

Borough of Elmer Minutes**February 10, 2021**

CALL TO ORDER: A Regular Meeting of the Council of the Borough of Elmer convened by videoconference at 7:35 p.m. with Mayor Joseph Stemberger presiding.

Mayor Stemberger dispensed with the invocation and flag salute, and noted that adequate notice of the meeting was provided on January 14, 2021 pursuant to the Open Public Meetings Act.

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

APPROVAL OF MINUTES: Motion Zee second Foster to approve the minutes from the Reorganization and Regular Council Meetings held on January 6, 2021, and to dispense with the reading of the minutes.
Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

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

Burroughs and Tanya Timberman and Lewis Reed, Chairman of the Land Use Board were present to hear the comments from a potential Land Use Board applicant. The Clerk noted that the potential applicant contacted her today to send regrets that they could not attend the meeting tonight.

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

UNFINISHED BUSINESS:**ORDINANCE 2021-1 2021 WATER SERVICE RATE ORDINANCE**

Motion Zee second Nolan to open the public hearing for Ordinance 2021-1. All were in favor and motion carried. There being no comment, motion Zee second Davis to close the public hearing. All were in favor and motion carried. Motion Zee second Nolan to adopt Ordinance 2021-1.

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

ORDINANCE 2021-2 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion Davis second Nolan to open the public hearing for Ordinance 2021-2. All were in favor and motion carried. There being no comment, motion Zee second Davis to close the public hearing. All were in favor and motion carried. Motion Zee second Davis to adopt Ordinance 2021-2.

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

NEW BUSINESS:

1. Ordinances – the following Ordinance was read by title:

ORDINANCE 2021-3 2021 SALARY ORDINANCE

Motion Zee second Foster to table Ordinance 2021-3 until next month. All were in favor and motion carried.

2. Resolutions – the following Resolutions were read by title:

**BOROUGH OF ELMER COUNTY OF SALEM
TAX IDENTIFICATION STATEMENT**

Number 28-21

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 2020 in the amount of \$2,165.64. 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 29-21

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 2020 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 2020 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 ISSUE A MOTORIST SOLICITATION PERMIT TO THE ELMER FIRE DEPARTMENT**

Number 30-21

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 5, 2021 and Saturday, August 21, 2021, 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.

Motion Davis second Nolan to adopt Resolutions 28-21 to 30-21.

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

The following Resolution was read by title:

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
AUTHORIZING LAND USE BOARD ESCROW FUND PAYMENT (Jarve)**

Number 31-21

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Christian and Maura Jarve for Minor Subdivision – Lot Line Adjustment review for 22 Center St (Block 33 Lots 9 & 30) in the amount of \$787.50 be distributed and paid as follows:

Amount: \$787.50 To: Jefferis Engineering For: Minor Subdivision Plan Review

Motion Davis second Nolan to adopt Resolution 31-21.

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

DISCUSSIONS/MOTIONS:

1. Town Center Endorsement: The Clerk provided background on the request by the State Planning Commission to confirm the renewal of the town center endorsement. Council members were not interested in renewing the designation due to costs exceeding benefits of the designation. The Mayor will send a letter to the State Planning Commission that the plan endorsement will not be renewed.

2. Authorize Printing of the 2021 Calendar Directory: Motion Davis second Nolan to authorize the printing of the 2021 Calendar Directory. All were in favor and motion carried.

REPORTS/BILL LIST:

Motion Foster second Davis to receive and file the Tax/Water Collector’s report 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, Foster, Nolan, Schalick, Zee; Nays: None. Motion carried.

The Clerk mentioned that the Local Government Association meetings are scheduled to begin again in September. Motion Foster second Zee that the Clerk and Mayor’s correspondence be received and filed. All were in favor and motion carried.

COMMITTEE REPORTS:

Finance/Celebration Public Events: Schalick had no report. The Memorial Day parade will be decided closer to the event based on the pandemic status.

