

**Borough of Elmer Minutes****July 14, 2021**

**CALL TO ORDER:** A Regular Meeting of the Council of the Borough of Elmer convened in the Borough Hall at 7:30 p.m. with Mayor Joseph Stemberger presiding.

**FLAG SALUTE AND INVOCATION:** The pledge of allegiance was given by Mayor Stemberger followed by the invocation. Mayor Stemberger noted that adequate notice of the meeting was provided on January 14, 2021 pursuant to the Open Public Meetings Act.

**ROLL CALL:** Council President Lewis Schneider, Council Members Lynda Davis, Bruce Foster, Cynthia Nolan, Steven Schalick, and Mayor Joseph Stemberger answered to the roll call. Absent was Council Member James Zee. 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 Council Meeting held on June 9, 2021, and to dispense with the reading of the minutes.

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

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

Tanya Timberman, The Elmer Market, presented a proposal to locate overflow vendors of the market that is currently located at 12 N. Main St. onto State St. and to block traffic at the corner of State St and S. Main St on the first Saturday of the month. Members also discussed Harvest Day and plans for the Market on that day.

Motion Davis second Schneider to approve the Elmer Market on State St. on the first Saturday of the month starting August through December 2021 contingent upon naming the Borough of Elmer as an additionally insured and pending the public safety approval from the Chief of Police.

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

There being no other public comments, motion Foster second Nolan to close the public portion of the meeting. All were in favor and motion carried. Most of the public left the meeting.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

1. **Ordinances:** None.
2. **Resolutions:** The following resolutions were read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY  
RESOLUTION OF SUPPORT AUTHORIZING THE SUSTAINABLE COMMUNITIES GRANT  
APPLICATION FUNDED BY ATLANTIC CITY ELECTRIC**

**Number 61-21**

**WHEREAS,** a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS,** the Council of the Borough of Elmer strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS,** the Council of the Borough of Elmer is participating in the Sustainable Jersey Program; and

**WHEREAS,** one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they are administering a grant program called the Sustainable Communities Grant Program funded by Atlantic City Electric

**THEREFORE**, the Council of the Borough of Elmer has determined that Borough of Elmer should apply for the aforementioned Grant.

**THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Elmer, County of Salem, State of New Jersey, authorize the submission of the aforementioned Sustainable Communities Grant funded by Atlantic City Electric.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM  
AUTHORIZING LAND USE BOARD ESCROW FUND PAYMENTS  
(Hitchner, Stephens, Jersey Top Quality Construction)**

**Number 62-21**

**BE IT RESOLVED** that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Raymond & Sandra Hitchner for a Minor Subdivision/Lot Line Adjustment & Bulk Variance Review for 117 and 119 Elmer St (Block 24 Lots 14 & 15) in the amount of \$76.00 be distributed and paid as follows:

Amount: \$76.00    To: Holston, MacDonald, Uzdavinis, & Myles    For: Minor Subdivision 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 William B. Stephens for Use Variance review for 116 Park Avenue (Block 29 Lot 33) in the amount of \$114.00 be distributed and paid as follows:

Amount: \$114.00    To: Holston, MacDonald, Uzdavinis, & Myles    For: Use Variance Review

**BE IT FURTHER RESOLVED** that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Jersey Top Quality Construction for Construction Inspection Services for 90 Salem St. (Block 32 Lot 18) in the amount of \$899.00 be distributed and paid as follows:

Amount: \$899.00    To: Consulting Engineering Services LLC    For: Construction Inspection

**BOROUGH OF ELMER, COUNTY OF SALEM  
2020 AUDIT RESOLUTION**

**Number 63-21**

**WHEREAS, N.J.S.A. 40A:5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, The Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of **N.J.S.A. 40A:5-6**, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments  
Recommendations**

and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments  
Recommendations**

as evidenced by the group affidavit form of the governing body attached hereto, and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Elmer, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION CANCELLING OUTSTANDING CHECKS**

**Number 64-21**

**WHEREAS**, the Borough of Elmer has issued the following checks to the parties and in the amounts listed:

**WATER UTILITY OPERATING FUND**

<b><u>DATE</u></b>	<b><u>NUMBER</u></b>	<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
01/07/2020	7204	Dream Home Abstract	\$ 89.80

**CURRENT FUND**

<b><u>DATE</u></b>	<b><u>NUMBER</u></b>	<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
11/11/2020	17339	RUSA Soccer	\$300.00
12/09/2020	17401	Steven Schalick	100.00

**WHEREAS**, these checks have not been presented for payment by the party to whom they were issued;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 14<sup>th</sup> (fourteenth) day of July 2021, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to cancel the aforementioned checks and the funds represented thereby are to be credited to the respective funds and the checks reissued if deemed appropriate.

