

Borough of Elmer Minutes**January 13, 2016**

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

ROLL CALL: President Schneider, Council Members Davis, Nolan, Richards, Schalick, Zee, and Mayor Stemberger answered to the roll call. Also present were Solicitor Duffield and Chief Financial Officer Strang.

APPROVAL OF MINUTES: Motion Davis, second Zee to approve minutes from Elmer Borough Council Meeting held on December 9, 2015, and that the reading of the minutes be dispensed with.

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

OPEN TO THE PUBLIC: Motion Zee, second Nolan to open the public portion of the meeting. Motion carried.

Tax Collector Joanne Eddy addressed Council to report on the 2015 tax year, the online tax sale results; she noted that the tax collection rate was 97.7%. New Housing and Zoning Officer Derek Leary introduced himself and discussed the foreclosure registry idea. Becky Lein, 164 S. Main St., and Dale Deming Jr. presented information and answered questions regarding their Borough Hall meeting room request. David Colligan from Archer Exteriors presented information and answered questions about the recent Borough Hall roof inspection; he recommended replacing the roof.

CLOSED TO THE PUBLIC: Motion Zee, second Davis to close the public portion of the meeting. Motion carried. Motion Richards, second Zee to deny the meeting room request of Becky Lein; all were in favor and the motion carried.

OLD BUSINESS: None.

NEW BUSINESS:

1. Ordinances: The following Ordinances were introduced by title only:

ORDINANCE 2016-1 (INTRODUCTION): 2016 SALARY ORDINANCE

Motion Zee, second Nolan to approve the introduction of Ordinance 2016-1.

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

ORDINANCE 2016-2 (INTRODUCTION): 2016 WATER SERVICE RATE ORDINANCE

Motion Davis, second Nolan to approve the introduction of Ordinance 2016-2.

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

ORDINANCE 2016-3 (INTRODUCTION): 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion Zee, second Davis to approve the introduction of Ordinance 2016-3.

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

ORDINANCE 2016-4 (INTRODUCTION): ORDINANCE AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION" OF THE CODE OF THE BOROUGH OF ELMER

Motion Davis, second Nolan to approve the introduction of Ordinance 2016-4.

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

2. Resolutions: The following Resolutions were presented by the Clerk by title only:

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

Number 15-16

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Dr. Hassan Salah for Site Plan Review in the amount of \$955.50 be distributed and paid as follows:

Amount: \$955.50 To: Fralinger Engineering PA For: Project Inspections, Meetings, Document Prep

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING MUNIDEX, INC. CONTRACT**

Number 16-16

BE IT RESOLVED by the Mayor and Borough Council that the Clerk be authorized to enter into an agreement with Munidex, Inc. for Software Support for the year 2016 in the amount of \$596. This shall be charged to Board of Health: OE in the 2016 Budget.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM,
AUTHORIZING SOLID WASTE DISPOSAL AGREEMENT WITH THE
SALEM COUNTY IMPROVEMENT AUTHORITY**

Number 17-16

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 for solid waste disposal with the Salem County Improvement Authority for one year beginning January 1, 2016 and ending December 31, 2016.

BE IT FURTHER RESOLVED that payment for the above mentioned service be charged to Trash and Garbage: Other Expenses in the 2016 Municipal Budget.

**BOROUGH OF ELMER
COUNTY OF SALEM**

RESOLUTION ADOPTING THE 2016 TEMPORARY BUDGET

Number 18-16

WHEREAS, **N.J.S.A.** 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2016 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of the beginning of the fiscal year, the beginning of the fiscal year being January 1, 2016; and

WHEREAS, the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of

Current Fund: \$941,511.53
Water Utility Fund: \$243,904.00

and

WHEREAS, 26.25 percent of the total appropriations in the 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2015 budget, is the sum of

Current Fund: \$247,146.78
 Water Utility Fund: \$ 64,024.8

and

WHEREAS, **N.J.S.A.** 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements providing such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records:

