

February 12, 2014

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 Joseph P. 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.

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

Motion Davis, seconded Zee that the last regular meeting 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: Public Safety, Streets, Borough Hall/Property and Water/Street Lights.

President Schneider called up for second reading an Ordinance entitled:

ORDINANCE 2014-5

CALENDAR YEAR 2014

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Clerk presented affidavit of publication, motion Davis, seconded Williams 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 2014-5

CALENDAR YEAR 2014

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .05% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Elmer in the County of Salem finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$22,579.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Elmer shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$26,342.44, and that the CY 2014 municipal budget for the Borough of Elmer be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 Davis, seconded Zee that the public hearing be closed. Motion carried.

Clerk presented the following resolution:

FINAL RESOLUTION

WHEREAS, an Ordinance entitled **CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)** was introduced and passed first reading on January 9, 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 **CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)** 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 – Schneider, Davis, Schalick, Williams and Zee. Nays – None. Motion carried.

President Schneider called up for second reading an Ordinance entitled:

ORDINANCE 2014-6

AN ORDINANCE CREATING THE POSITION OF POLICE LIEUTENANT

Clerk presented affidavit of publication, motion Zee, 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 2014-6

AN ORDINANCE CREATING THE POSITION OF POLICE LIEUTENANT

WHEREAS, the governing body has determined that the efficiency of administering the affairs of the Borough of Elmer can be increased by the creation of a Police Lieutenant.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey as follows;

I. The position of Police Lieutenant is hereby created.

II. Appointment to the position of Police Lieutenant shall be made by the Mayor with the advice and consent of Borough Council.

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

IV. 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.

V. 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 Davis, seconded Zee that the public hearing be closed. Motion carried.

Clerk presented the following resolution:

FINAL RESOLUTION

WHEREAS, an Ordinance entitled **AN ORDINANCE CREATING THE POSITION OF POLICE LIEUTENANT** was introduced and passed first reading on January 8, 2014, 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 CREATING THE POSITION OF POLICE LIEUTENANT** 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 – Schneider, Davis, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolutions were presented:

RESOLUTION

UPPER PITTSBORO TOWNSHIP PUBLIC WORKS INTER-LOCAL AGREEMENT

Number 27-14

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

2014. These services shall be charged to Streets and Road – OE, Public Buildings and Grounds – OE, Parks and Playgrounds – OE and Water - OE in the 2014 Budget.

RESOLUTION

TONNAGE GRANT APPLICATION RESOLUTION

Number 28-14

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs;
- WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,** A resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that the Borough of Elmer hereby endorses the submission of the 2013 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Cynthia L. Nolan to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2013 recycling tonnage grant be deposited in a dedicated Recycling Trust Fund to be used solely for the purposes of recycling.

RESOLUTION

TAX IDENTIFICATION STATEMENT

Number 29-14

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE, BE IT RESOLVED by the Borough of Elmer that the Borough of Elmer hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2013 in the amount of \$1,908.45.

Documentation supporting this submission is available at 120 South Main Street, Elmer, NJ and shall be maintained for no less than five years from this date.

RESOLUTION

Number 30-14

CONSUMER CONFIDENCE REPORT CONTRACT

BE IT RESOLVED by the Mayor and Borough Council that the Mayor and Clerk be authorized to enter into an agreement with Water Resource Management for the preparation of the 2013 Water Consumer Confidence Report for an amount not to exceed \$1,200.00 which shall be charged to Water Operating: OE in the 2014 Budget.

RESOLUTION

Number 31-14

PLANNING BOARD ESCROW FUND

BE IT RESOLVED that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by Patti Schneider (Applicant) Site Plan (Purpose of Deposit e.g. Site Plan Application) in the amount of \$887.50 be distributed and paid as follows:

\$887.50 To: Patti Schneider

RESOLUTION

Number 32-14

CALMAR Associates LLC - Remedial Investigation Report Submittal

BE IT RESOLVED by the Mayor and Borough Council that the Mayor be authorized to enter into an agreement with CALMAR Associates LLC. for Remedial Investigation Report Submittal in the amount of \$4,860.00. This shall be charged to: Water: OE in the 2014 Budget.

RESOLUTION

Number 33-14

**RESOLUTION FOR TO ADJUST WATER BILL FOR
ID # 1798 BLOCK 12 LOT 7, 337 FRONT STREET**

WHEREAS, \$50.00 was charged for first quarter 2014, and

WHEREAS, the house has been torn down and the account needs to be cancelled.

NOW, THEREFORE, BE IT RESOLVED, that the Water Collector, is hereby authorized and directed to cancel the \$50.00 2014 first quarter charge and close the account out for further billing.

RESOLUTION

Number 34-14

**FOR MEMBER PARTICIPATION IN A COOPORATIVE PRICING SYSTEM A RESOLUTION
AUTHORIZING THE BOROUGH OF ELMER TO ENTER INTO A COOPERATIVE PRICING
AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Salem, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on May 26, 2014 the governing body of the Borough of Elmer, County of Salem, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Elmer.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq.) and all the provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

RESOLUTION

Number 35-14

SALEM COUNTY IMPROVEMENT AUTHORITY CONTRACT

BE IT RESLVED 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, 2014 and ending December 31, 2014.

BE IT FURTHER RESOLVED that payment for the above mentioned service be charged to Trash and Garbage: Other Expenses in the 2014 Municipal Budget.