Motion Davis second Foster to adopt Resolutions 61-21 to 64-21.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING AWARD OF CONTRACT FOR THE BARRIER FREE ALTERATIONS AT ELMER BOROUGH HALL**

**Number 65-21**

**WHEREAS**, the Borough of Elmer is in need of barrier free alterations at the Borough Hall; and

**WHEREAS**, the Borough Clerk solicited and obtained bids for the required barrier free alterations at the Borough Hall; and

**WHEREAS**, on June 23, 2021, at 10:00 a.m., bids were due and opened; and

**WHEREAS**, four (4) bids were received from the following firms:

1. Marino General Construction, Inc.
2. Byrd Dog Construction
3. J.H. Williams Enterprises
4. Coastal Land Contractors

**WHEREAS**, Marino General Construction, Inc. provided the lowest Base Bid and Alternate No. SOC-1A through SOC-1E totaling \$376,557.00; and

**WHEREAS**, pursuant to correspondence dated June 25, 2021, Becica Associates, LLC recommended Marino General Construction, Inc. for the Barrier Free Alterations at Borough Hall; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that sufficient funds are available to award the Contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Elmer that the Contract for the barrier free alterations services be and the same is hereby awarded to Marino General Construction, Inc. based upon its bid dated June 23, 2021, on Base Bid of \$251,143.00 and Alternate No. SOC-1A \$44,821.00, SOC-1B \$18,897.00, SOC-1C \$16,788.00, SOC-1D \$19,600.00 and SOC-1E \$25,308.00, totaling \$376,557.00.

**BE IT FURTHER RESOLVED** that the award of the Contract described in this Resolution is contingent upon review and approval by the New Jersey Department of Community Affairs ("DCA").

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute the Contract after approval by DCA.

Motion Davis second Foster to adopt Resolution 65-21.

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING PUBLIC SALE BY AUCTION OF SURPLUS MUNICIPAL REAL PROPERTY LOCATED AT 106 FRONT STREET (BLOCK 15, LOT 5) AND ESTABLISHING MINIMUM BID AMOUNT**

**Number 66-21**

**WHEREAS**, via Ordinance No. 2018-11, the Borough of Elmer Council authorized the sale of municipal owned property no longer needed for public purposes pursuant to N.J.S.A. 40A:12-13 et seq.; and

**WHEREAS**, the Borough of Elmer Council has determined to sell, via public auction, the property identified as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Lot Size</u>
15	5	106 Front Street	0.595± acres

; and

**WHEREAS**, the Borough of Elmer governing body has determined to establish a minimum bid amount as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Bid Minimum</u>
15	5	106 Front Street	\$10,000.00

; and

**WHEREAS**, the Borough of Elmer governing body has determined to schedule the sealed bid public auction for Tuesday, August 10, 2021, at 11:00 a.m.; and

**WHEREAS**, the Borough of Elmer governing body has reserved the right to accept or reject any and all bids, and impose certain terms and conditions regarding the sale of the property as more specifically set forth in the Public Notice attached hereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey, that the sale by public auction of the following properties is hereby authorized pursuant to the terms and conditions of the Public Notice attached hereto.

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Lot Size</u>	<u>Bid Minimum</u>
15	5	106 Front Street	0.595± acres	\$10,000.00

Motion Schneider second Nolan to adopt Resolution 66-21.

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

#### **DISCUSSIONS/MOTIONS**

1. Motion Nolan second Davis to authorize the Clerk to advertise and solicit bids for Solid Waste and Recycling Collection and Disposal. All were in favor and motion carried. Members discussed bid options.

2. Motion Davis second Nolan to receive and file the 2020 Annual Tax Report. 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 60a**); 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 60b**).

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

Motion Davis second Foster that the Clerk and Mayor's correspondence be received and filed. All were in favor and motion carried.

#### **COMMITTEE REPORTS:**

**Finance/Celebration Public Events:** Member discussed Harvest Day and a budget not to exceed \$200 for the Elmer Board of Health to provide materials at Harvest Day.

**Public Safety:** Schneider reported on the status of the ambulance and courts.

**Streets/Sidewalks:** Foster mentioned concerns about Center & Hitchner overgrowth and members recommended contacting the Housing/Property Maintenance office. Other road and painting issues were discussed.

**Borough Hall/Public Property:** Davis noted that the Borough Hall window washing will be done tomorrow.

**Water/Street Lights/IT:** Schneider provided the report on the lightning strike at the water tower. Members

discussed cost of clinics for spay & neuter for feral cat population and CFO Strang noted that there were funds in the Animal Trust Fund for clinic costs.

**Trash/Recycling/Parks & Playgrounds:** Nolan is still waiting for the fence guard; Schalick noted that the ballpark should be receiving enough fence guard to cover the playground soon.

**ONGOING PROJECTS:**

Veterans Monument: Schneider updated Council on the issue of materials for the monument.

Members discussed pickleball on the old tennis courts at the ballpark or creating new courts in the new park.

Council members discussed concerns about the tires at the Harz property. The Mayor will contact the Fire Marshal for an update on the status of the enforcement and public safety.

**ADJOURNMENT:** At 9:07 pm, motion Foster second Nolan that the meeting be adjourned. All were in favor and motion carried.

July 14, 2021

---

Sarah D. Walker, Borough Clerk

Approved: August 11, 2021