). This application requires a 25% cash match amount of \$2,617 and a 75% in-kind amount of \$7,847.
4. The Council of the Borough of Elmer acknowledges that the grant will be administered by Pittsgrove Township.
5. The shared cash match funding will be based upon the individual award amounts with Pittsgrove Township providing \$1,572.00 and Elmer Borough providing \$1,045.00 payable to Pittsgrove Township.

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

Number 118-17

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Williams for Minor Subdivision in the amount of \$195.13 be distributed and paid as follows:

Amount: \$195.13 To: Fralinger Engineering, PA For: Minor Subdivision

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION CANCELING \$4,531.80 OF THE APPROPRIATED RESERVE
FOR THE MUNICIPAL ALLIANCE ON ALCOHOLISM AND DRUG ABUSE PROGRAM**

Number 119-17

WHEREAS, an appropriated reserve balance of \$4,531.80 for the Municipal Alliance on Alcoholism and Drug Abuse Program remains on the Federal and State Grant Fund balance sheet and on the Schedule of Appropriated Reserves for Federal and State Grants as of December 31, 2016; and

WHEREAS, this \$4,531.80 reserve represents the balance of grant monies remaining from the 2016-2017 grant year; and

WHEREAS, the contracts have been completed and no encumbrances are outstanding for the 2016-2017 grant period; and

WHEREAS, it is necessary to cancel the appropriated reserve balance in the amount of \$4,531.80;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, assembled in public session this 13th (thirteenth) day of December 2017, that the \$4,531.80 appropriated reserve for the Municipal Alliance on Alcoholism and Drug Abuse Program be canceled from the record.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELING \$3,668.00 OF THE MUNICIPAL ALLIANCE ON
ALCOHOLISM AND DRUG ABUSE PROGRAM STATE GRANT RECEIVABLE**

Number 120-17

WHEREAS, a receivable balance of \$3,668.00 for the Municipal Alliance on Alcoholism and Drug Abuse Program remains on the Federal and State Grant Fund balance sheet and on the Schedule of State Grants Receivable as of December 31, 2016; and

WHEREAS, the \$3,668.00 receivable represents grant monies remaining from the 2016-2017 grant year; and

WHEREAS, the 2016-2017 grant year is closed and the County has reimbursed the Borough for the grant portion of the project; and

WHEREAS, it is necessary to cancel the \$3,668.00 receivable balance;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, County of Salem, State of New Jersey, assembled in public session this 13th (thirteenth) day of December 2017, that the \$3,668.00 Municipal Alliance on Alcoholism and Drug Abuse Program grant receivable be canceled from the record.

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

Number 121-17

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

<u>DATE</u>	<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
1/13/16	14922	Barbara Repenning	\$ 90.00
3/9/16	15011	Barbara Repenning	80.00
10/12/16	15298	Barbara Repenning	160.00

WHEREAS, these checks have not been presented for payment by the party 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 13th (thirteenth) day of December 2017, 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 RESOLUTION
REQUESTING EXEMPTION FROM APPOINTING A PRINCIPAL PUBLIC WORKS MANAGER**

Number 122-17

WHEREAS, N.J.S.A. 40A:9-154.6g requires a municipality to appoint a principal public works manager; and

WHEREAS, Subsection 7.d. of the aforesaid statute provides that a municipality “that conducts minimal or no public works activity may apply to the Director for an exemption from this section”; and

WHEREAS, the Borough received the exemption, but the five year approval expired January 1, 2017; and

WHEREAS, the Mayor and Borough Council of the Borough of Elmer have determined that the Borough qualifies and should apply for the exemption in question;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that in accordance with N.J.S.A. 40A:9-154.6g the Director of the Division of Local Government Services is requested to grant the statutory exemption from appointing a principal public works manager for the Borough of Elmer.

BE IT FURTHER RESOLVED that the statutory exemption be effective for the five year period retroactive to January 1, 2017 and continuing through December 31, 2021.

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

Number 123-17

WHEREAS, it has become necessary to expend for certain purposes specified in the 2017 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 Department:		
Other Expenses	500.00	
Police Department:		
Salaries and Wages		500.00
Defined Contribution Retirement Program	1,000.00	
Financial Administration:		
Salaries and Wages		200.00
Financial Administration:		
Other Expenses		800.00
Public Buildings and Grounds:		
Other Expenses	1,100.00	
Legal Services:		
Other Expenses		1,100.00
Recycling Tax Appropriation	200.00	
Financial Administration:		
Salaries and Wages		200.00

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

Number 124-17

WHEREAS, the following appropriation included in the 2017 Municipal Water Utility Budget will not be expended:

Water Capital Outlay: \$6,000

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 2017 Municipal Water Utility Budget.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION FOR SNOW TRUST TRANSFER**

Number 125-17

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the following transfer be made in the appropriations for the year 2017.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE
2018 MEMORANDUM OF UNDERSTANDING FOR THE MID SALEM COUNTY MUNICIPAL COURT
Number 126-17**

