

Borough of Elmer Minutes**February 13, 2019**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Council President Schneider presiding.

FLAG SALUTE AND INVOCATION: Invocation was given by Councilman Zee, followed by the pledge of allegiance. Council President Schneider noted that adequate notice of the meeting was provided on January 7, 2019 pursuant to the Open Public Meetings Act.

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

APPROVAL OF MINUTES: Motion Zee second Nolan to approve the minutes from the Reorganization and Regular Council Meeting held on January 2, 2019, and to dispense with the reading of the minutes.

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

COUNCIL VACANCY: Motion Davis second Zee to accept the resignation of Councilman R. Matthew Richards with regret effective January 31, 2019. Councilman Zee discussed three candidates recommended by the Republican Committee: Bruce Foster, Stanley Orzechowski, and Jennifer Sutton. Motion Zee second Davis to approve Bruce Foster to fill the position of Council Member Richards until the election.

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

Swearing in and Oath of Office: Bruce Foster was administered the oath of office for Borough Council Member by the Clerk, Sarah Walker. Foster took the seat of Richards for the rest of the meeting.

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

Tina Fithian Anderson, 409 N. Main St., read a prepared statement about the history of her family and business activities in Elmer and investments to rehabilitate properties in Elmer. She is concerned about a recent Land Use Board decision and wants fairness for their application. Roger Anderson, 409 N. Main St., spoke on the history of the problems working with the town on properties they are rehabilitating and lack of fairness for their application compared to a recent Land Use Board decision. Other members of the audience spoke on behalf of the Anderson's business and rentals and against the town's treatment of the Anderson's: Eric Fogg, LAC resident and Anderson employee, Cynthia Mayer, employee, Jacelyn Ireland, rents from Anderson's in Elmer, Amy (sister to Tina Fithian), George Peacock, and another employee. No action was taken.

Motion Zee second Davis 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:

ORDINANCE 2019-1 2019 WATER SERVICE RATE ORDINANCE

Motion Davis seconded by Zee to open the public hearing for Ordinance 2019-1. There being no comment, motion Davis seconded by Nolan to close the public hearing. Motion Zee seconded by Davis to adopt Ordinance 2019-1.

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

ORDINANCE 2019-2 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion Zee seconded by Davis to open the public hearing for Ordinance 2019-2. There being no comment, motion Zee seconded by Nolan to close the public hearing. Motion Zee seconded by Davis to adopt Ordinance 2019-2.

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

2. GovDeals: The Clerk updated Council on the status of the boiler on GovDeals; Councilman Schalick recommended defaulting the buyer and resubmitting the boiler for sale.

NEW BUSINESS:

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

**BOROUGH OF ELMER
COUNTY OF SALEM**

Number 26-19

APPROPRIATION RESERVE TRANSFER RESOLUTION

WHEREAS, the Borough of Elmer, County of Salem, finds it necessary to make transfers among various accounts between the 2018 appropriation reserves; and

WHEREAS, such funds are available in the various accounts; and

WHEREAS, **N.J.S.A.** 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances:

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
<u>Current Fund</u>		
Public Buildings and Grounds:		
Other Expenses	\$ 2,850.00	\$
Garbage and Trash:		
Other Expenses		2,000.00
Financial Administration:		
Other Expenses		850.00
Streets and Roads Maintenance:		
Other Expenses	5,000.00	
Land Use Administration:		
Other Expenses		1,000.00
Electricity		1,000.00
Heating		1,000.00
Garbage and Trash:		
Other Expenses		2,000.00
Police:		
Other Expenses	1,000.00	
Police:		
Salaries and Wages		1,000.00

	Transfer Amounts	
	To	From
<u>Water Utility</u>		
Capital Outlay:		
Other Expenses	\$ 7,700.00	\$
Operating:		
Salaries and Wages		2,000.00
Operating:		
Other Expenses		5,700.00

BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION TO ENTER INTO AN AGREEMENT WITH VOORHEES ANIMAL ORPHANAGE FOR ANIMAL SHELTER SERVICES

Number 27-19

BE IT RESOLVED by the Mayor and Borough Council that the Mayor and Clerk be authorized to enter into an agreement with Voorhees Animal Orphanage for Animal Shelter Services for one year commencing March 1, 2019 and ending March 1, 2020 to be charged to Board of Health: OE and/or Animal Trust Fund in the 2019 Budget.

