

**Borough of Elmer Minutes****July 11, 2018**

**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 on January 8, 2018 pursuant to the Open Public Meetings Act.

**ROLL CALL:** Council President Lewis Schneider, Council Members Lynda Davis, Cynthia L. Nolan, R. Matthew Richards, 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, Clerk Sarah Walker, and Police Chief Patrick Bryan.

**APPROVAL OF MINUTES:** Motion Davis second Richards to approve the minutes from the Regular Council Meeting held on June 13, 2018, and to dispense with the reading of the minutes.

Roll Call: Ayes: Schneider, Davis, Richards, Schalick; Nays: None. Abstain: Nolan. 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.

Robert Richards, Elmer Ambulance President, updated Council Members on recent activities of the Elmer Ambulance Corp to privatize services due to increasing costs and the inability to retain employees due to lower wages and no benefits package. A representative of a potential buyer, Inspira Health Network, contacted Richards concerning litigation with the Borough. The Solicitor emphasized that the Elmer Ambulance Corps is a non-profit entity that operates independently from the Borough of Elmer therefore the litigation should have no bearing on the sale.

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

**EXECUTIVE CLOSED SESSION:** No action was taken on Resolution 79-18 Authorizing Executive Session for Pending Litigation.

Regular agenda order was suspended for Solicitor review of the following items.

**DISCUSSIONS/MOTIONS:**

1. The appraisal for 106 Front Street, Block 15 Lot 5, was discussed and Solicitor Duffield explained the options for the public sale of the property; a survey of the property was also reviewed. The following Ordinance was read by title:

**ORDINANCE NO. 2018-11**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AUTHORIZING THE ADVERTISEMENT AND SALE OF BLOCK 15, LOT 5 (106 FRONT STREET); NO LONGER NEED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.**

Motion Richards second Davis to approve the introduction of Ordinance 2018-11.

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

2. Solicitor Duffield updated Council Members on the status of the notice to demolish the home at 419 Broad Street and the timetable following the expiration of the date to comply. The Clerk discussed the quotes for the demolition if the Borough undertakes the demolition, and the Solicitor recommended that the Clerk develop and circulate specifications and solicit new quotes.

3. Chief Bryan summarized the quote and options for the new police vehicle and discussed options for selling the old vehicle. The following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER  
AUTHORIZING THE PURCHASE OF ONE (1) 2018 CHEVROLET TAHOE POLICE VEHICLE  
UNDER STATE CONTRACT #A89938 TO DAY CHEVROLET**

**Number 82-18**

**WHEREAS**, the Mayor and Council of the Borough of Elmer have determined there exists a need for the purchase of one (1) Borough Police vehicle from authorized vendors under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of such goods and/or services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12(a) and N.J.A.C. 5:34-7.29(c); and

**WHEREAS**, the State Contract Bid alleviates the need for competitive price bidding by the Borough of Elmer and, thereby, complies with all Bid Specification and Bid Requirement; and

**WHEREAS**, it is recommended that the utilization of this Contract represents the best price available to the Borough; and

**WHEREAS**, a State Contract has been awarded to Day Chevrolet, 1600 Golden Mile Highway, Monroeville, Pennsylvania 15146, under State Contract #A89938 for a 2018 Chevrolet Tahoe police vehicle for the sum of \$37,567.89, plus equipment in the sum of \$11,627.25, for a total of \$49,195.14; and

**WHEREAS**, the Mayor and Council of the Borough of Elmer has determined to trade-in the following vehicle to be utilized as a credit against the purchase price of the aforementioned 2018 Chevrolet Tahoe:

Make: Ford  
 Model: Expedition  
 Year: 2002  
 VIN #: 1FMPU16L52LA82346  
 Trade-In Allowance: \$1,200.00

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

1. The Mayor and Council of the Borough of Elmer hereby authorize the purchase of one (1) 2018 Chevrolet Tahoe via State Contract #A89938.

2. The Mayor and Council of the Borough of Elmer hereby authorize the trade-in of the Borough-owned vehicle identified as 2002 Ford Expedition.

3. A Certification of Funds has been received for the said Contract assuring that there is a sufficient appropriation to award this Contract and the availability of a sufficient appropriation to fund the purchase authorized in this Resolution is an express and mandatory condition of the award of this Contract.

4. The Mayor and Clerk of the Borough of Elmer are hereby authorized to execute all contracts for the purchase of the vehicle on behalf of the Borough of Elmer.

Motion Richards second Davis to approve Resolution 82-18.

