

May 8, 2013

A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Stemberger presiding.

Invocation was given by Mayor Stemberger, followed by the pledge of allegiance.

Mayor Stemberger noted that the requirements of the Open Public Meetings Act have been met by the filing and posting of the Annual Notice.

Councilpersons, Davis, Nolan, Schalick, Williams and Zee answered to the roll call. Absent – Schneider.

Motion Davis, seconded Zee that the last regular meeting of April 10, 2013 and all subsequent meetings, be approved and that the reading of the minutes be dispensed with. Motion carried.

Committee reports were made at this time: Finance/Public Events, Public Buildings and Grounds, Public Safety, Water/Street Lights and Solid Waste/Recycling/Parks and Playgrounds.

Dolores Scheeler addressed Council on concerns she had regarding the professional yard sale that continues at 306 State Street and the septic tank and overgrown yard at 502 State Street.

The following ordinance was introduced by title only:

ORDINANCE 2013-5

FIRST RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY REGULATING THE MAINTENANCE OF BRUSH AND GRASS be adopted on first reading, final hearing thereof be held on June 12, 2013, at 7:30 p.m., Borough Hall, Elmer, New Jersey, and that said Ordinance, together with Notice of Final Hearing, be published in the Elmer Times in accordance with law.

Motion Zee, seconded Williams that the resolution be adopted as read. Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Councilman Schalick called up for second reading an Ordinance entitled:

ORDINANCE 2013-4

ORDINANCE REGULATING THE USE OF WATER FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3 FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3,

Clerk presented affidavit of publication, motion Davis, seconded Zee that the affidavit be received and filed. Motion carried.

Motion Davis seconded Nolan that the Clerk read the Ordinance by title only and that the public hearing be held thereon. Motion carried.

Clerk read following ordinance by title only:

ORDINANCE 2013-4**ORDINANCE REGULATING THE USE OF WATER FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3 FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3,**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the Borough of Elmer **ORDINANCE REGULATING THE USE OF WATER** is hereby amended to change Metered Water Flow and Advanced Quarterly Services Charges fees as follows:

15. Water shall be billed at the rate of \$3.00 per 1,000 gallons of metered flow.

16. Advanced Quarterly Services Charges shall be charged as follows:

a. Size of Meter	Service Charge
5/8" x 3/4"	\$ 50.00
1"	\$ 50.00
1 1/2"	\$113.00
2"	\$200.00
2 1/2"	\$326.00
3"	\$450.00

b. The foregoing charges do not include any water use.

c. The above fees shall be effective July 1, 2013.

1. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision will not effect the validity of this Ordinance as a whole or any part thereof.

2. All ordinances, or parts of Ordinances, heretofore adopted and that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance shall be effective upon its final passage, adoption, and publication in the manner prescribed by law.

Mayor Stemberger announced that the public hearing on the above Ordinance to be open.

Opportunity having been given to those who wished to speak for or against the Ordinance, it was moved by Zee, seconded Davis that the public hearing be closed. Motion carried.

Clerk presented the following resolution:

FINAL RESOLUTION

WHEREAS, an Ordinance entitled **ORDINANCE 2013-4 ORDINANCE REGULATING THE USE OF WATER FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3 FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3**, was introduced and passed first reading on May 8, 2013, and

WHEREAS, public hearing has been held thereon;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled **ORDINANCE 2013-4 ORDINANCE REGULATING THE USE OF WATER FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3 FROM THE PUBLIC WATER SYSTEM AND AMENDING ORDINANCE 99-11 AND 2011-3** be finally adopted and that notice of its adoption be published in the Elmer Times in accordance with law.

Motion Davis, seconded Zee that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Councilman Schalick called up for second reading an Ordinance entitled:

ORDINANCE 2013-6

AN ORDINANCE AMENDING ORDINANCE 2003-11 AND 2008-6 BOROUGH OF ELMER PARKING ORDINANCE

Clerk presented affidavit of publication, motion Nolan, seconded Davis that the affidavit be received and filed. Motion carried.

Motion Davis seconded Zee that the Clerk read the Ordinance by title only and that the public hearing be held thereon. Motion carried.

Clerk read following ordinance by title only:

ORDINANCE 2013-6

AN ORDINANCE AMENDING ORDINANCE 2003-11 AND 2008-6 BOROUGH OF ELMER PARKING ORDINANCE

BE IT ORDAINED by the Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey that the Borough of Elmer Parking Ordinance, No. 2003-11 and 2008-6, and all previous parking ordinances are hereby amended as set forth in Schedule A.

BE IT FURTHER ORDAINED that:

1. If any section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision will not effect the validity of this Ordinance as a whole or any part thereof.
2. All ordinances, or parts of Ordinances, heretofore adopted and that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. This Ordinance shall be effective upon its final passage, adoption, and publication in the manner prescribed by law.
4. The Municipal Clerk shall forward this Ordinance to the Municipal Court Administrator of the mid-Salem County Municipal Court so that any and all fines and/or costs that are collected as a result of a violation of this Ordinance shall be retained by the municipality consistent with the Chapter 161, Public Laws of 2003.

