

Borough of Elmer Minutes**December 12, 2018**

CALL TO ORDER: A Regular Meeting of the Borough Council convened in the Borough Hall at 7:35 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 Nolan, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Absent was Council Member R. Matthew Richards. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

APPROVAL OF MINUTES: Motion Davis second Zee to approve the minutes from the Regular Council Meeting held on November 14, 2018, and to dispense with the reading of the minutes.

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

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

Robert Richards provided an update on the status of the Elmer Ambulance sale to the American Legion Ambulance and reported that the Water Tower one year inspection was completed.

Warren Collins, 105 Broad St., described problems with a recent Certificate of Occupancy (CO) inspection, particularly the costs of certifying the septic system. Realtors Gail & Tom Krwawecz, 689 Lower Mill Rd, also spoke about issues with the inspections and interpretation of the rules in the International Property Maintenance Code (IPMC) that could delay real estate transactions. Dave Newkirk, S. Main St., discussed costs of requirements as well. Solicitor Duffield noted that code officials are licensed by the state and there is a process for appealing a decision through the Salem County Construction Board of Appeals. Council members discussed the IPMC and the CO checklist and what other towns are requiring. The Solicitor noted that septic certifications are required in other towns he works with as part of determining that the property is safe for human occupancy. Mayor and Council suggested reviewing the current code; the Solicitor recommended contacting the inspector to discuss the concerns and remedies via a conditional CO until the concerns can be worked out.

Burroughs Timberman, 20 N. Main St., discussed issues regarding zoning on the property and concerns about cost and loss of business activities in town. Patrick Bryan, 209 Hitchner Ave, also spoke about a concern with the time it took Construction Code Officials to approve a permit for solar.

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

UNFINISHED BUSINESS:

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

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Zee second Nolan to open the public hearing for Ordinance 2018-14. There being no comment, motion Zee second Nolan to close the public hearing. Motion Zee second Davis to adopt Ordinance 2018-14.

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

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3 ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER

Motion Davis second Nolan to open the public hearing for Ordinance 2018-15. There being no comment, motion Davis second Nolan to close the public hearing. Motion Davis second Nolan to adopt Ordinance 2018-15.

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

ORDINANCE NO. 2018-16
AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 10 ENTITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH OF ELMER

Motion Davis second Zee to open the public hearing for Ordinance 2018-16. There being no comment, motion Zee second Nolan to close the public hearing. Motion Davis second Zee to adopt Ordinance 2018-16.

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

2. Animal Control: The Clerk updated Council that the ACO vehicle inspection by the Salem County Health Department was completed and is satisfactory pending magnetic signs for the vehicle.

NEW BUSINESS:

1. Ordinances: None.

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

BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Williams, Anderson, Foote)
Number 113-18

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Melissa Williams for Minor Subdivision in the amount of \$345.00 be distributed and paid as follows:

Amount: \$345.00 To: Holston, MacDonald, Uzdevinis, Ziegler & Myles For: Minor Subdivision

BE IT FURTHER RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Roger Angerson for Site Plan Review in the amount of \$2,464.50 be distributed and paid as follows:

Amount: \$2,464.50 To: Fralinger Engineering For: Site Plan 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 Allison Foote for Site Plan Review in the amount of \$397.50 be distributed and paid as follows:

Amount: \$397.50 To: Fralinger Engineering For: Site Plan Review

BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION AUTHORIZING REFUND OF ESCROW ACCOUNT BALANCES
FOR APPLICANTS SALAH, WILLIAMS, ADJARI/MONTER, AND JUSTICE

Number 114-18

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, and

WHEREAS, the Borough of Elmer has received deposits for review and inspection fees and these funds have been deposited by the Borough into an escrow account; and

WHEREAS, it has been determined that the various applications and projects listed below are complete in the review and inspections, and it is necessary to refund the positive balance held in escrow to the following applicants:

<u>Applicant</u>	<u>Project</u>	<u>Amount</u>
Dr. Hassan Salah, First Step Pediatrics	Site Plan Application #15-1	\$1, 658.10
Melissa Williams	Minor Subdivision Application #17-2	\$148.03
Drs. Adjari/Monter, Affiliated Podiatrists	Site Plan/Variance Application #18-1	\$290.27
Jack Justice, Jr.	Bulk Variance Application #18-2	\$806.87

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmer, that the Chief Financial Officer is hereby authorized and directed to refund the remaining escrow balance to the above applicants and close the aforesaid accounts.