2016 TEMPORARY BUDGET

CURRENT FUND

	SALARIES AND WAGES	OTHER EXPENSES	TOTAL
<u>GENERAL GOVERNMENT</u>			
Mayor and Council	\$ 5,200.00	\$ 3,500.00	\$ 8,700.00
Municipal Clerk	5,000.00	4,200.00	9,200.00
Financial Administration	4,600.00	6,140.00	10,740.00
Audit Services		4,900.00	4,900.00
Revenue Administration (Taxes)	3,600.00	3,100.00	6,700.00
Assessment of Taxes	3,600.00	2,000.00	5,600.00
Legal Services		4,000.00	4,000.00
Engineering Services and Costs		3,000.00	3,000.00
Grantsman		100.00	100.00

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	SALARIES AND WAGES	OTHER EXPENSES	TOTAL
<u>LAND USE ADMINISTRATION</u>			
Land Use Board	\$ 2,500.00	\$ 1,200.00	\$ 3,700.00
<u>HOUSING INSPECTION</u>			
Housing Officer	2,000.00	150.00	2,150.00
<u>INSURANCE</u>			
Liability Insurance		14,000.00	14,000.00
Workers' Compensation		10,000.00	10,000.00
Unemployment and Disability		1,000.00	1,000.00

PUBLIC SAFETY			
Police Department	41,000.00	7,000.00	48,000.00
Office of Emergency Management	700.00	350.00	1,050.00
Fire Department		8,500.00	8,500.00
Fire Code Inspector	2,000.00	800.00	2,800.00
First Aid Organization		2,000.00	2,000.00
MUNICIPAL COURT			
Municipal Court		12,000.00	12,000.00
PUBLIC WORKS			
Streets and Road Maintenance		6,000.00	6,000.00
Garbage and Trash Removal		25,000.00	25,000.00
Recycling		9,000.00	9,000.00
Recycling Tax		800.00	800.00
Buildings and Grounds	3,500.00	4,000.00	7,500.00
HEALTH AND HUMAN SERVICES			
Board of Health	2,200.00	800.00	3,000.00
Animal Control Services	300.00	1,300.00	1,600.00
PARK AND RECREATION			
Parks and Playgrounds		3,000.00	3,000.00
OTHER COMMON OPERATING FUNCTIONS			
Celebration of Public Events		800.00	800.00
Aid to Public Library		1,000.00	1,000.00
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	SALARIES AND WAGES	OTHER EXPENSES	TOTAL
UTILITY EXPENSES AND BULK PURCHASING			
Natural Gas		\$ 6,600.00	\$ 6,600.00
Electricity		4,700.00	4,700.00
Telephone		3,200.05	3,200.05
Street Lighting		5,000.00	5,000.00
Technology		3,300.00	3,300.00
Gasoline		1,800.00	1,800.00
DEFERRED CHARGES AND STATUTORY EXPENDITURES			
Prior Year Bill: Housing Inspector		305.95	305.95
DCRP		400.00	400.00

Social Security System	6,000.00	<u>6,000.00</u>
GRAND TOTAL - CURRENT FUND		<u><u>\$247,146.00</u></u>

WATER UTILITY FUND

OPERATING

Salaries and Wages		\$ 14,424.00
Other Expenses		34,000.00
Liability Insurance		3,800.00
Contribution to Social Security System		2,800.00
Unemployment Compensation Insurance		400.00
Capital Outlay		8,600.00
GRAND TOTAL - WATER UTILITY FUND		<u><u>\$ 64,024.00</u></u>

APPROPRIATION RESERVE TRANSFER RESOLUTION

Number 19 -16

WHEREAS, the Borough of Elmer, County of Salem, finds it necessary to make transfers among various accounts between the 2015 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:

	<u>Transfer Amounts</u>	
	<u>To</u>	<u>From</u>
Social Security System	\$600	
Parks and Playgrounds:		
Other Expenses		\$600
Collection of Taxes:		
Other Expenses	\$1,500	
Electricity		\$700
Parks and Playgrounds:		
Other Expenses		\$800

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
APPOINTING RISK MANAGEMENT CONSULTANT**

Number 20-16

WHEREAS, the Borough of Elmer (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those

positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, THE Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position;

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

1. The Borough of Elmer hereby appoints Earle H. Sloan, Inc. as its local Risk Management Consultant.
2. The Mayor and Clerk are hereby authorized to execute the Risk Management agreement for the year 2016 in the form attached hereto.