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

4. Council Members discussed the retirement of Police Sergeant David Gregorio effective August 1, 2018. The following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
COUNTY OF SALEM, STATE OF NEW JERSEY, PROMOTING  
SERGEANT DAVID GREGORIO TO THE RANK AND POSITION OF LIEUTENANT  
IN THE BOROUGH OF ELMER POLICE DEPARTMENT EFFECTIVE JULY 31, 2018  
Number 83-18**

**WHEREAS**, the Borough of Elmer Police Department's organizational chart provides for one (1) Lieutenant position; and

**WHEREAS**, the Mayor and Council has determined to promote Sergeant David Gregorio to the rank and position of Lieutenant effective July 31, 2018; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-118, the Borough Council is deemed the appropriate authority in the appointment of such members, officers and personnel, and therefore has the final authority under law to determine promotions in the Borough Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey, that Sergeant David Gregorio is hereby appointed and promoted to the rank and position of Lieutenant of the Borough of Elmer Police Department effective July 31, 2018.

Motion Schneider second Richards to approve Resolution 83-18.

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

Solicitor Duffield left the meeting at 8:30 pm. Council Members continued to discuss the retirement and the following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
COUNTY OF SALEM, STATE OF NEW JERSEY, GRANTING LIEUTENANT DAVID  
GREGORIO PERMISSION TO RECEIVE HIS SERVICE FIREARM (SIG SAUER PISTOL,  
MODEL P220 45 CALIBER, SERIAL NUMBER: G264390) UPON HIS RETIREMENT FROM  
THE BOROUGH OF ELMER POLICE DEPARTMENT ON AUGUST 1, 2018  
Number 84-18**

**WHEREAS**, the Borough has in the past, granted certain retiring police officers their service firearms upon their retirement from the Elmer Police Department; and

**WHEREAS**, David Gregorio has served with the Elmer Police Department for over 29 years and will retire in good standing from the Elmer Police Department on August 1, 2018; and

**WHEREAS**, the Borough of Elmer requires any officer requesting award of his/her service firearm as part of his/her retirement to qualify for a firearm permit to own and possess such firearm after retirement; and

**WHEREAS**, David Gregorio has qualified for a firearm permit pursuant to state statute upon a review by Chief of Police Patrick Bryan, Jr., which letter is attached hereto and incorporated herein by reference; and

**WHEREAS**, state statute also permits retired police officers to carry a firearm pursuant to N.J.S.A. 2C:39-6(l), where a full-time member of a municipal police department retires in good standing and semi-annually qualifies in the use of the handgun, he is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to N.J.S.A. 2C:39-6(j), and if he pays the actual costs associated with those semi-annual qualifications, and is less than 75 years of age, and was regularly employed as a full-time member of a municipal police department in this State; he is also permitted to carry a handgun in the same manner as law enforcement officers under paragraph (7) of subsection a. of N.J.S.A. 2C:39-6.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey, that upon retirement, Lieutenant David Gregorio is hereby granted his service firearm (Sig Sauer Pistol, Model P220 45 Caliber, Serial Number: G264390).

Motion by Richards second Davis to approve Resolution 84-18.

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

5. Bob Richards, Assistant Water Superintendent, updated Council on the lack funding sources for the Water Works remediation project. Mayor Stemberger discussed revisiting the Salem County Pollution Control Financing Authority for help with the project; he will make the contact. Richards also asked about the status of selling old equipment and the following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER  
AUTHORIZING THE SALE OF SURPLUS EQUIPMENT ON-LINE THROUGH A NEW  
JERSEY STATE CONTRACT AUCTION SERVICE (GOVDEALS.COM)**

**Number 85-18**

**WHEREAS**, the Borough of Elmer has various surplus equipment no longer needed for use by the Borough of Elmer; and

**WHEREAS**, N.J.S.A. 40A:11-36 permits the sale of such surplus equipment at public auction; and

**WHEREAS**, the Mayor and Council of the Borough of Elmer is of the opinion that such sale of surplus equipment at public auction is likely to produce the best price and will be conducted via an online auction service through [www.govdeals.com](http://www.govdeals.com); and

**WHEREAS**, the terms and conditions of the agreement between the Borough of Elmer and GovDeals ([www.govdeals.com](http://www.govdeals.com)) are available on the GovDeals website and available in the Borough Clerk's office.

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

1. The surplus equipment listed on the attached Exhibit "A" may be auctioned off at public auction through New Jersey State Contract Vendor (N.J. State Contract #A-70967) GovDeals.com pursuant to N.J.S.A. 40A:11-36 an Local Finance Notice 2008-9;

2. Notice of the date, time and place of the public auction, together with a description of the items to be sold and the conditions of sale, shall be published as required by law;

3. The sale shall be held not less than seven (7) days nor more than fourteen (14) days after the latest publication of the notice thereof;

4. The Borough of Elmer reserves the right to reject all bids for any specific equipment or all bids for the equipment, if it determines such rejection to be in the best public interest;

5. The sale will be conducted online and the website address of the auction site is GovDeals.com;

6. The surplus equipment as identified is being sold strictly in "AS IS" condition, with no express or implied warranties, guarantees and/or representations provided.

