

**Borough of Elmer Minutes****July 8, 2020**

**CALL TO ORDER:** A Regular Meeting of the Borough Council convened in the Borough Hall and by conference call at 7:30 p.m. with Mayor Joseph 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 June 25, 2020 pursuant to the Open Public Meetings Act.

**ROLL CALL:** Council President Lewis Schneider, Council Members Lynda Davis, Bruce Foster, Cynthia Nolan, Steven Schalick, James Zee, and Mayor Joseph Stemberger answered to the roll call. Also present were Solicitor Brian Duffield, Chief Financial Officer Cynthia Strang, and Clerk Sarah Walker.

**APPROVAL OF MINUTES:** Motion Zee second Nolan to approve the minutes from the Regular and Executive Council Meetings held on June 10, 2020 and to dispense with the reading of the minutes.

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

**PUBLIC SESSION:** Motion Davis second Nolan to open the public portion of the meeting. All were in favor and the motion carried. There being no comment from the public, motion Zee second Davis to close the public portion of the meeting. All were in favor and motion carried.

**UNFINISHED BUSINESS:**

**1. Ordinances:** The following Ordinance was read by title:

**ORDINANCE 2020-8 AMENDING CHAPTER 11-5 ENTITLED "LANDLORD REGISTRATION" OF THE CODE OF THE BOROUGH OF ELMER**

Motion Davis second Zee to open the public hearing for Ordinance 2020-8. All were in favor and motion carried.

There being no comment, motion Davis second Nolan to close the public hearing. All were in favor and motion carried. Motion Zee second Davis to adopt Ordinance 2020-8.

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

**NEW BUSINESS:**

**1. Ordinances:** None.

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

**BOROUGH OF ELMER, COUNTY OF SALEM RESOLUTION  
REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A:4-87)**

**Number 61-20**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount:

**SECTION 1**

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Elmer, in the County of Salem, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$4,000.00, which item is now available as a revenue from the State of New Jersey, Solid Waste Administration FY2020 Clean Communities Grant pursuant to the provisions of statute, and

**SECTION II**

BE IT FURTHER RESOLVED that a like sum of \$4,000.00 is hereby appropriated under the caption of "Public and Private Programs Offset by Revenues", State of New Jersey, Solid Waste FY2020 Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is a result of a State grant of \$4,000.00 from the State of New Jersey, Solid Waste Administration FY2020 Clean Communities Grant.

**BOROUGH OF ELMER, COUNTY OF SALEM  
2019 AUDIT RESOLUTION**

**Number 62-20**

**WHEREAS, N.J.S.A.** 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS,** The Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of **N.J.S.A.** 40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS,** the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments  
Recommendations**

and

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments  
Recommendations**

as evidenced by the group affidavit form of the governing body attached hereto, and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5, and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS,** failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the Borough Council of the Borough of Elmer, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER AUTHORIZING RELEASE OF THE CASH PERFORMANCE GUARANTEE BY NANETTE GRAFTON AFFECTING A PARCEL KNOWN AS BLOCK 3, LOT 24 (25 FOURTH STREET) ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ELMER, SALEM COUNTY, NEW JERSEY**

**Number 63-20**

**WHEREAS**, the Applicant, Nanette Grafton, has caused certain work to be performed relating to improvements affecting a parcel known as Block 3, Lot 24 on the official Tax Map of the Borough of Elmer; and

**WHEREAS**, the required Cash Performance Guarantee in the amount of \$1,860.00 was received by the Borough Clerk and remains in effect; and

**WHEREAS**, the Borough of Elmer Engineer has inspected all improvements secured by said Cash Performance Guarantee, and has filed a written report with the Borough Clerk dated June 26, 2020, attached hereto, recommending the release of the Cash Performance Guarantee posted by Applicant.

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

1. The improvements performed by the Applicant for Block 3, Lot 24 are hereby accepted, and the Applicant is hereby released from all liability under the existing Cash Performance Guarantee in the amount of \$1,860.00, however, subject to the conditions set forth below.

2. That no above-mentioned Performance Guarantee shall be released until receipt by the Borough of payment by the Applicant of any outstanding fees or costs from inspections, escrows and/or items more particularly set forth in the Application and Resolution of the Borough Planning or Zoning Board approving the project, if applicable.

3. The Borough Clerk is hereby directed to forward a certified copy of this Resolution to the Applicant and the Borough of Elmer CFO.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY, APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING THE ADVERTISEMENT AND RECEIPT OF BIDS FOR THE RESURFACING OF 2ND, 3RD AND OAK STREETS**

**Number 64-20**

**WHEREAS**, 2nd, 3rd and Oak Streets are in need of resurfacing; and

**WHEREAS**, the Borough's engineers, Consulting Engineer Services ("CES"), has prepared the proposed bid specifications and scope of work for the resurfacing of 2nd, 3rd and Oak Streets under the New Jersey Department of Transportation Municipal Aid Applications for 2019 and 2020; and

**WHEREAS**, by correspondence dated March 9, 2020, CES has recommended to the Borough Council that said plans and bid specifications be approved and provide authorization to advertise and receive bids.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Elmer that the March 9, 2020, proposal from Consulting Engineer Services is hereby authorized and approved, and the Borough Clerk is hereby authorized to advertise and receive bids for the project.