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

Number 115-18

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

<u>DATE</u>	<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
11/8/17	15836	Schalick JV Girls Tennis	\$300.00
11/8/17	15840	Schalick Girls Tennis	300.00
11/8/17	15878	FC COPA South 06	300.00

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 12th (twelfth) day of December 2018, 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 Current Fund and the checks reissued if deemed appropriate.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION
CANCELLING UNEXPENDED BALANCE OF IMPROVEMENT AUTHORIZATION AND NEW
JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT RECEIVABLE**

Number 116-18

WHEREAS, the Borough of Elmer did adopt the following ordinance on the date listed:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Date</u>
2017-11	Reconstruction of Union Street and Hitchner Avenue	8/9/2017

WHEREAS, all purchases and agreements have been completed and there remains an unexpended balance as follows:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Unexpended Balance</u>
2017-11	Reconstruction of Union Street and Hitchner Avenue	\$10,071.45

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of December 2018, that the unexpended balance be cancelled as follows:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Cancelled to</u>
2017-11	Reconstruction of Union Street and Hitchner Avenue	General Capital Fund Capital Improvement Fund: \$1,255.41
<u>Ordinance Number</u>	<u>Purpose</u>	<u>Cancelled to</u>
2017-11	Reconstruction of Union Street and Hitchner Avenue	New Jersey Transportation Trust Fund Authority Act Receivable: \$8,816.04

BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION CANCELLING THE NEW JERSEY TRUST FUND AUTHORITY ACT RECEIVABLE AND UNEXPENDED BALANCE OF IMPROVEMENT AUTHORIZATION

Number 117-18

WHEREAS, the Borough of Elmer did adopt the following ordinance on the date listed:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Date</u>
2015-14	Reconstruction of State Street	9/9/2015

WHEREAS, the 2015 Discretionary Aid grant monies due to the Borough from the State of New Jersey for the Reconstruction of State Street project have been received and there remains a receivable balance on the General Capital Fund balance sheet as follows:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Receivable Balance</u>
2015-14	Reconstruction of State Street	\$9,854.18

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of December 2018, that the receivable balance be cancelled as follows:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Cancelled to</u>
2015-14	Reconstruction of State Street	New Jersey Transportation Trust Fund Authority Act Receivable: \$9,854.18

BE IT FURTHER RESOLVED that the same amount be cancelled from the unexpended balance of the improvement authorization as follows:

<u>Ordinance Number</u>	<u>Purpose</u>	<u>Cancelled to</u>
2015-14	Reconstruction of State Street	Reconstruction of State Street Improvement: \$9,854.18

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE 2019 MEMORANDUM OF UNDERSTANDING FOR THE MID SALEM COUNTY MUNICIPAL COURT
Number 118-18

WHEREAS, the Mid Salem County Municipal Court is a Joint Municipal Court between the Borough of Elmer, the Borough of Woodstown, the Township of Mannington, the Township of Quinton, and the Township of Oldmans in Salem County; and

WHEREAS, the Borough of Elmer has been a part of the Mid Salem County Municipal Court since April 1, 2011; and

WHEREAS, the Borough of Elmer desires to continue its participation in the Mid Salem County Municipal Court; and

WHEREAS, it is in the best interests of the residents of the Borough of Elmer for the Borough to enter into the 2019 Memorandum of Understanding attached hereto pursuant to the terms and conditions set forth therein.

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

1. The Mayor and Clerk are hereby authorized and directed to execute the 2019 Memorandum of Understanding attached hereto.

- 2. The Borough, through its appropriate staff and officials, is hereby further authorized and directed to undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO AUTHORIZE
THE TAX COLLECTOR TO CONDUCT ELECTRONIC TAX SALE**

Number 119-18

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to conduct an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Elmer wishes to conduct an electronic tax sale;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, County of Salem and State of New Jersey that the Tax Collector is hereby authorized to conduct an electronic tax sale.

**BOROUGH OF ELMER, COUNTY OF SALEM
RESOLUTION TO ALLOW A CHARGE OF \$25.00 PER NOTICE
OF TAX SALE ON DELINQUENT ACCOUNTS**

Number 120-18

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Elmer wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council, County of Salem and State of New Jersey that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2018 electronic tax sale.

**BOROUGH OF ELMER
COUNTY OF SALEM
BUDGET APPROPRIATION TRANSFER RESOLUTION**

Number 121-18

WHEREAS, it has become necessary to expend for certain purposes specified in the 2018 budget amounts in excess of the respective sums originally appropriated therefore; and

WHEREAS, there is an excess in one of more appropriations over and above the amount deemed necessary to fulfill the purposes of such appropriations; and

WHEREAS, transfers between appropriations are permitted pursuant to **N.J.S.A. 40A:4-58** when adopted by not less than two-thirds vote of the full membership; and

WHEREAS, the following transfers are in accordance with **N.J.S.A. 40A:4-45.38**;

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>
<u>Current Fund</u>		
Public Buildings and Grounds:		
Other Expenses	\$ 1,000.00	\$
Public Buildings and Grounds:		
Salaries and Wages		1,000.00
Streets and Roads Maintenance:		
Other Expenses	500.00	
Financial Administration:		
Other Expenses		500.00
Police:		
Other Expenses	500.00	
Legal Services:		
Other Expenses		500.00
Police:		
Salaries and Wages	1,000.00	
Legal Services:		
Other Expenses		1,000.00
Electricity	500.00	
Social Security System		500.00
Garbage and Trash Removal:		
Other Expenses	500.00	
Telephone		500.00
<u>Water Utility</u>		
Operating:	\$ 9,000.00	\$
Other Expenses		
Operating:		
Salaries and Wages		8,400.00
Operating:		

