

**Borough of Elmer Minutes****June 10, 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 May 7, 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 Foster second Davis to approve the minutes from the Regular Council Meeting held on May 13, 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 Zee second Davis to open the public portion of the meeting. All were in favor and the motion carried. There being no other comment from the public, motion Zee second Nolan 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 2020-7 BOND ORDINANCE AUTHORIZING THE RESURFACING OF 2ND STREET, 3RD STREET, AND OAK STREET IN THE BOROUGH OF ELMER; APPROPRIATING THE SUM OF \$346,500 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF ELMER IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$19,219 MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

Motion Davis second Nolan to open the public hearing for Ordinance 2020-7. All were in favor and motion carried. There being no comment, motion Davis second Foster to close the public hearing. All were in favor and motion carried. Motion Zee second Nolan to adopt Ordinance 2020-7.

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

**NEW 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 Nolan to approve Ordinance 2020-8.

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

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

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM  
REAPPOINTING SARAH D. WALKER REGISTERED MUNICIPAL CLERK**

**Number 55-20**

**WHEREAS**, there exists a need for a Municipal Clerk in the Borough of Elmer, County of Salem, State of New Jersey; and

**WHEREAS**, Sarah D. Walker was appointed as the Borough of Elmer's Municipal Clerk on June 14, 2017 for a three (3) year term ending on June 14, 2020; and

**WHEREAS**, the Mayor and Council have determined to reappoint Sarah D. Walker as their Registered Municipal Clerk; and

**WHEREAS**, Sarah D. Walker's reappointment as Registered Municipal Clerk is being made pursuant to N.J.S.A. 40A:9-133, and as such, shall be granted tenure of office upon the Clerk providing the Division of Local Government Services a notification evidencing compliance with this statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey that Sarah D. Walker is hereby reappointed and authorized to be the Borough's Registered Municipal Clerk.

**BE IT FURTHER RESOLVED**, pursuant to N.J.S.A. 40A:9-133, and upon passage of this Resolution and commencing June 14, 2020, Sarah D. Walker will have achieved tenure status.

**BE IT FURTHER RESOLVED** that this be charged to Municipal Clerk: Salary & Wages and Water Utility Operating: Salaries & Wages in the Budget.

**ADOPTED** at a regular meeting of the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey held on June 10, 2020.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM  
REAPPOINTING SARAH D. WALKER REGISTRAR OF VITAL STATISTICS**

**Number 56-20**

**WHEREAS**, there exists a need for a Registrar of Vital Statistics in the Borough of Elmer, County of Salem, State of New Jersey; and

**WHEREAS**, Sarah D. Walker was appointed as the Registrar of Vital Statistics on June 14, 2017 for a three (3) year term ending on June 14, 2020; and

**WHEREAS**, the Mayor and Council have determined to reappoint Sarah D. Walker as their Registrar of Vital Statistics;

**BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Elmer, County of Salem and State of New Jersey that Sarah D. Walker be reappointed Registrar of Vital Statistics for a three-year term beginning June 14, 2020 and ending June 14, 2023.

**BE IT FURTHER RESOLVED** that this be charged to Board of Health: Salary & Wages in the Budget.

**ADOPTED** at a regular meeting of the Mayor and Council of the Borough of Elmer, County of Salem, State of New Jersey held on June 10, 2020.

**RESOLUTION OF THE BOROUGH OF ELMER, COUNTY OF SALEM  
REAPPOINTING JOSEPH M. COVELESKI EMERGENCY MANAGEMENT COORDINATOR**

**Number 57-20**

**WHEREAS**, N.J.S.A. App.A:9-40.11 provides that every municipality in the State of New Jersey shall appoint a Municipal Emergency Management Coordinator from among the residents of the municipality subject to certain conditions for a term of three (3) years; and

**WHEREAS**, it is the interest of the residents of the Borough of Elmer that an Emergency Management Coordinator be forthwith appointed; and

**WHEREAS**, Joseph M. Coveleski has served effectively as Borough of Elmer Emergency Management Coordinator since June 14, 2017;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Elmer, Salem County, New Jersey, that Joseph M. Coveleski is reappointed Emergency Management Coordinator for the Borough of Elmer for a three (3)-year term effective June 14, 2020 through June 14, 2023.

**BE IT FURTHER RESOLVED** said appointment shall be subject to all terms and conditions imposed by N.J.S.A. App A:9-40.1 and all other conditions and requirements imposed by law.

**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 SIDEWALK IMPROVEMENTS – VARIOUS LOCATIONS  
Number 58-20**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for 2021 Sidewalk Improvements – Various Locations.

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-Elmer Borough-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.