TAX IDENTIFICATION STATEMENT

Number 28-19

WHEREAS, The Recycling Enhancement Act, P.L.2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE, BE IT RESOLVED by the Borough of Elmer that the Borough of Elmer hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2018 in the amount of \$1951.71. Documentation supporting this submission is available at 120 South Main Street, Elmer, NJ and shall be maintained for no less than five years from this date.

**BOROUGH OF ELMER, COUNTY OF SALEM
TONNAGE GRANT APPLICATION RESOLUTION**

Number 29-19

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs;

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Borough of Elmer hereby endorses the submission of the 2018 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Cynthia L. Nolan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2018 recycling tonnage grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purposes of recycling.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO ENTER INTO AN AGREEMENT FOR THE
2019 DRINKING WATER CONSUMER CONFIDENCE REPORT**

Number 30-19

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 agreement with Water Resource Management for the preparation of the 2019 Water Consumer Confidence Report for an amount not to exceed \$1,250.00 which shall be charged to Water Operating: OE in the 2019 Budget.

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION
TO ISSUE A MOTORIST SOLICITATION PERMIT TO THE ELMER FIRE DEPARTMENT**

Number 31-19

WHEREAS, Jay DuBois, on behalf of the Elmer Fire Department, has applied to the Borough of Elmer for a permit to solicit contributions for the Elmer Fire Department at the intersection of Route 40 and Main Street on Saturday, June 1, 2019 and Saturday, August 24, 2019, from 8:00 am to noon; and

WHEREAS, compliance with all provisions and restrictions of the Borough Code Chapter 4-4 Charitable Solicitation on Roadways must be effectuated by the applicant; and

WHEREAS, the applicant will apply to the Salem County Board of Chosen Freeholders and the State of New Jersey to solicit contributions in the roadways within these government jurisdictions;

NOW, THEREFORE, BE IT RESOLVED, that a Motorist Solicitation Permit be executed by the Clerk of the Borough of Elmer to the Elmer Fire Department pending written approval from the County of Salem and State of New Jersey.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM,
STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A SCOPE OF WORK APPLICATION/AGREEMENT
FOR NJ CLEAN ENERGY FUNDS TO UPGRADE BOROUGH HALL LIGHTING**

Number 32-19

WHEREAS, the New Jersey Office of Clean Energy Direct Install Program provides for the installation of new energy efficient measures, including, but not limited to, LED lighting and energy efficient switches; and

WHEREAS, Mayor and Council of the Borough of Elmer have determined that significant savings can be realized by the installation of such energy efficient equipment; and

WHEREAS, Tri-State Light and Energy has contracted with the State of New Jersey to serve the Gloucester, Salem and Cumberland Counties with regard to the Direct Install Program; and

WHEREAS, Tri-State Light and Energy has submitted a Proposal and Scope of Work (attached hereto) for the Borough’s energy-saving lighting upgrades; and

WHEREAS, the State program pays for up to 70% of the project; and

WHEREAS, the Borough’s Chief Financial Officer has certified that sufficient funds are available for this purpose.

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

- 1) The Mayor and Borough Clerk are hereby authorized and directed to execute the various applications and agreements relating to the New Jersey Office of Clean Energy Direct Install Program, including the Scope of Work and Participation Agreement attached hereto.
- 2) A copy of this Resolution, the New Jersey Office of Clean Energy Direct Install Program Proposal and Participation Agreement shall be placed on file in the office of the Borough Clerk and shall be available for public inspection.

BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH MUNICIPAL NATIONWIDE PAYMENT SOLUTIONS, LLC TO ACCEPT ELECTRONIC PAYMENTS FOR BOROUGH TAX AND WATER COLLECTION

Number 33-19

WHEREAS, pursuant to NJAC 5:30-9.3, municipal tax offices are permitted to accept credit cards and debit cards for the purpose of payment of tax amounts owed to the municipality, and

WHEREAS, the acceptance of electronic payments will serve as a convenient alternative payment method for Borough of Elmer taxpayers to pay utility and property taxes on-line; and

WHEREAS, the Borough will not incur any fees associated with the use of online payments for tax and water collection payments since the fee is assessed to each individual user of the service; and

WHEREAS, the Borough Tax Collector found the most reasonable option for credit and debit card payments and ACH payments is with Municipay Nationwide Payment Solutions.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmer that the Mayor is hereby authorized and directed to execute the attached Service Agreements with Municipay Nationwide Payment Solutions, LLC.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO APPROVE ARCHER EXTERIORS QUOTE FOR BOROUGH HALL ROOF**

Number 34-19

WHEREAS, the Borough of Elmer has determined a need exists for the repair of the Municipal Building

shingled roof; and

WHEREAS, in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., the solicitation of three quotes were solicited (see attached documentation);

WHEREAS, these quotes were reviewed and a recommendation made by the President of Council that the quote be awarded to Archer Exteriors, 341 Harding Hwy, Pittsgrove, NJ as per the attached quote in the amount of \$16,248.00;

THEREFORE, BE IT RESOLVED that the quote to fix the Borough Hall Roof from Archer Exteriors is approved for an amount of \$16,248.00.