7. The terms and conditions of the agreement entered into with GovDeals.Inc. is available online at GovDeals.com and also available from the Clerk's Office at the Borough of Elmer Municipal Building.

**EXHIBIT A**

Item #	Dept	Item	S/N
1	Water Dept	10KW Kohler Diesel generator w/auto transfer switch	329707 Model#10ROY61
2	Water Dept	Brother IntelliFAX 2820	V61325C5J688270
3	Admin-CFO	Dell Inspiron 531S Computer	7GRYGF1
4	Admin-CFO	Dell Keyboard	CN-ODJ331-71616-13N-OBD1
5	Admin-CFO	Dell Monitor	CN-OY4299-71618-5A7-CKND
6	Admin-CFO	Dell Mouse	CN-09RRC7-44751-13S-OCX
7	Borough Hall	Mita Copy Machine DC 1656	199009
8	Tax Assessor	Dell Keyboard with mouse	CNOW7658-37172-598-0TE8
9	Tax Assessor	Harman/Kardon Speakers (2 Pair)	DP/N023320V
10	Tax Assessor	Dell Tower	X11-45371
11	Admin	Motorola Cable Modem	S/N 122103506608583204044917
12	Borough Hall	Boiler & all components	PowerFlame Burner C2-G-15 #029051161 Cyclotherm Steam Generator S/N #443
13	Borough Hall	3 Office Chairs	

Motion by Richards second Davis to approve Resolution 85-18.

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

6. CFO Strang explained the Bond Sale and debt service for the Water Tower project and the recommendation of the Auditor to raise the base water rates to cover the debt service. The following Ordinance was introduced by title:

**ORDINANCE NO. 2018-12**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 14  
ENTITLED "WATER" OF THE CODE OF THE BOROUGH OF ELMER**

Motion by Schneider second Richards to approve the introduction of Ordinance 2018-12.

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

7. Richards described the possibility of funds through the NJ Small Cities Community Block Development Grants to cover the sidewalk replacement and ADA deficiencies around the Borough Hall that were approved last month,

and that also could include accommodations inside that may allow for Elections to come back to the Borough Hall. The following resolution was read by title:

**RESOLUTION OF THE BOROUGH OF ELMER AUTHORIZING AWARD OF  
PROFESSIONAL SERVICES CONTRACT FOR EXTRAORDINARY UNSPECIFIABLE  
SERVICES TO BLAUER ASSOCIATES FOR FY 2019 SMALL CITIES GRANT APPLICATION  
Number 86-18**

**WHEREAS**, the Borough of Elmer seeks to apply for FY 2019 Small Cities grant funds;  
and

**WHEREAS**, the Borough of Elmer has sought the services of a grant writing consultant to seek out both public and private grant opportunities to help offset future increases in property taxes; and

**WHEREAS**, Blauer Associates provides grant writing consulting and related services to obtain public and private grant opportunities to help offset future increases in property taxes; and

**WHEREAS**, the Borough Council deems it in the best interests of the Borough to award a Contract to Blauer Associates to provide the services delineated in the proposal attached hereto dated June 25, 2018 and wishes to provide its approval to the award of contract; and

**WHEREAS**, the availability of funds has been certified by the Chief Financial Officer;  
and

**WHEREAS**, the Local Public Contracts 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 FURTHER RESOLVED**, by the Borough Council of the Borough of Elmer that a Professional Services Contract be awarded and executed with Blauer Associates to provide the aforementioned grant writing consulting and related services reflected in the attached proposal dated June 25, 2018 with the understanding that total compensation for performance under the contract for a fee of \$1,800.00 to submit the application, and post-grant approval services at the hourly of \$135.00 per hour, in a contract not to exceed \$17,500.00.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract and any and all related documents reflected in the proposal with Blauer Associates to take any and all actions necessary to complete the intent and purpose of this Resolution.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be publicly advertised pursuant to NJSA 40A:11-5 et seq.

Motion by Richards second Nolan to approve Resolution 86-18.

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

8. Council members discussed the letter by Mannington and LAC Mayors supporting the 4H & Agriculture Agents and recommended that the Mayor write the letter of support for the Borough.

9. Motion Richards second Davis to approve the Elmer Library Bingo & Raffle for September 29, 5-8 pm, at the Elmer Fire Hall. All were in favor and motion carried.

