

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
December 11, 2018**

MEETING CALLED TO ORDER: 7:33PM

SALUTE TO THE FLAG LED BY Mayor DeStefano

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this meeting has been advertised in the Hammonton Gazette and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

ROLL CALL: Councilpersons: Smith, Jantz, Arena, Hoffman and Schenker

Also present: Mayor Lou DeStefano, Attorney Brian Lozuke and Engineer Mark Herrmann

Absent: Councilman Pagano

APPROVAL OF WORKSHOP MEETING MINUTES FROM November 13, 2018

A motion to approve the minutes was made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all with the exception of Councilman Jantz's abstention.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM November 13, 2018

A motion to approve the minutes was made by Councilman Hoffman and seconded by Councilman Schenker.

There was a roll call vote with ayes all with the exception of Councilman Jantz's abstention.

APPROVAL OF THE SPECIAL COUNCIL MEETING MINUTES FROM November 28 2018

A motion to approve the minutes was made by Councilman Hoffman and seconded by Councilman Schenker.

There was a roll call vote with ayes all with the exception of Councilman Smith's abstention.

MEETING OPEN TO PUBLIC: No Comments

CLERK'S CORRESPONDENCE:

Ms. Gatto reminded residents that Borough Hall offices will be closed on December 24, 25 and January 1, 2019 in observance of Christmas and New Year's Day.

Patti also thanked everyone who helped with the Annual Christmas Tree Lighting. Ms. Gatto thanked Councilman Smith for all his help he has given to her and the Borough over the past six years.

ORDINANCES: (First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE NO. #08-2018**

**AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE BOROUGH OF
FOLSOM**

WHEREAS, the Borough of Folsom has developed a Personnel Policy governing employment practices in the Borough of Folsom; and

WHEREAS, the Borough of Folsom has also developed detailed job descriptions for various positions throughout the municipality; and

WHEREAS, the Borough of Folsom wishes to amend certain sections of the Borough Code of the extent that they are inconsistent with the Personnel Policy and job descriptions.

BE IT ORDAINED, by the Borough Council of the Borough of Folsom, in the County of Atlantic and State of New Jersey as follows:

Section I: Sections 41-1 through Sections 41-5 of the Code of the Borough of Folsom shall be replaced in their entirety and shall be amended to state as follows:

41-1 Policy and purpose; objectives.

This chapter is hereby adopted to institute a policy of sound personnel management and to develop, to the highest degree possible, management-labor relations so that the following objectives can be instilled in the officers and employees of this local governing unit. Such objectives are:

- A.** To maintain a public service of high competence and character.
- B.** To contribute directly and effectively to the accomplishment of missions and programs.
- C.** To foster in managers, supervisors and employees an attitude of responsive service to the public.
- D.** To carry out pertinent public policy as expressed in law, executive orders, regulations or otherwise.
- E.** To utilize manpower resources wisely and economically.
- F.** To provide a work environment which stimulates initiative, imagination, productivity, personal development and cost consciousness.
- G.** To treat employees, individually and in groups, equitably and fairly, to help them to achieve personal satisfaction and pride in their work and to enhance their opportunities for career advancement through training and the utilization of their abilities.
- I.** To maintain the high reputation of the government as an employer and to contribute to constructive community relations.

K. To preserve and nourish the traditional values of government, including integrity, continuity, nonpartisanship and the principles of merit, which are essential to the mutual confidence that exists between government and the public it serves.

41-2 Nondiscrimination.

The Borough of Folsom shall not at any time discriminate against any individual because of race, color, creed, national origin, ancestry, age, marital status or sex or because of the liability for service in the armed forces of the United States, or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; nor shall the Borough of Folsom discriminate against any individual because of that individual's political beliefs, ideas or affiliation.

41-3 Personnel records.

The policy regarding personnel files shall be as contained in the personnel policy of the Borough of Folsom.

41-4 Officers and employees enumerated; duties.