Motion Davis second Zee to adopt Resolutions 26-19 through 34-19.

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

2. Elmer Ambulance Building: Solicitor Duffield reviewed a letter about the sale of the Elmer Ambulance property to the American Legion Ambulance Association. No action was taken.

3. Water Remediation Project: Councilman Zee updated Council on the loan/grant opportunity from the Salem County Pollution Control Authority and the following resolution was read by title:

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING GRANT FUNDS FROM THE POLLUTION CONTROL FINANCING
AUTHORITY OF SALEM COUNTY FOR THE BOROUGH OF ELMER REMEDIATION PROJECT
Number 35-19**

WHEREAS, on August 7, 2018, the Borough of Elmer, represented by Elmer Borough Council Member Jim Zee, appeared before the Salem County Pollution Control Financing Authority (PCFA) seeking funding for a remediation project needed within the Borough of Elmer; and

WHEREAS, on the above date, Elmer presented to PCFA information regarding an underground storage tank located within the Borough of Elmer, which, upon discovery and notification by the New Jersey Department of Environmental Protection (NJDEP), created contaminated materials which the NJDEP was requiring Elmer to remediate;

WHEREAS, to date, Elmer has paid a remediation contractor \$30,000 to begin the remediation project, \$16,000 to the NJDEP for fees associated with the contamination, and anticipates a total project cost for the remediation of \$113,000; and

WHEREAS, in consideration of the above factors, PCFA has determined that it is in the best interest of Elmer, PFCA, the County of Salem, and the residents of both the Borough of Elmer and thus by extension, the County of Salem to provide a grant to the Borough of Elmer in the amount of \$22,600 and a loan in the amount of \$90,400 at an interest rate equal to the federal funds rate at the time of the loan closing less 0.2% for a period of three years; and

WHEREAS, the Borough of Elmer has decided to accept the grant amount of \$22,600 and decline the loan amount of \$90,400 in order to pursue other financing; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer that the Borough Council accept the grant for the purposes as stated above.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, Borough of Elmer, that the Grant is hereby ratified and the Mayor and Clerk are hereby authorized to execute the Grant Agreement.

Motion Davis second Zee to adopt Resolution 35-19.

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

4. Ordinances: The following Ordinance was discussed and read by title:

ORDINANCE 2019-3 2019 SALARY ORDINANCE

Motion Zee second Nolan to approve the introduction of 2019-3. All were in favor and motion carried.

DISCUSSIONS/MOTIONS:

Motion Davis second Zee to authorize the bond renewals for CFO Cynthia Strang (Bond#1195856 for \$74,000 effective 1/1/19-1/1/20) and CTC James V. Davis (Bond #B11195820 for \$225,000 effective 1/1/19-1/1/20). All were in favor and motion carried.

Motion Davis second Nolan to authorize the printing of the 2019 Calendar/Directory; all were in favor and motion carried.

Motion Schneider and second Nolan to approve the Elmer Library Bingo & Raffle for Saturday April 13, 2019, from 5-8 pm at the Elmer Fire Hall.

Motion Davis second Foster to approve the Hammonton Cancer Foundation Raffle for Friday March 15, 2019, 6 pm, at Krise Electric.

REPORTS/BILL LIST:

Motion Schneider second Zee to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer’s report (**see Page 26a**); all were in favor and motion carried.

Motion Davis second Nolan to pay all duly authorized bills and charge them to their respective accounts (**see Page 26b**). Roll Call: Ayes: Schneider, Davis, Nolan, Foster, Schalick, Zee; Nays: None. Motion carried.

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:

Public Safety:

Streets/Sidewalks/IT:

Borough Hall/Public Property: Davis mentioned problems with the first floor tiles in the Borough Hall.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: No report.

ONGOING PROJECTS:

The status of the following projects was reviewed: Green Acres Park, Sidewalk Repair/ADA Project, Flagpole, and Veteran’s Monument.

ADJOURNMENT: At 10:15 pm, motion Foster second Schneider that the meeting be adjourned. All were in favor and motion carried.

February 13, 2019

Sarah D. Walker, Borough Clerk

Approved: March 13, 2019