SCHEDULE B

ORDINANCE, NO. 2013-6

Handicapped Parking

1. In accordance with the provisions of N.J.S.A. 39:4-197.5 and 197.6, there is hereby established a restricted parking zone in front of the below-listed residences which are hereby determined to be occupied by a handicapped person or persons and/or all other public areas permitted by N.J.S.A. 39:197.5 that provide notice that said parking space is restricted for handicapped persons. No vehicles shall park in any such restricted area other than the handicapped person or persons occupying the designated residence, who shall have complied with the provisions of 39:4-204, et seq, which requires, among other things, that they display a handicapped placard on their motor vehicle or insure that such motor vehicle is tagged with a handicapped license plate bearing the national wheelchair symbol. Said areas are:

30 Church Street
12 State Street (First parking space located West of the handicap ramp)
133 Elmer Street

2. In addition, no person or vehicle shall park or be parked in any handicapped parking space that has been marked by paint on pavement in any parking lot or public street and/or has been marked by a sign restricting the parking space to handicapped parking, handicapped only, or by other restriction limiting the use of that space to those person or persons that is a handicapped person as defined by N.J.S.A. 39:4-204 unless said person has obtained a handicapped person identification card as defined by N.J.S.A. 39:4-25 and said motor vehicle has properly obtained a placard as defined by N.J.S.A. 39:4-206 or displays valid handicapped license plates as defined by N.J.S.A. 39:4-206. It shall be a presumption that any motor vehicle parking in violation of this Ordinance was so parked by its registered or titled owner.

3. Any person who violates this Ordinance and/or parks a vehicle in a space reserved for a handicapped individual shall be liable to a fine of \$250 for the first offense. For any subsequent offense, a fine of \$250 and a maximum of 90 days community service for each subsequent offense(s).

SCHEDULE A**BOROUGH OF ELMER PARKING ORDINANCE, No. 2013-6**

General Parking Restrictions

1. No parking in front of or blocking any portion of a driveway.
2. No parking next to or within five (5) feet of any fire hydrant.
3. All cars must park with passenger side closest to the curb.
4. All cars must park no more than one (1) foot from the curb.
5. There will be no double parking.
6. Any area marked with yellow painted curbs or no parking signs indicates no parking.
7. No motor vehicle may be left with the motor running unless attended by a licensed driver.
8. No parking on any sidewalk, nor shall a vehicle be parked in a manner which in any way obstructs a sidewalk.
9. Vehicles shall be parked within the painted lines of any marked parking space.

Front Street

No stopping, standing or parking on the northwest side.

The zone for the restrictions shall include the area from twenty feet northeast of the entrance drive to the elementary school to a point twenty feet southwest of the exit drive of the elementary school.

No Motor Vehicles Parked Upon the Following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>	<u>Time</u>
North Main Street	East	150' north from Route 40	All Times
South Main Street	West	120' south from Broad Street	All times
Front Street	South	From Chestnut Street to Elmer St.	All times
Church Street	North	From South Main Street east 140'	Between 10AM-1PM; Sundays
Church Street	South	200' from Main Street	Between 6PM-10PM;

			Wednes days
Penn Street	Both	100' from the center of Fire House (Both directions)	All Times
Mill Street	North	From South Main Street east to a Point 200'	All Times
Front Street	South	288' on the South side of Front Street between Block 12, Lot 7 aka 399 Front Street and 420 Front Street, encompassing Block 12, Lot 2.05, 2.06, 2.07, 8 and 9 aka 420 Front	All Times
Front Street	North	250' on the North side of Front Street between Block 12, Lot 7 aka 399 Front Street and 420 Front Street, encompassing Block 12, Lot 2.05, 2.06, 2.07, 8 and 9 aka 420 Front Street	All Times

No Parking Over 4 Tons Parked at Any Time, Either Side of the Following:

- Elmer Street
- Center Street - from Elmer Street to Hitchner Street
- Penn Street
- South Main Street
- North Main Street
- Second Street
- Third Street
- Fourth Street
- Oak Street

Mayor Stemberger announced that the public hearing on the above Ordinance to be open.

Opportunity having been given to those who wished to speak for or against the Ordinance, it was moved by Zee, seconded Davis that the public hearing be closed. Motion carried.

Clerk presented the following resolution:

FINAL RESOLUTION

WHEREAS, an Ordinance entitled **AN ORDINANCE AMENDING ORDINANCE 2003-11 AND 2008-6 BOROUGH OF ELMER PARKING ORDINANCE**, was introduced and passed first reading on May 8, 2013, and

WHEREAS, public hearing has been held thereon;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled **AN ORDINANCE AMENDING ORDINANCE 2003-11 AND 2008-6 BOROUGH OF ELMER PARKING ORDINANCE** be finally adopted and that notice of its adoption be published in the Elmer Times in accordance with law.

