

Borough of Elmer Minutes**March 11, 2020**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:34 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 9, 2020 pursuant to the Open Public Meetings Act.

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

APPROVAL OF MINUTES: Motion Davis second Nolan to approve the minutes from the Regular and Special Meetings held on February 12, 2020, and to dispense with the reading of the minutes.

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

PRESENTATIONS: The Mayoral Commendations for Police Officers Woods and Fox were postponed until the next meeting, April 8, 2020.

PUBLIC SESSION: Motion Zee second Davis to open the public portion of the meeting. All were in favor and the motion carried. There being no comment from the public, motion Zee second Foster to close the public portion of the meeting. All were in favor and motion carried.

UNFINISHED BUSINESS:**ORDINANCE 2020-4 2020 SALARY ORDINANCE**

Motion Zee second Davis to open the public hearing for Ordinance 2020-4. All were in favor and motion carried.

There being no comment, motion Davis second Nolan to close the public hearing. All were in favor and motion carried. Motion Zee second Davis to adopt Ordinance 2020-4.

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

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 SUPPORT OF THE SECOND AMENDMENT OF THE UNITED
STATES CONSTITUTION AND THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS**

Number 37-20

WHEREAS, the Second Amendment of the United States Constitution reads “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, the State of New Jersey was the first state to ratify the Bill of Rights, including the right to keep and bear arms, and the New Jersey Supreme Court has recognized it as fundamental right of its citizens; and

WHEREAS, certain legislation introduced in the State Legislature and certain legislation introduced in the current session of the United States Congress may have the effect of infringing upon the rights of law abiding citizens to keep and bear arms, as guaranteed by the Second Amendment of the United States Constitution; and

WHEREAS, the Borough of Elmer is concerned about the passage of any bill containing language which could be interpreted as infringing upon the rights of the citizens of the Borough of Elmer to keep and bear arms or impose unnecessary restrictions on the Second Amendment rights of the citizens of the Borough of Elmer; and

WHEREAS, the Borough of Elmer desires to express its deep commitment to the Second Amendment rights of its citizens; and

WHEREAS, the Borough of Elmer desires to express its opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of the Borough of Elmer; and

WHEREAS, the Borough of Elmer desires to express its intent to stand as a Borough for Second Amendment rights and to oppose, within the lawful limits of the Constitution of the United States of America, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, County of Salem, State of New Jersey, that the Borough of Elmer hereby expresses its intent to uphold the Second Amendment rights of the citizens of the Borough of Elmer; and

BE IT FURTHER RESOLVED, that the Council of the Borough of Elmer hereby declares its intent to oppose unlawful restrictions on the right to keep and bear arms, and shall not endorse, nor enforce those restrictions deemed unconstitutional by a Court of competent jurisdiction.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO ENTER INTO AN AGREEMENT FOR THE
2020 DRINKING WATER CONSUMER CONFIDENCE REPORT**

Number 38-20

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 2020 Water Consumer Confidence Report for an amount not to exceed \$1,275.00 which shall be charged to Water Operating: OE in the 2020 Budget.

Motion Zee second Davis to adopt Resolutions 37-20 and 38-20.

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

DISCUSSIONS/MOTIONS:

1. **Clean Communities Coordinator:** The Clerk confirmed that last month’s appointee, Jennifer Lloyd, declined the Clean Communities Coordinator position and Schalick offered to help Nolan with the position.

Motion Zee second Foster to appoint Council Member Cynthia Nolan to be Clean Communities Coordinator with help from Council Member Steven Schalick. All were in favor and motion carried.

2. **School Tax Update:** CFO Strang updated Council Members on the status of the school tax deferral and funding options, and Council Members provided guidance on the school tax levy for 2020-2021.

3. **ADA Project Funding:** Council Members discussed the funding options for the project, the CFO provided the Clerk with the Supplemental Debt Statement, and the following Ordinance was introduced by title:

ORDINANCE 2020-5 BOND ORDINANCE AUTHORIZING THE AMERICAN WITH DISABILITIES ACT (ADA) IMPROVEMENTS TO THE BOROUGH HALL IN THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY; APPROPRIATING THE SUM OF \$524,950 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF ELMER, COUNTY OF SALEM, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$120,000 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Motion Zee second Foster to approve Ordinance 2020-5.

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

4. **Registrar Office:** Council members discussed options for having the Registrar’s office at the Borough Hall if needed in the future. No action was taken.