Liability Insurance	300.00
Statutory Expenditures:	
Social Security System	300.00

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION FOR STORM RECOVERY FUND TRANSFER**

Number 122-18

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the following transfer be made in the appropriations for the year 2018.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Streets & Roads: OE	Storm Recovery Fund	\$3,000.00

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

Number 123-18

WHEREAS, the Borough of Elmer has issued the following Payroll Fund checks to the parties and in the amount listed:

<u>DATE</u>	<u>NUMBER</u>	<u>NAME</u>	<u>AMOUNT</u>
02/09/18	6374	Todd V. Batten	\$535.62
06/15/18	6444	James V. Davis	535.36

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of December 2018, that the Chief Financial Officer of the Borough be and she is hereby authorized and directed to cancel the aforementioned checks and the funds represented thereby are to be credited to the Payroll Fund and reissued as deemed appropriate.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION CANCELLING CURRENT FUND PAYABLE**

Number 124-18

WHEREAS, there exists on the Current Fund balance sheet a liability County Tax Payable in the amount of \$27; and

WHEREAS, this liability has existed since December 31, 2013 and no activity regarding same has occurred since then; and

WHEREAS, it has been determined that this amount should be cancelled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of December 2018, that the County Tax Payable of \$27 be and is hereby cancelled.

**BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING INTER-LOCAL SERVICE AGREEMENT
WITH UPPER PITTS GROVE TOWNSHIP FOR PUBLIC WORKS SERVICES**

Number 125-18

WHEREAS, the Borough of Elmer desires to enter into an Inter-Local Service Agreement with Upper Pittsgrove Township whereby the Township shall provide certain public works services described in the attached agreement; and

WHEREAS, it is in the best interest of the Borough and the Township to enter into said agreement;

NOW THEREFORE 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 Inter-Local Service Agreement with Upper Pittsgrove Township to provide to the Borough of Elmer certain public works services described in the attached agreement for the year 2019.

BE IT FURTHER RESOLVED that these services shall be charged to Streets and Roads: OE, Public Buildings and Grounds: OE, Parks and Playgrounds: OE, and Water: OE in the 2019 Budget.

BOROUGH OF ELMER COUNTY OF SALEM
RESOLUTION AUTHORIZING REFUND OF HOUSING FEE RECEIVED IN ERROR
Number 126-18

WHEREAS, on December 4, 2018, the Borough of Elmer received check #5252 for \$80.00 for a Certificate of Occupancy (\$50.00) and Landlord Registration (\$30.00) from Joseph Barca for the property located at 11 S. Main St.; and

WHEREAS, the Zoning Officer determined that 11 S. Main St. is a commercial property does not need a Continued Certificate of Occupancy and Landlord Registration but needs a Zoning Permit Application for the fee of \$25.00; and

WHEREAS, the Borough Chief Financial Officer is in receipt of a request from the Borough Housing and Property Maintenance Officer to return the balance of the payment due to Joseph Barca in the amount of \$55.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, assembled in public session this 12th (twelfth) day of December 2018, that the Chief Financial Officer of the Borough of Elmer be and she is hereby authorized and directed to refund \$55.00 to Joseph Barca, 304 Victoria Street, Glassboro, New Jersey 08028.

Motion Zee second by Davis to adopt Resolutions 113-18 through 126-18.

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

DISCUSSIONS/MOTIONS

1. Online Tax and Water Payments: The Clerk noted that Collector Davis wanted guidance on pursuing online payments for collections and President Schneider discussed the information regarding online tax and water payments through Municipipay. There would be no cost to the town; fees would be paid by the user. Council recommended moving forward with more information and the Solicitor suggested getting a list of municipalities using the services.
2. NJ State Plan Designated Town Center Expiration: A letter was received that the expiration of the town center designation is 6/30/2019. The Clerk will find out what is involved in renewing.
3. GovDeals Sale: The Clerk updated the sale of all items except the boiler; Council recommended restarting that sale at \$10.
4. Motion Zee second Davis to receive and file the RFPs for Professional Services; all were in favor and motion carried.
5. Motion Zee second Davis to receive and file the bids for Water Services; all were in favor and motion carried.

REPORTS/BILL LIST:

Motion Zee second Nolan to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 100a**); 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 100b**).

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

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

Council Member R. Matthew Richards joined the meeting at 9:30 pm.

COMMITTEE REPORTS:

Finance/Celebration Public Events: Schalick reminded Council that Budget Meeting is tomorrow at 7:00 pm.

Public Safety: Schneider provided the police and fire department reports.

Streets/Sidewalks/IT: No report.

Borough Hall/Public Property: Davis reported that the list of violations from the Fire Code inspection were fixed. The Clerk mentioned that the energy assessment was also completed in December.

Water/Street Lights: Zee discussed the reporting of the street light holiday decorations.

Trash/Recycling/Parks & Playgrounds: Nolan asked everyone to get the Recycle Coach app on their phones and talked about recent changes to plastic recycling.

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

December 12, 2018

Sarah D. Walker, Borough Clerk

Approved: January 2, 2019