Motion Davis, seconded Williams that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION
BOND ANTICIPATION NOTE #37 **Number 52-13**

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 and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 37 and that the monies be borrowed thereon from First National Bank of Elmer, in the sum of Two Hundred Sixty Thousand Dollars (\$260,000.00) and shall bear interest at the rate of .62 per cent per annum, which money shall be used to pay for the refurbishment of the exterior of the Elmer Borough Hall. The said Note would be made payable within a period of one (1) year.

Motion Nolan, seconded Davis that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION
BOND ANTICIPATION NOTE # 34 **Number 54-13**

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 and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 34 and that the monies be borrowed thereon from the First National Bank of Elmer, Elmer, NJ, in the sum of Fifty five thousand dollars (\$55,000.00) and shall bear interest at the rate of .62 per cent per annum, which money shall be used to pay for the heating and air conditioning system for the Borough of Elmer Borough Hall. The said Note would be made payable within a period of one (1) year.

Motion Nolan, seconded Davis that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolutions were presented:

RESOLUTION
BON ANTICIPATION NOTE # 33 **Number 53-13**

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 and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 33 and that the monies be borrowed thereon from First National Bank of Elmer, Elmer, NJ, in the sum of Twenty five thousand dollars (\$25,000.00) and shall bear interest at the rate of .62 per cent per annum, which money shall be used to pay for the of re-paving Center Street and Hitchner Avenue and the curbing and

guttering of Hitchner Avenue. The said Note would be made payable within a period of one (1) year.

Motion Nolan, seconded Davis that the resolutions be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

**RESOLUTION
PLANNING BOARD ESCROW FUND**

Number 55-13

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Ted Peck (Applicant) Minor Subdivision (Purpose of Deposit e.g. Site Plan Application) in the amount of \$349.34 be distributed and paid as follows:

\$349.34 To: Fralinger Engineering

Motion Williams, seconded Davis that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

**RESOLUTION
AUTHORIZING BOROUGH ENGINEER
NJDOT Fiscal Year 2013 Municipal Aid Program for
Proposed Sidewalks Along Various Streets Project**

Number 56-13

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Fralinger Engineering, Borough Engineer be authorized for engineering services for the **NJDOT Fiscal Year 2013 Municipal Aid Program for Proposed Sidewalks Along Various Streets Project** at a cost not to exceed \$22,500.00. This shall be charged to Ordinance 2011-7.

Motion Williams, seconded Nolan that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

**RESOLUTION
AUTHORIZING BOROUGH ENGINEER
Remedial Investigation
Elmer Borough Water Tower Site
56 State Street, Elmer, NJ**

Number 57-13

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Fralinger Engineering, Borough Engineer be authorized for engineering services for the **Remedial Investigation Elmer Borough Water Tower Site, 56 State Street, Elmer, NJ** at a cost not to exceed \$10,000.00. This shall be charged to Water Operating: OE in the 2013 Budget

Motion Zee, seconded Davis that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION

**Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks,
Farmland and Historic Sites in New Jersey**

Number 58-13

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

WHEREAS, the Borough of Elmer has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that a long-term, dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage local, county, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns
- protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED on this 8th day of May 2013, by the Borough of Elmer in Salem County, State of New Jersey, that:

1. The Borough of Elmer supports establishment of a long-term, dedicated source of state funding for these purposes.

Motion Nolan, seconded Schalick that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

**RESOLUTION
PLANNING BOARD ESCROW FUND**

Number 59-13

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Southwick Properties. (Applicant) Variance (Purpose of Deposit e.g.

Site Plan Application) in the amount of \$600.00 be distributed and paid as follows:

\$ 600.00 To: Kenneth Miller, Attorney

Motion Davis, seconded Nolan that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

RESOLUTION

Number 60-13

WHEREAS, the Chief Financial Officer of the Borough of Elmer has furnished Certificate of Availability of Adequate funds for the purchase of a variable speed drive for Well # 6.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey, that the quote to purchase a variable speed drive for Well # 6 from Sparks Electric, Monroeville, NJ in the amount of \$10,375.00, is hereby accepted.

Payment for the variable speed drive for Well # 6 to be charged to Water: Capital Outlay in the 2013 Budget.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute all necessary documents to complete the transaction.

Motion Zee, seconded Davis that the resolution be adopted as read: Ayes – Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Tax Collector report was presented for April 2013. Motion Davis, seconded Nolan that the report be received and filed. Motion carried.

Treasurer’s Reports for the month of April 2013, were presented and read.

Motion Williams, seconded Davis that the reports be received, filed and spread full upon the minutes. Motion carried. I Andrew M. Williams
(Treasurer’s Reports – See Pages 57 a in Minute Book)

The following bills were presented and read: (See pages 57 b in Minute Book)

Moved Davis, seconded Zee that the bills be paid and charged to their respective accounts. Ayes– Davis, Nolan, Schalick, Williams and Zee. Nays - None. Motion carried.

Clerk and Mayor’s mail for the month of May 2013, was presented and read.

Motion Zee, seconded Davis that the correspondence be received and filed. Motion carried.

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

May 8, 2013

Beverly S. Richards
Borough Clerk