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY  
OF SALEM, STATE OF NEW JERSEY APPROVING CONTRACT CHANGE ORDER #1 AND  
FINAL PAYMENT FOR CONTRACT WITH ARAWAK PAVING CO., INC. FOR THE STATE  
STREET ROADWAY RESURFACING - SECTION 3**

**Number 59-20**

**WHEREAS**, Mayor and Council of the Borough of Elmer determined that the roadway resurfacing of State Street (Section 3) was necessary; and

**WHEREAS**, consistent with the New Jersey Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough Clerk obtained bids for the roadway resurfacing of State Street (Section 3); and

**WHEREAS**, on December 11, 2019 via Resolution No. 99-19, the Mayor and Council awarded the Contract to Arawak Paving Co., Inc. upon the lowest responsive bid in the sum of \$117,940.00; and

**WHEREAS**, the Borough's Engineer has recommended Change Order #1 which will result in an overall decrease of \$7,223.04 below the original contract amount of \$117,940.00 for a final projected contract amount of \$110,716.96; and

**WHEREAS**, the Borough has paid to Arawak Paving Co., Inc. the sum of \$108,502.62, leaving a final payment due in the amount of \$2,214.34; and

**WHEREAS**, it is in the best interest of the residents of the Borough of Elmer that Change Order #1 and final payment be approved by Mayor and Council.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council, Borough of Elmer that Contract Change Order #1 and final payment in the amount of \$2,214.34 are hereby approved and authorizes the payments related thereto after receipt of a Maintenance Bond acceptable to the Borough Solicitor.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk of the Borough of Elmer are hereby authorized and directed to execute Contract Change Order #1 and issue final payment only upon prior written authorization by NJDOT, if required.

**BOROUGH OF ELMER, COUNTY OF SALEM  
RESOLUTION FOR PLANNING BOARD ESCROW FUND (Italiano, Hitchner)**

**Number 60-20**

**BE IT RESOLVED** that the Escrow Fund Deposit made pursuant to Article IV, Section 2.30 of the Land Development Ordinance by applicant Paul Italiano, Whites Building RE Holdings LLC, for a Minor Subdivision Review for 5 Mill Street (Block 16 Lots 16) in the amount of \$596.00 be distributed and paid as follows:

Amount: \$596.00      To: Consulting Engineering Services LLC      For: Minor Subdivision 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 Raymond & Sandra Hitchner for a Minor Subdivision/Lot Line Adjustment & Bulk Variance Review for 117 and 119 Elmer St (Block 24 Lots 14 & 15) in the amount of \$712.50 be distributed and paid as follows:

Amount: \$712.50      To: Jefferis Engineering Services LLC      For: Minor Subdivision Review

Motion Davis second Foster to adopt Resolutions 55-20 to 57-20, and 59-20 to 60-20.

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

Motion Schneider second Davis to adopt Resolution 58-20. Council Members discussed the pros and cons of Resolution 58-20 authorizing the application for a NJDOT grant due July 1st for new sidewalks on various streets that currently do not have sidewalks, and to replace a section of Borough owned sidewalks.

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

**DISCUSSIONS/MOTIONS:**

1. Litigation: The Solicitor noted that an agreement needed to be authorized in the Sambor v. Borough matter and Members asked to discuss the details. Due to the format of the meeting the Solicitor recommended an Executive Session at the end of the Regular Meeting.

**REPORTS/BILL LIST:**

Motion Foster second Zee to receive and file the Tax/Water Collector and to receive, file and spread full upon the minutes the Treasurer's report (**see Page 54a**); 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 54b**).

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

The Clerk mentioned the thank you letter received from the Masters Richards family that was overlooked at last month's meeting. Motion Davis 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:** Schalick noted that a July 4<sup>th</sup> parade is not being planned due to the continued

shutdown. Harvest Day has not been cancelled since it is too early to know yet what the state restrictions will be.

**Public Safety:** Schneider reported that body cams will be coming to the Police Department.

**Streets/Sidewalks/IT:** Foster reported that he is working on the storm water compliance and discussed problems on Park Avenue with drainage and weeds in the street.

**Borough Hall/Public Property:** Davis discussed various issues with the Borough Hall and Schneider mentioned that he is working on roof quotes. Schneider also reported that the Veteran's Monument will need to be replaced due to structural problems but that various businesses have offered to donate services to the project.

**Water/Street Lights:** Zee reported that the wells for the remediation project have been installed and the first samples should be taken in the next few weeks.

**Trash/Recycling/Parks & Playgrounds:** Nolan reported that there have been no trash complaints. Nolan expressed concerns that many streets in the town have weeds and grass and that the town does not look good. Council members discussed strategies to spruce up the town. Nolan also reported on playground issues identified in an insurance safety audit this month, including repainting the animals and fixing the fence.

**ONGOING PROJECTS:** No report.

#### **EXECUTIVE SESSION**

Motion Foster second Zee to close the Regular Council meeting to the public to go into an Executive Session to discuss pending litigation in the Sambor v. Borough matter.

Roll Call: Ayes: Schneider, Davis, Foster, Nolan, Schalick, Zee; Nays: None. Absent: None. Motion carried. The Regular Council Meeting was closed to the public at 8:26 pm.

At 8:34 pm, motion Zee second Davis to reopen the Regular Council Meeting to the public. All were in favor and motion carried.

Motion Davis second Zee to authorize the execution of the settlement agreement in the Sambor v. Borough matter.

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

**ADJOURNMENT:** At 8:36 pm motion Zee second Davis that the meeting be adjourned. All were in favor and motion carried.

June 10, 2020

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Sarah D. Walker, Borough Clerk

Approved: July 8, 2020