

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

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Joseph 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 7, 2019 pursuant to the Open Public Meetings Act.

ROLL CALL: Council President Lewis Schneider, Council Members Lynda Davis, Bruce Foster, 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 Zee second Davis to approve the minutes from the Regular Council Meeting held on February 13, 2019, and to dispense with the reading of the minutes.

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

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

Mr. Charlie Olinda, 25 Church St., spoke about feral cats on Church St. that had been fed by a resident who is now in a nursing home. A total of 19 feral cats were trapped, treated, & neutered; they were not adoptable so they were released back to the area. Council members recommended not feeding the cats so they will naturally disperse.

Mr. Roger Anderson, 409 N. Main St, spoke about land use board concerns from last month. The Mayor and Solicitor noted that there could be no further discussion on the issue because there is a formal process for appealing land use board decisions to Council.

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 Ordinance was read by title:

ORDINANCE 2019-3 2019 SALARY ORDINANCE

Motion Davis second Zee to open the public hearing for Ordinance 2019-3. The Clerk discussed the new sick leave law relative to the current Salary Ordinance; the Solicitor recommended updating the employee handbook. There being no other comments motion Davis second Zee to close the public hearing. Motion Zee second Davis to adopt Ordinance 2019-3.

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

2. Water Remediation Project: Councilman Zee updated Council on the status of the loan/grant opportunity from the Salem County Pollution Control Authority. Solicitor Duffield noted that they project will have to go out for public bidding and recommended setting up a conference call with the Licensed Site Remediation Professional to discuss the next steps.

NEW BUSINESS:

1. Ordinances: The following Ordinance was read by title:

ORDINANCE 2019-4 AMENDING CHAPTER 11 (BUILDING & HOUSING)

Motion Davis second Schalick to approve the introduction of Ordinance 2019-4. All were in favor and motion carried.

The Mayor discussed whether a specific list should replace the International Property Maintenance Cook book for code enforcement of housing and property maintenance. The Solicitor noted that the purpose is to maintain the quality of homes and Council members recommended continuing the use until an issue arises.

2. Resolutions: The following Resolutions were read by title (Resolution 36-19 was read in full):

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION OF RECOGNITION AND APPRECIATION OF THE SERVICE OF BOROUGH
COUNCIL MEMBER R. MATTHEW RICHARDS**

Number 36-19

BE IT RESOLVED that the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, with great appreciation hereby recognizes the contribution of R. Matthew Richards to the Borough of Elmer by virtue of his service as Borough Councilman from January 1, 2015 through January 31, 2019.

BE IT FURTHER RESOLVED that the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey recognizes R. Matthew Richards for his contributions as the Chairperson of the following committees: Streets January 2015 through January 2019.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO APPOINT JACK JUSTICE JR. FOR GENERAL MAINTENANCE FOR THE ELMER
BOROUGH WATER DEPARTMENT**

Number 37-19

WHEREAS the Borough of Elmer Water Department is required to label all fire hydrants for the Water Accountability Act;

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Jack Justice Jr. be appointed for General Maintenance for the Borough of Elmer Water Department effective March 13, 2019 through December 31, 2019 for \$20 per hour to be charged to Water Utility Operating: Salary and Wages in the 2019 Budget.

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

Number 38-19

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Roger Anderson for Site Plan Review in the amount of \$82.50 be distributed and paid as follows:

Amount: \$82.50 To: Fralinger Engineering For: Site Plan Review

BE IT FURTHER RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Burroughs Timberman for Site Plan Waiver for 12 N. Main St. in the amount of \$1,074.45 be distributed and paid as follows:

Amount: \$1,074.45 To: Fralinger Engineering For: Site Plan Waiver

BE IT FURTHER RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Burroughs Timberman for Site Plan Waiver for 20 N. Main St. in the amount of \$1,074.45 be distributed and paid as follows:

Amount: \$1,074.45 To: Fralinger Engineering For: Site Plan Waiver

Motion Zee second Foster to adopt Resolutions 36-38.

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

DISCUSSIONS/MOTIONS:

1. Update on Legalization of Marijuana: Solicitor Duffield provided an update on the potential legalization of recreation marijuana and the impact on municipalities.

Motion Foster second Davis to open the meeting for public comment.

Mr. Roger Anderson, 409 N. Main St., spoke of his experience in states which have legalized marijuana and his concerns about vaping products and smoking in public.
Motion Zee second Foster to close the meeting for public comment.
No action was taken.

2. Deferred School Tax Levy: Council members discussed this year’s payment of the deferred school tax levy and options for paying back the total amount due. Council advised CFO Strang to ask that 10% of the \$366,601 deferred levy be included in the 2019-2020 tax levy and to recommend a negotiated each year “pay as we levy” schedule for the balance of the payment.

3. Elmer Ambulance (from OLD BUSINESS): The following Resolution was read by title:

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

Number 39-19

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 contract negotiation the nature of the contract and interested party is: Contract negotiations regarding the Elmer Ambulance property
(Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough’s position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

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 Foster to adopt Resolution 39-19.

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

The Regular Council Meeting was closed to the public at 9:10 pm.

Motion Zee second Davis to reopen the Regular Council Meeting to the public at 9:21 pm. All were in favor and motion carried.

4. Police Budget: Chief Bryan updated Council on two new potential budget items; the buyout payment of training for Class II Officer Fox and need for computer upgrade for fingerprinting due to loss of support beginning in July. No action was taken.

5. Neoendurance Ultra Marathon Trail Run. No action was taken since Upper Pittsgrove Township did not approve the use of the trail.

REPORTS/BILL LIST:

Motion Foster 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 30a**); all were in favor and motion carried.

Motion Davis second Foster to pay all duly authorized bills and charge them to their respective accounts (**see Page 30b**). Roll Call: Ayes: Schneider, Davis, Foster, Schalick, Zee; Nays: None. Absent: Nolan. Motion carried.

Motion Davis second Schneider 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 noted that Opening Day for Little League is 4/6 with a 10 am parade and 11 am ceremony. Cleanup in the park is this Saturday.

Public Safety: Schneider provided Fire Department report and Chief Bryan provided police report.

Streets/Sidewalks/IT: Foster provided streets report; salt supply was replenished this month. Zee offered to work with Foster on the IT part of the Committee.

Borough Hall/Public Property: Davis is still looking into first floor tiles in the Borough Hall.

Water/Street Lights: No report.

Trash/Recycling/Parks & Playgrounds: The Clerk mentioned problems with recycling pickup at the last house on Salem Street; Chief Bryan said he would inform Waste Management truck drivers next pickup day.

ONGOING PROJECTS:

The status of the following projects was reviewed:

Green Acres Park: The Mayor is meeting with Mannington School for a similar project where they are using stones that are ADA compliant;

Sidewalk Repair/ADA Project: At least 2 additional quotes for architect services will be obtained through the Borough engineer;

Veteran's Monument: The mural has been transferred from Appel Farm to the Borough Hall basement and a ribbon cutting is tentatively planned for Memorial Day. Mayor Stemberger and Schneider will meet to evaluate monument repairs.

ADJOURNMENT: At 10:35 pm, motion Davis second Zee that the meeting be adjourned. All were in favor and motion carried.

March 13, 2019

Sarah D. Walker, Borough Clerk

Approved: April 10, 2019