Name of Entity: Borough of Elmer

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM
TO JOIN (RENEW) THE STATEWIDE INSURANCE FUND**

Number 21-16

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Borough of Elmer ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2015** terminating on **January 1, 2018** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

Workers' Compensation & Employer's Liability	<u>YES</u> <input type="checkbox"/>	<u>NO</u> <input type="checkbox"/>
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Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	<input type="checkbox"/>	<input type="checkbox"/>
Pollution Liability	<input type="checkbox"/>	<input type="checkbox"/>
Umbrella	<input type="checkbox"/>	<input type="checkbox"/>

BE IT FURTHER RESOLVED that the Borough of Elmer (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

**STATEWIDE INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this ____ day of ____ 20____, in the County of Morris, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and Borough of Elmer in the County of Salem a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND; and

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance; NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND's Bylaws and Risk Management Program.

3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2018**, at 12:01 a. m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.

4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.

6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.

8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.

9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

10. To the extent required by law, the LOCAL UNIT shall provide notice of this Agreement to the Office of the State Comptroller.

FORM 1B
Resolution of the Borough of Elmer, County of Salem
Authorizing Municipal Alliance Grant for Fiscal Year 2017

Number 22-16

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Elmer, County of Salem, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Salem;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Elmer, County of Salem, State of New Jersey hereby recognizes the following:

- 1. The Borough Council does hereby authorize submission of a strategic plan for the Elmer Municipal Alliance grant for fiscal year 2017 in the amount of:

DEDR	<u>\$ 4,178.00</u>
Cash Match	<u>\$ 1,045.00</u>
In-Kind	<u>\$ 3,133.00</u>

- 2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

A motion to adopt Resolutions 15-16 to 22-16 was made by Davis and seconded by Zee.
Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.
The following resolution was discussed prior to adoption:

**BOROUGH OF ELMER, COUNTY OF SALEM
2016 ELEVATOR CONTRACT**

Number 23-16

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey that the Mayor be authorized to continue the agreement with South Jersey Elevator, 652 West Ave., Ocean City, NJ 08226 for Elevator Services for the year 2016 at a cost of \$120.00 per month..

BE IT FURTHER RESOLVED that this should be charged to Public Buildings and Grounds: OE in the 2016 Budget.

A motion to adopt Resolutions 23-16 was made by Richards and seconded by Schalick.
Roll Call: Ayes: Schneider, Nolan, Richards, Schalick, Zee; Nays: Davis. Motion carried.

DISCUSSIONS/MOTIONS:

Richards made a motion and Schalick seconded the approval of the meeting room request of Betty Myers, Salem County Office on Aging, for various dates in the fall.

REPORTS/BILL LIST:

The Tax/Water Collector report was presented for December 2015. Motion Davis second Zee that the report be received and filed; motion carried.

The Treasurer's Report for the month of December 2015 was presented (**Page 20a** in Minute Book). Motion Richards, second Davis that the reports be received, filed and spread full upon the minutes. Motion carried.

The December 2015 bill list was presented (see **Page 20b** in Minute Book). Motion Davis, second Richards, that the bills be paid and charged to their respective accounts. Roll Call: Ayes: Schneider, Davis, Nolan, Richards, Schalick, Zee; Nays: None. Motion carried.

Clerk and Mayor's mail for the month of December was presented and read. Motion Richards second Davis that the correspondence be received and filed. Motion carried.

COMMITTEE REPORTS:

Committee reports were made at this time:

Finance/Celebration Public Events: Schalick asked for confirmation that the Elmer Little League has the approval for starting new softball field.

Streets/Sidewalks/IT: Richards reported on status of computers and phones.

Public Safety: Schneider discussed end of year Police report information.

Borough Hall/Public Property: Davis reported that exit signs were fixed for Fire Inspection, and discussed wreath hanging options.

Water/Street Lights: Zee discussed status of remediation project and funding and the Department of Labor visit for Occupational Safety & Health inspection for the Water Department.

Trash/Recycling/Parks & Playgrounds: Nolan noted that Upper Pittsgrove did not remove trees on January 5th.

ADJOURNMENT:

There being no further business, motion Zee, second Richards that the meeting be adjourned. Motion carried.

January 13, 2016

Sarah D. Walker, Acting Borough Clerk