WHEREAS, the Mid Salem County Municipal Court is a Joint Municipal Court between the Borough of Elmer, the Borough of Woodstown, the Township of Mannington, the Township of Quinton, and the Township of Oldmans in Salem County; and

WHEREAS, the Borough of Elmer has been a part of the Mid Salem County Municipal Court since April 1, 2011; and

WHEREAS, the Borough of Elmer desires to continue its participation in the Mid Salem County Municipal Court; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer for the Borough to enter into the 2018 Memorandum of Understanding attached hereto pursuant to the terms and conditions set forth therein.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the 2018 Memorandum of Understanding attached hereto.
2. The Borough, through its appropriate staff and officials, is hereby further authorized and directed to undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

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

Number 127-17

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 Pittsgrove Township to provide to the Borough of Elmer certain public works services described in the attached agreement for the year 2018.

BE IT FURTHER RESOLVED that these services shall be charged to Streets and Roads: OE, Public Buildings and Grounds: OE, Parks and Playgrounds: OE, and Water: OE in the 2018 Budget.

Motion Richards second Zee to adopt Resolutions 115-17 through 127-17.

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

DISCUSSIONS/MOTIONS:

1. Motion Zee second Nolan to receive and file the Request for Proposals received for Professional Services on November 21, 2017; all were in favor and motion carried.
2. Motion Zee second Davis to receive and file the one (1) bid received for Water Services from Garrison Enterprises on November 21, 2017; all were in favor and motion carried.
3. Motion Richards second Davis to receive and file the resignation of the Housing and Zoning Officer, Joseph Steckclair effective December 31, 2017; all were in favor and motion carried.
4. Motion Richards second Davis to receive and file the resignation of the Tax and Water Collector, Sandra Ferguson, effective upon hiring a replacement; all were in favor and motion carried.
5. The Clerk discussed the request by the Water Department to get rid of 2 old generators; the Solicitor recommended utilizing GovDeals and Council member Schalick offered to coordinate the sale of the generators and any other old equipment. The following resolution was read by title:

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH GOVDEALS, INC. FOR THE DISPOSAL BY ONLINE AUCTION OF MUNICIPAL SURPLUS PROPERTY

Number 128-17

WHEREAS, the Borough of Elmer is the owner of certain surplus property that is no longer needed for public use; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-36 and Local Finance Notice 2008-9, the Borough of Elmer is authorized to sell municipal surplus property through an approved online auction; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services, has approved GovDeals, Inc. as an internet-based vendor authorized to conduct online auctions of municipal surplus personal property and GovDeals, Inc. is also an approved contractor under New Jersey State Contract No. A83453/T-2581; and

WHEREAS, the Borough Council has determined that the municipality shall utilize the services of GovDeal, Inc., via www.govdeals.com <<http://www.govdeals.com>>, for purposes of auctioning the surplus property under State Contract No. A83453/T-2581; and

WHEREAS, in consideration of auctioning the surplus property on Elmer's behalf, GovDeals, Inc. will be paid the current prevailing and published percentage of the winning bid (currently 7.5%) for each asset sold, paid directly by the Borough of Elmer to GovDeals, Inc. from the proceeds of the sale; and

WHEREAS, all other terms and conditions of the auction of the surplus property and agreement with GovDeals, Inc. are available on GovDeals, Inc.'s website, www.govdeals.com <<http://www.govdeals.com>>.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer, that:

1. The Mayor and Clerk are hereby authorized to execute an agreement with GovDeals, Inc. pursuant to New Jersey State Contract No. A83453/T-2581 in accordance with the terms and conditions of said State Contract.
2. The Mayor and Clerk are hereby authorized and directed to sign any other necessary documents to effectuate the terms and intent of this Resolution.

Motion Richards second Zee to approve resolution 128-17.

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

REPORTS/BILL LIST:

Motion Richards second Davis to receive and file the 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 (Page 120a). All were in favor and motion carried.

Motion Davis second Zee, that the bills be paid and charged to their respective accounts (see Page 120b).

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

Motion Richards 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: Schalick mentioned the Santa visit and need for a new sign.

Public Safety: Schneider summarized the Police Department report and Chief Bryan answered questions regarding the report and staffing.

Streets/Sidewalks/IT: No report.

Borough Hall/Public Property: Davis noted that the back door was fixed due to wind damage. Council also discussed re-keying the Borough Hall entrances.

Water/Street Lights: Zee updated Council on the budget changes for 2018 for the Water Department, the list of street lights that have been fixed, and the status of the replacement of the parking lot decorative lamppost.

Trash/Recycling/Parks & Playgrounds: Nolan reported that the leaves were picked up on Wednesday instead of the scheduled Monday due to an error at Waste Management.

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

December 13, 2017

Sarah D. Walker, Borough Clerk

Approved: January 3, 2018