The regular agenda order was resumed:

**UNFINISHED BUSINESS:**

**1. Ordinances:** The following Ordinances were read by title for the second reading/public hearing:

**ORDINANCE NO. 2018-9  
AMENDING CHAPTER 4, SECTION 4-5 ENTITLED “TOWING AND STORAGE OF VEHICLES” OF  
THE CODE OF THE BOROUGH OF ELMER**

Motion Richards second Nolan to open the public hearing for Ordinance 2018-9. There being no comment, motion Richards second Davis to close the public hearing. Motion Richards second Davis to adopt Ordinance 2018-9. Roll Call: Ayes: Schneider, Davis, Nolan, Richards; Schalick; Nays: None. Absent: Zee. Motion carried.

**ORDINANCE NO. 2018-10  
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,  
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING BOND ORDINANCE NO. 2011-7 ADOPTED  
ON APRIL 13, 2011**

Motion Richards second Davis to open the public hearing for Ordinance 2018-10. There being no comment, motion Richards second Davis to close the public hearing. Motion Richards second Davis to adopt Ordinance 2018-10. Roll Call: Ayes: Schneider, Davis, Nolan, Richards; Schalick; Nays: None. Absent: Zee. Motion carried.

**2. Resolutions:** The following resolution was read by title:

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF  
SALEM, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A SCOPE OF WORK  
APPLICATION/AGREEMENT FOR NJ CLEAN ENERGY FUNDS TO UPGRADE BOROUGH HALL  
LIGHTING**

**Number 35-18**

**WHEREAS**, the New Jersey Office of Clean Energy Direct Install Program provides for the installation of new energy efficient measures, including, but not limited to, LED lighting and energy efficient switches; and

**WHEREAS**, Mayor and Council of the Borough of Elmer have determined that significant savings can be realized by the installation of such energy efficient equipment; and

**WHEREAS**, Facility Solution Group has contracted with the State of New Jersey to serve the Gloucester, Salem and Cumberland Counties with regard to the Direct Install Program; and

**WHEREAS**, Facility Solution Group has submitted a Proposal and Scope of Work (attached hereto) for the Borough’s energy-saving lighting upgrades; and

**WHEREAS**, the State program pays for up to 70% of the project; and

**WHEREAS**, the Borough’s Chief Financial Officer has certified that sufficient funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer, that:

- 1) The Mayor and Borough Clerk are hereby authorized and directed to execute the various applications and agreements relating to the New Jersey Office of Clean Energy Direct Install Program, including the Scope of Work and Participation Agreement attached hereto.
- 2) A copy of this Resolution, the New Jersey Office of Clean Energy Direct Install Program Proposal and Participation Agreement shall be placed on file in the office of the Borough Clerk and shall be available for public inspection.

Motion Richards second Davis to approve Resolution 35-18.

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

**NEW BUSINESS:**

**1. Ordinances:** See discussion list.

**2. Resolutions:** The following Resolutions were read by title:

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Ajdari/Monter)**

**Number 80-18**

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicants Rodmehr Ajdari and Michael Monter for Site Plan review for 500 Front Street (Block 13 Lot 3) in the amount of \$1099.50 be distributed and paid as follows:

Amount: \$1099.50                      To: Fralinger Engineering, PA                      For: Site Plan Review

**BOROUGH OF ELMER COUNTY OF SALEM  
RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION IN THE  
AMOUNT OF \$4,915.25 FOR THE PAYMENT OF WATER UTILITY BOND PRINCIPAL**

**Number 81-18**

WHEREAS, an emergency has arisen with respect to the payment of the water utility debt service, specifically the payment of bond principal, as a result of the loan agreement between the Borough of Elmer and the State of New Jersey finalized on June 21, 2018, and no adequate provision was made in the 2018 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution, is \$4,915.25 and three (3) percent of the total operating appropriations (current fund and utility fund) in the budget for 2018 is \$42,348.66 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operations appropriations) in the budget for 2018,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, State of New Jersey (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is hereby made for the Payment of Bond Principal (Water Utility Budget) in the amount of \$4,915.25.
2. That said emergency appropriation shall be provided in full in the 2019 budget.
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Motion Davis second by Zee to approve Resolutions 80-18 and 81-18.

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

**REPORTS/BILL LIST:**

Motion Richards seconded by 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 70a); all were in favor and motion carried.

Motion Davis seconded by Nolan that the bills be paid and charged to their respective accounts (see Page 70b).

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

Motion Richards seconded by 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:** No report.

**Public Safety:** Council President Schneider provided the police and fire department reports and updated Council on the status of the bridge painting.

**Streets/Sidewalks/IT:** No report

**Borough Hall/Public Property:** The Mayor discussed the flag pool repair.

**Water/Street Lights:** No report.

**Trash/Recycling/Parks & Playgrounds:** Nolan discussed sign installation, playground timber turf, repair needed on playground, and rain garden installation out front of Borough Hall.

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

July 11, 2018

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Sarah D. Walker, Borough Clerk

Approved: August 8, 2018