5. **Review Property Maintenance and Park Quotes:** Council members discussed the Property Maintenance Quotes and the following resolution was read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION
AWARDING CONTRACT FOR PROPERTY MAINTENANCE SERVICES TO TBI UNLIMITED, LLC
Number 39-20**

WHEREAS, the Borough of Elmer is in need of a contractor to provide property maintenance services for vacant and abandoned properties; and

WHEREAS, the Clerk solicited quotes from nine (9) companies performing such services and received three (3) responses:

1. Eaise Design & Landscaping @ \$48 per hour for various services;
2. TBI Unlimited LLC @ \$34-45 per hour for various services;
3. Showcase Landscape & Design @\$75 per hour for various services; and

WHEREAS, the quotes were reviewed by Council and a recommendation made that the quote be awarded to TBI Unlimited LLC; and

WHEREAS, the rates for the requested property maintenance services are set forth on the quote dated March 9, 2020, and shall not exceed the Local Public Contracts Law quote threshold in the aggregate sum of \$2,625.00 as set forth in N.J.S.A. 40A:11-3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Borough of Elmer, County of Salem and State of New Jersey, that the quote dated March 9, 2020 submitted by William T. Taylor, TBI Unlimited, LLC, is hereby authorized and approved; and

BE IT FURTHER RESOLVED that the award of the contract referenced in this Resolution is subject to the vendor providing the following:

- 1) New Jersey Business Registration Certificate; and
- 2) Certificate of Insurance naming the Borough of Elmer, Salem County, New Jersey as "Additional Insured" with minimum general liability insurance limits of \$250,000.00 each occurrence.

Motion Zee second Nolan to approve Resolution 39-20.

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

No action was taken on the quotes for the Green Acres Park.

6. **Code Update; Stormwater Control Ordinance:** The Clerk noted that Coded Systems has merged with General Code and the next revision to the Borough Code book will be in the new format. The books will be reprinted for no extra cost than a regular supplement, so any changes should be completed soon for the new code books. The letter from the NJDEP regarding the mandatory change to the Stormwater Control Ordinance was reviewed and Solicitor Duffield will prepare the ordinance for the next meeting.

7. **Broad Street Sidewalk:** The Mayor discussed the Borough owned sidewalk on Broad Street that needs to be repaired that is not part of the ADA project. No action was taken.

8. **Resignation Police Officer Batten:** The Clerk noted that Officer Batten resigned to take another police job. Motion Davis second Zee to approve the resignation of Police Officer Batten with regrets. All were in favor and motion carried.

9. **State Street Reconstruction Project:** Members discussed the millings that will be offered by the contractor for the State Street paving project. The contractor will distribute the loads along the ballpark driveway and parking areas.

10. **American Legion Ambulance:** Zee noted that Bob Richards has resigned from the advisory board of the America Legion. Zee recommended that Mayor Stemberger be placed on the email list for updates from the American Legion in addition to Zee attending the advisory meetings.

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 32a**); all were in favor and motion carried.

Motion Davis second Zee to pay all duly authorized bills and charge them to their respective accounts (**see Page 32b**). Roll Call: Ayes: Davis, Foster, Nolan, Schalick, Zee; Nays: None. Absent: Schneider. Motion carried.

The Clerk mentioned items in the pass around folder including workman's compensation for volunteer firefighters, Meals on Wheels invitation, the resolutions regarding the Census, and the March Local Government dinner. Motion Zee 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: CFO Strang discussed the capital budget plan for the ADA project and the roads. Schalick also discussed the status of municipal funding of the American Legion ambulance.

Public Safety: No report.

Streets/Sidewalks/IT: Foster noted that the street sweeper will be schedule for the last week of March. Notice should in the Elmer Times and on cars on Borough streets prior to sweeping.

Borough Hall/Public Property: Davis mentioned that the benches in the playground have been fixed; the Mayor noted that the back doors need to be replaced as part of the ADA project.

Water/Street Lights: Zee noted that the DEP permit for the remediation project was approved on 3/6/2020 so that project will be moving forward. Street lights and the status of the computers were also discussed.

Trash/Recycling/Parks & Playgrounds: Nolan reported that the estimate for repairing the damaged red tube in the Toddlers Playground is \$4,500 for one steel tube as plastic is no longer being produced. Hanging baskets for the decorative light poles were also discussed.

ONGOING PROJECTS: The Mayor discussed the projects as a whole and asked for guidance on how to get these projects completed since most have been on the list for several years, particularly the sidewalk project. Compliance methods for sidewalk violations were discussed.

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

March 11, 2020

Approved: April 8, 2020

Sarah D. Walker, Borough Clerk