

**Borough of Elmer Minutes****October 10, 2018**

**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 on January 8, 2018 pursuant to the Open Public Meetings Act.

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

**APPROVAL OF MINUTES:** Motion Davis second Richards to approve the minutes from the Regular Council Meeting held on September 12, 2018, and to dispense with the reading of the minutes.

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

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

Appel Farm Executive Director Cori Solomon and artist Gail Scuderi reviewed the design, materials, and discussed options for the installation of the mural for the Veteran's Memorial Art Grant. Two artists will be working at Appel Farm making the custom glass and clay tiles for the mural and will send pictures and samples of the artwork.

Motion Richards second Davis to approve the design and materials to move forward with the project; all were in favor and motion carried.

Bob Richards, President of the Elmer Ambulance Corp., outlined the progress since last October towards becoming more financially stable since becoming a full time 24 hours 7 days a week operation. They need to decide on a future direction as soon as possible. Their Board has asked for guidance from the 3 municipalities (Elmer, Upper Pittsgrove, and Pittsgrove) on four possible options: becoming a municipal/shared service operation, staying the same for another year with an increase in municipal contribution, accepting a proposal from Inspira Health Network, or accepting a proposal from American Legion Ambulance Association. The other 2 municipalities recommended working with the American Legion as long as some questions are answered about their proposal.

Motion Schneider second Zee to support moving forward with the American Legion Ambulance Association proposal. All were in favor and motion carried.

Councilman Zee updated Council on the remediation project, which is still being considered for funding by the Salem County Pollution Control Authority.

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

**UNFINISHED BUSINESS:**

1. The second public sale of Block 15 Lot 5 (106 Front St) was conducted on October 10 at 11:00 am, with no buyers present. Solicitor Duffield recommended inviting sealed bids from adjacent lot owners.

Motion Richards second Davis to authorized sealed bids for the sale of Block 15 Lot 5.

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

2. Options for paying the deferred school tax levy were discussed; the Clerk will send a letter to the Pittsgrove Board of Education that the Borough is still working on a reimbursement plan.

**NEW BUSINESS**

1. **Ordinances:** The following Ordinance was introduced by title during the discussion of the budget and reorganization meeting dates:

**ORDINANCE NO. 2018-13**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 2, SECTION 2-9  
ENTITLED "CHIEF FINANCIAL OFFICER" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Richards second Zee to approve the introduction of Ordinance 2018-13.

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

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

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

**Number 99-18**

BE IT FURTHER RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Allison Foote for a Site Plan and Subdivision for 47 Broad Street (Block 18 Lots 7 & 8) in the amount of \$2,782.50 be distributed and paid as follows:

Amount: \$2,782.50      To: Fralinger Engineering, PA      For: Site Plan Review

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION AUTHORIZING AMENDED 2018 MID SALEM COUNTY MUNICIPAL COURT  
MEMORANDUM OF UNDERSTANDING (MOU)  
(Amended for New Employees and Salary)**

**Number 100-18**

**WHEREAS**, the Council of the Borough of Elmer has adopted Ordinance No. 2011-6, dated March 31, 2011, to establish a joint municipal court with Woodstown Borough, Elmer Borough, Quinton Township and Oldmans Township pursuant to *N.J.S.A. 2B:12-1, et seq.* (referred to as the "Mid Salem County Municipal Court"); and

**WHEREAS**, the above named municipalities have adopted similar ordinances for such purpose; and

**WHEREAS**, pursuant to the above cited Ordinance and statute the Borough of Elmer has entered into an agreement on April 6, 2011 with the other named municipalities entitled "Agreement Between the Borough of Woodstown, the Township of Mannington, the Borough of Elmer, the Township of Quinton, and the Township of Oldmans to Establish the Mid Salem County Municipal Court;" and

**WHEREAS**, pursuant to the above cited Ordinance and Agreement the Borough of Elmer has each year entered into a Memorandum of Understanding ("MOU") with the other named municipalities, the first of which was entitled "2011 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans," in order to confirm matters pertaining to administration of the Mid Salem County Municipal Court for each year from 2011 through 2018, including but not limited to the following:

- Percentage responsibilities for shared expenses;
- Salaries and wages;
- Hours of operation;
- Court schedule;
- Administrative fee apportionment;
- Billing;
- Budget; and
- Vacation policy;

**AND WHEREAS**, pursuant to the above cited Ordinance and Agreement, the Council of the Borough of Elmer has reviewed and is prepared to enter into an amended MOU with the other named municipalities for the remainder of year 2018 entitled "AMENDED 2018 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans (Amended for New Employees and Salary)" in

order to confirm the hiring and terms of employment of the Municipal Court Administrator and Deputy Municipal Court Administrator of the Mid Salem County Municipal Court for the remainder of year 2018;

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

1. The Council of the Borough of Elmer approves and hereby adopts the “AMENDED 2018 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans (Amended for New Employees and Salary)” as the terms and conditions upon which the administrative matters addressed therein shall be governed for the remainder of year 2018.

**BOROUGH OF ELMER, SALEM COUNTY  
RESOLUTION RECOMMENDING APPOINTMENT OF MARTIN W. WHITCRAFT AS MUNICIPAL  
JUDGE OF THE MID SALEM COUNTY MUNICIPAL COURT  
FOR ANOTHER THREE-YEAR TERM  
(JANUARY 1, 2019 THROUGH DECEMBER 31, 2021)**

**Number 101-18**

**WHEREAS**, Martin W. Whitcraft has been appointed and currently serves as the Municipal Judge for the Mid Salem County Municipal Court for a three-year term pursuant to *N.J.S.A.* 2B:12-4, which term began on January 1, 2016 and will continue through December 31, 2018; and

**WHEREAS**, the Mid Salem County Municipal Court Committee has recommended that each participating municipality endorse the appointment of Martin W. Whitcraft to the position of Municipal Judge for another three year term that would run from January 1, 2019 through December 31, 2021; and

**WHEREAS**, the Council of the Borough of Elmer agrees with the Mid Salem County Municipal Court Committee’s recommendation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Elmer, County of Salem and State of New Jersey, that the Borough Council hereby accepts the Mid Salem County Municipal Court Committee’s recommendation, endorses the appointment of Martin W. Whitcraft as Municipal Judge for another three-year term, and authorizes the Borough of Elmer’s representative to the Mid Salem County Municipal Court Committee to:

Take all necessary and appropriate action with other members of the Mid Salem County Municipal Court Committee to convey this recommendation for appointment of Martin W. Whitcraft as Municipal Judge of the Mid Salem County Municipal Court for a three-year term from January 1, 2019, through December 31, 2021, to Hon. Benjamin C. Telsey, A.J.S.C., c/o Ashley Wolk, Salem Municipal Division Manager for Vicinage XV, Gloucester County Courthouse, 19 North Broad Street, Woodbury New Jersey 08096.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION AUTHORIZING STATE CONTRACT  
FOR VEHICLE COMPUTER EQUIPMENT FOR THE POLICE DEPARTMENT**

**Number 102-18**

**WHEREAS**, the Borough of Elmer Police Department wishes to purchase computer equipment for the new police vehicle from an authorized vendor under the State of New Jersey Cooperative Purchasing program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, *N.J.S.A.* 40A:11-12; and

**WHEREAS**, Computer Systems and Methods (CSM) has been awarded New Jersey Contract No. 89980 for Panasonic products;

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

1. Computer Systems and Methods, 15 Maple St., Somerville, New Jersey, 08876, is hereby awarded a contract in an amount not to exceed \$4,177.00 for Panasonic computer equipment (quote attached).
2. A Certification of Funds has been received for said contract assuring that there is a sufficient appropriation to award this contract.
3. The Chief of the Police Department is hereby authorized to effectuate the purchase.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM  
 APPOINTING ROBERT SCHMID ZONING, HOUSING, PROPERTY MAINTENANCE OFFICER  
 Number 103-18**

WHEREAS, on September 7, 2018, Zoning, Housing, and Property Maintenance Officer William Ackley submitted a resignation letter to the Mayor effective upon finding a replacement; and