Remediation Project: Zee updated Council on the costs of the finalization of the remediation project. The following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING
AWARD OF PROFESSIONAL CONTRACT TO ENVIRONMENTAL CONSULTANT, CALMAR
ASSOCIATES, LLC (“CMA”) TO PREPARE REMEDIAL ACTION REPORT RELATING TO THE
BOROUGH WATER TOWER ENVIRONMENTAL REMEDIATION PROJECT**

Number 32-21

WHEREAS, the Borough of Elmer requires the services of a professional environmental remediation firm to prepare Remedial Action Report relating to the environmental contamination located at the Borough’s water tower (56 State Street); and

WHEREAS, the award of the Contract to CALMAR Associates LLC (“CMA”) will be pursuant to a non-fair and open Contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough of Elmer’s CFO has determined and certified in writing that the value of such services will exceed Seventeen Thousand Five Hundred Dollars (\$17,500.00); and

WHEREAS, the anticipated term of this Contract is less than one (1) year; and

WHEREAS, CMA has submitted a proposal and Contract dated January 25, 2021, attached hereto; and

WHEREAS, CMA has or will complete and submit a Business Entity Disclosure Certification which certifies that said firm has not made any contributions to a political or candidate committee in the Borough in the previous one year, and that the award of this contract will prohibit CMA from making any contributions through the term of the contract; and

WHEREAS, the Borough of Elmer’s Chief Financial Officer has certified that funds are available for this purpose and who shall make an appropriate entry into the Borough’s encumbrance system pursuant to N.J.A.C. 5:30-5.1 and 5.2 prior to the issuance of a contract; and

WHEREAS, the Borough Council deems it in the best interests of the Borough to award a Contract to CMA to provide the services delineated in the proposal and wishes to provide its approval to the award of contract; and

WHEREAS, the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1 et seq. requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bidding must be publicly advertised.

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

- 1) CALMAR Associates, LLC, having a business address of 1415 13th Avenue, Dorothy, New Jersey 08317, is hereby awarded the contract to prepare Remedial Action Report relating to the environmental contamination located at the Borough’s water tower (56 State Street) on the official Tax Map of the Borough of Elmer pursuant to the proposal dated January 25, 2021, attached hereto for a sum of \$9,650.00,
- 2) The contract is awarded without competitive bidding as a “professional contract” in accordance with N.J.S.A. 40A:11-5(1)(a) of the New Jersey Local Public Contract Law, CALMAR Associates, LLC, has professional knowledge as to environmental issues which knowledge is particularly valuable to the Borough Council.
- 3) The Mayor and Clerk are hereby authorized and directed to execute on behalf of the Borough of Elmer a Professional Contract in accordance with the terms and provisions of the Local Public Contracts Law, subject to and in accordance with the limitations imposed herein. Upon execution of all parties thereto, said contract shall become effective.

- 4) The contract and this resolution authorizing same shall be available for public inspection in the office of the municipal clerk of the Borough of Elmer.
- 5) The Business Disclosure Entity Certification, Determination of Value Certification, political Contribution Disclosure Form and Stockholder Disclosure Certification referenced above be placed on file with this resolution.
- 6) The compensation to be paid to CALMAR Associates, LLC shall be based on the proposal dated January 25, 2021, submitted by CALMAR Associates, LLC with the understanding that total compensation for performance under the contract shall be \$9,650.00.
- 7) A notice of this contract award, as required by N.J.S.A. 40A:11-5 et seq., shall be published in the Borough's official newspaper within ten (10) days after passage of this Resolution.

Motion Zee second Foster to adopt Resolution 32-21.

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

Public Safety: Schneider provided the police report and noted that court revenues have declined due to the pandemic. He also noted that he purchased a new net and backboard for the basketball court that he will get installed. Zee mentioned the possibility of getting a new surface at no cost.

Streets/Sidewalks: Foster discussed the recent snow plowing of the streets.

Borough Hall/Public Property: Davis noted that she will have the roof replaced this spring. Foster mentioned a list of electrical repairs that he scheduled for the Borough Hall.

Water/Street Lights/IT: Zee confirmed that the storm water ordinance update has been completed. Members also discussed the web site and the need to update the site and move from a legacy to a paid status at the recommendation of the Local IT and Security. Zee recommended a stipend to the webmaster for the work required to maintain and update the site.

Trash/Recycling/Parks & Playgrounds: Council Member Nolan questioned if the property next to Centennial Park had been sold; she is looking for a survey of the lines between the park and the property.

ONGOING PROJECTS: See committee reports and discussion.

ADJOURNMENT: At 8:34 pm motion Foster second Zee that the meeting be adjourned. All were in favor and motion carried.

February 10, 2021

Sarah D. Walker, Borough Clerk

Approved: March 10, 2021