**BOROUGH OF ELMER COUNTY OF SALEM RESOLUTION FOR THE APPROVAL TO SUBMIT A  
GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR 2021 CENTER STREET IMPROVEMENTS AND BROAD  
STREET SIDEWALK**

**Number 65-20**

**Resolution:** Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for 2021 Center Street Improvements and Broad Street Sidewalk.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Elmer formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Center Street Improvements & Broad S-00353 to the New Jersey Department of Transportation on behalf of the Borough of Elmer.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Elmer and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION TO APPOINT KYLE PANKOK PATROLMAN  
FOR THE ELMER BOROUGH POLICE DEPARTMENT**

**Number 66-20**

**BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer that Kyle Pankok be appointed Patrolman for the Borough of Elmer Police Department effective for a term beginning July 8, 2020 and ending on December 31, 2020.

Motion Davis second Nolan to adopt Resolutions 61-66.

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

**DISCUSSIONS/MOTIONS:**

1. **Green Acres Park Development Committee:** No discussion.
2. **Insurance Audit:** The Clerk outlined items in a recent insurance safety audit. Besides the playground issues discussed last month, there was a recommendation for the Borough to adopt a facility use and hold harmless agreement. The Solicitor confirmed the importance of a facility use agreement. The Clerk will work on an application form.
3. **Reopening Borough Hall:** Council Members discussed when to reopen the Borough Hall to the public and what needs to be done for safety of the public and employees. Councilman Zee offered to help prepare the offices for opening. The Mayor suggested continuing with the combination of in-person and teleconference for the August meeting and revisiting when to reopen to the public at that meeting, tentatively aiming for a September opening.
4. **Borough Hall ADA Project:** The Clerk indicated that the architect has some questions for this project and the Mayor addressed his concern that there should be someone from Council in charge of the project. Lynda Davis, Chair of the Public Property/Borough Hall Committee, confirmed that she will be the contact for this project.
5. **Pet License Late Fees and Court:** The Mayor noted that the Pet Registrar requested direction from Council as to whether to issue tickets to pet owners who have not renewed their pet licenses for 2020. The usual notices had been sent out but the tickets had not been issued due to the Covid restrictions and Court closure. The Solicitor recommended that the tickets be issued and Council members agreed.

The Clerk requested a second public session for a resident who was interested in speaking to Council but joined the conference call after the first public session. Motion Zee second Davis to open the meeting to the public. All were in favor and motion carried.

Felicia Hitchner, 319 Center St., discussed issues with feral cats in her neighborhood and inquired about a trap neuter and release program. Councilman Zee mentioned options for reducing the feral cat population and offered to meet with her to address the problem.

Motion Davis second Zee to close the public session. All were in favor and motion carried.

**REPORTS/BILL LIST:**

Motion Foster second Davis to receive and file the Tax/Water Collector's report and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 59a**); all were in favor and motion carried.

Motion Davis second Foster to pay all duly authorized bills and charge them to their respective accounts (**see Page 59b**).

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

The Clerk mentioned the thank you letter received from Cindy Strang and that Council Members need to sign the affidavit for the audit; the Mayor mentioned the passing of John Meier's wife. Motion Zee second Foster 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:** Schneider provided an update on the police department.

**Streets/Sidewalks/IT:** Foster discussed the Broad St sidewalk and Center St grant application.

**Borough Hall/Public Property:** Davis reported that she has three quotes for replacing the Borough Hall roof and recommended Mark Fisher to complete the job. The CFO reminded Council that the contractor must be licensed and have a business registration.

Motion Zee second Nolan to authorize the replacement of the Borough Hall boiler roof by Mark Fisher in the amount of \$4,300.

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

**Water/Street Lights:** Zee reported on the remediation project and water testing options.

**Trash/Recycling/Parks & Playgrounds:** Nolan reported that there have been no trash complaints and recycling has begun at the ballpark. Upper Pittsgrove public works trimmed around buildings and at the parks. The playground is still closed and repairs are being made per insurance audit. An arborist is coming to look at the trees that are dying in Centennial Park.

**ONGOING PROJECTS:**

**Veteran's Monument:** Council President Schneider has the final plans for the Veterans Monument project and is submitting the grant for the pavers.

**ADJOURNMENT:** At 8:26 pm motion Zee second Davis that the meeting be adjourned. All were in favor and motion carried.

July 8, 2020

Approved: August 12, 2020

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Sarah D. Walker, Borough Clerk