WHEREAS, it is the interest of the residents of the Borough of Elmer that a Zoning, Housing, and Property Maintenance Office be forthwith appointed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, Salem County, New Jersey, that Robert Schmid is appointed Zoning, Housing, and Property Maintenance Officer for the Borough of Elmer effective October 10, 2018 through December 31, 2018.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER  
 AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO  
 CHAPTER 99 OF THE PUBLIC LAWS OF 1997  
 Number 104-18**

WHEREAS, the Tax Collector of the Borough of Elmer has previously issued tax sale certificates to Martella Investments, which certificates are dated March 28, 2018, covering premises commonly known and referred to as **Lot 3 in Block 18** and **Lot 19 in Block 20** as set out on the municipal tax map then in use which certificates bears numbers **2018-006** and **2018-008** respectively; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Elmer that the Tax Collector is hereby authorized upon the receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of **\$100 per certificate**, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws 1997.

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word Duplicate” as required by law.

Motion Richards second by Schalick to adopt Resolutions 99-18 through 104-18.

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

**DISCUSSIONS/MOTIONS**

1. Solicitor Duffield discussed the state statute concerning the requirement of an independent local Board of Health. The Council cannot be appointed as the local board of health for the Borough form of government. Not all members have to be Elmer residents. No action was taken.
2. The renewal of the Anthony farm property lease was discussed; Councilman Schalick will talk to the current tenant about continuing for next year. No action was taken.

3. Upcoming Budget and Reorganization meeting dates were discussed: the Budget Meeting will be scheduled for December 13, 2018 at 7:00 pm; the Reorganization meeting will be held on January 2, 2019, at 6:30 pm followed by the regular January Council Meeting scheduled for 7:30 pm. An Ordinance to allow the CFO to pay necessary bills in between meeting dates was discussed (see New Business: Ordinances).

4. Motion Davis second Richards to authorize the Clerk to solicit RFQs for professional services for 2019; all were in favor and motion carried.

5. Motion Zee second Davis to authorization the Clerk to solicit bids for Water Service & Maintenance for 2019; all were in favor and motion carried.

**EXECUTIVE CLOSED SESSION:** At 9:20 pm the following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**Number 98-18**

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 N.J.S.A. 10:4-12:

  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:   Inspira Tax Litigation  

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: upon the occurrence of said matters 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 Davis second Richards to approve Resolution 98-18;

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

At 9:32 pm motion Davis second Zee to end Executive Session and return to Regular Meeting. All were in favor and motion carried.

**REPORTS/BILL LIST:**

Motion Richards second Davis to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (see **Page 84a**); all were in favor and motion carried.

Motion Davis second Richards, that the bills be paid and charged to their respective accounts (see **Page 84b**).

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

Councilman Schneider left the meeting at 9:40pm.

The Mayor and Council discussed Harvest Day billing, mowing costs in the Borough, the walking trail grant progress, and the new NJ law regarding sick leave.

Motion Richards second Davis 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:** Councilman Schalick reported that Halloween will be 5-8pm on Wednesday October 31. The Mayor discussed having the 125<sup>th</sup> Anniversary of the Borough celebration as a reception on the same day as the Historical Society House Tour (November 11, 2018) at their location.

**Public Safety:** Councilman Richards provided the fire department report and the Mayor discussed recent police activities.

**Streets/Sidewalks/IT:** Councilman Richards noted that the SAGE grant for repairs, repaving, and curbing for 2<sup>nd</sup>, 3<sup>rd</sup>, and Oak Streets is being submitted. Schalick noted that quarterly street sweeping is being required for storm water regulations.

**Borough Hall/Public Property:** No report.

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

**Trash/Recycling/Parks & Playgrounds:** Chipper is coming tomorrow.

**ADJOURNMENT:** At 10:36 pm, motion Richards second Zee that the meeting be adjourned. All were in favor and motion carried.

October 10, 2018

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Sarah D. Walker, Borough Clerk

Approved: November 14, 2018