RESOLUTION

**RESOLUTION FOR TO ADJUST WATER BILL FOR
ID # 5577 BLOCK 32 LOT 13, 200 SALEM STREET**

Number 36-14

WHEREAS, the 2013 fourth quarter and the 2014 first quarter were estimated bills on 200 Salem Street, and

WHEREAS, the reading for 2013 third quarter was 973,000, and on 01/28/2014 the actual meter reading was 974,000, and

WHEREAS, the account should have been charged for 1,000 gallons over the two quarters.

NOW, THEREFORE, BE IT RESOLVED, that the Water Collector, is hereby authorized and directed to credit 200 Salem Street \$27.00 for the over charge of 9,000 gallons of estimated water

RESOLUTION

PLANNING BOARD ESCROW FUND

Number 37-14

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 \$2,780.00 be distributed and paid as follows:

\$2,780.00 To: Fralinger Engineering

**RESOLUTION AMENDING
2014 APPOINTMENTS
ELMER LAND USE BOARD**

Number 39-14

WHEREAS, there is a need to amend Resolution Number 2014-1 (Borough Reorganization Appointments).

WHEREAS, specifically the 2014 Land Use Board Appointments section.

NOW, THEREFORE, BE IT RESOLVED that the Land Use Board 2014 Appointments shall be amended as follows:

That Dawn Williams be appointed a Class II member of the Elmer Land Use Board for a one-year term ending December 31, 2014.

That Lynda Davis be appointed a Class III member of the Elmer Land Use Board for a three-year unexpired term ending December 31, 2016.

That Lew Reed be appointed a Class IV member of the Elmer Land Use Board for a four-year term ending December 31, 2017.

That Linda Herrmann be appointed a Class IV member of the Elmer Land Use Board for a four-year term ending December 31, 2017.

That John Hagan be appointed a Class IV Alternate No. 1 of the Elmer Land Use Board for a two-year unexpired term ending December 31, 2014.

That Tammy Collins be appointed a Class IV Alternate No. 2 of the Elmer Land Use Board for a two-year term ending December 31, 2015.

That David Newkirk be appointed a Class IV Alternate No. 3 of the Elmer Land Use Board for a two-year term ending December 31, 2015.

BE IT FURTHER RESOLVED that the above appointments be effective January 1, 2014.

BOROUGH OF ELMER

Number 40 - 14

AUTHORIZING EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session at during a Public Meeting, and

WHEREAS, the Governing Body of the Borough of Elmer has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Elmer will go into closed session for the following reason(s) as outlined in J.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the Federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

_____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: _____);

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

_____ Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If pending or anticipated litigation, the matter is:

_____.

(If contract negotiation the nature of the contract and interested party is: _____)

(Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact);

X Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining or any specific prospective public officer or employee or current public officer or employee employed or appointed by he public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing, 124 N.J. 478, the employee(s) and nature of discussion is Terms and Conditions of Employment);

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter. (Estimated date: Upon the occurrence of said matters being resolved):

BE IT FURTHER RESOLVED that the Borough Council, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

BOROUGH OF ELMER

Number 41-14

RE-OPEN CLOSED MINUTE SESSION

Be it resolved by the Mayor and Borough Council of the Borough of Elmer that the March 13, 2013 closed session portion of the Borough Council Meeting regarding Employee Negotiations be re-opened to the public.

RESOLUTION

**Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019**

FORM 1B

Number 42-14

2014 MUNICIPAL ALLIANCE APPLICATION

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 2014 in the amount of :

DEDR	\$4,177.54
Cash Match:	\$1,044.39
In-Kind	\$4,700.00

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

Motion Davis, Seconded Willimas that all the resolutions be adopted. Ayes- Schneider, Davis, Schalick, Williams and Zee. Nays – None. Abstained-Schneider-Resolution Number 31-14. Motion carried.

The following Ordinance was introduced by title only:

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 ORDINANCE AMENDING SALARY ORDINANCE 2014-4 NUMBER 1 be adopted on first reading, final hearing thereof be held at its regular meeting on March 12, 2014, 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 Davis, seconded Zee that the resolution be adopted as read: Ayes – Schneider, Davis, Schalick, Williams and Zee. Nays – None. Motion carried.

Clerk presented application for Raffles from Elmer Library Association for an Off-Premise Raffle on April 5, 2014.

Motion Davis, seconded Zee that upon receipt of payment for permits, the application be approved. Motion carried.

Clerk presented Elmer Fire Department membership application from Brandon M. Smith, 101 4th Street, Elmer, NJ 08318.

Motion Davis, seconded Williams that the application of Brandon M. Smith be approved. Motion carried.

Clerk presented Tax/Water Collector's Report for January 2014 and Affidavit of Tax Sale.

Motion Davis, seconded Williams that the Tax/Water Collector's Report and Affidavit of Tax Sale be received and filed.

Treasurer's Reports for the month of January 2014 were presented and read.

Motion Williams, seconded Davis that the reports be received, filed and spread full upon the minutes. I state this Andrew M. Williams. Motion carried.

(Treasurer's Reports – See Pages 77 a in Minute Book)

The following bills were presented and read: (See pages 77 b in Minute Book)

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

Clerk and Mayor's mail for the month of February, 2014, was presented and read.

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

There being no further business, it was moved by Schneider, seconded by Zee that the meeting be adjourned. Motion carried.

February 12, 2014

Beverly S. Richards, Borough Clerk