In addition to those officers, offices, positions and employees which are required and set forth pursuant to statute, which shall take precedence over this ordinance, the following positions and jobs descriptions attached are hereby placed in effect within the Borough of Folsom to be filled in the discretion of the Council of the Borough of Folsom. Job descriptions for various positions in the Borough of Folsom shall be kept on file in the Borough Clerk's office.

41-5 Personnel policy.

The personnel manual of the Borough of Folsom as adopted on **June 10, 1997**, and any amendments or modifications thereto to the date of this chapter taking effect pursuant to law, are hereby specifically incorporated herein by this reference. Copies of the personnel manual specifically incorporated into this chapter by this reference shall be available at the office of the Borough Clerk. To the extent that anything contained in this chapter is contrary or in conflict with said personnel manual, the personnel manual shall take precedence.

Section II: The following sections of the Code of the Borough of Folsom shall be deleted:

41-12 Powers and duties Section 41-12 B (4)

41-13 Compensation

Section III: The following sections of the Code of the Borough of Folsom shall be amended as follows:

41-14. Purpose

The purpose of this article is to establish the position of Clerk in accordance with the authority granted to the Borough by N.J.S.A 40A:9-133.

41-15. Creation of position: duties

A. The position of Clerk is hereby established

- B. The Clerk, in addition to all of the duties of the Clerk of the Borough of Folsom, shall perform such additional administrative duties as may be assigned by the Borough of Folsom from time to time and as enumerated in the job descriptions.
- C. Deleted – reserved for future use.

Section III: Sections 41-16 through 41-25 of the Code of the Borough of Folsom shall be deleted and reserved for future use

Section IV: Section 41-28 of the Code of the Borough of Folsom shall be amended as follows:

The duties of the Municipal Administrative Assistant shall be set forth in the Borough of Folsom Job Descriptions.

41-32 Terminating employment for other than disciplinary reasons.

Nothing in this chapter nor in any section of this chapter whatsoever shall prohibit the Borough Council from terminating, laying off or dissolving any employee's position, duties, post, job or employment because of budget cuts, setbacks, economic conditions, changes in employment requirements or priorities for or of the Township, tax or appropriation reasons or conditions, lack or nonexistence of work or project requirements or any other similar non-disciplinary reason. The Borough of Folsom has always had this right to terminate an employee's employment because of the aforementioned reasons or other similar reasons and therefore retains said right under this chapter.

Section V: The job descriptions attached to this Ordinance as Exhibit “A” are specifically incorporated into this Ordinance and shall be adopted pursuant to this Ordinance and shall be kept on file in the Borough Clerk’s Office.

Section VI: Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section VII: Severability. If any Section or part of this Ordinance is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from the Ordinance as a whole and the remaining sections or parts of this Ordinance shall remain in full force and effect.

Section VIII. Effective Date. This Ordinance shall take effect according to law after final passage and publication.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council in the Borough of Folsom, County of Atlantic and State of New Jersey, held on December 11, 2018. Said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on December 27, 2018 at 6:00 P.M.

A motion to approve Ordinance 08-2018 was made by Councilman Smith and seconded by Councilman Schenker.

No public comment

There was a roll call vote with ayes all.

(Introduction/First Reading)

ORDINANCE 09-2018

**AN ORDINANCE OF THE BOROUGH OF FOLSOM RELEASING,
EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN
A PORTION OF CERTAIN STREETS IN THE BOROUGH OF FOLSOM,
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

WHEREAS, the Borough Council of the Borough of Folsom, County of Atlantic, New Jersey (“Borough”) is of the opinion that the public interest would best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to portions of Fourth Street and Ninth Street, which are no longer needed for public street or right-of-way purposes; and

WHEREAS, it has been determined by the Borough Engineer, as well as the Borough Council, that the proposed street vacations are consistent with the approval granted by the Borough of Folsom Planning Board (Resolution No. 10-2011/NJ Pinelands Application #2001-0294.003) granting major subdivision approval to Theodore and Anna Marie Whitmyer (the “Subdivision”).

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Folsom, County of Atlantic, and State of New Jersey, as follows:

SECTION I. Those parts of the streets and tracts of land situate in the Borough of Folsom, County of Atlantic, and State of New Jersey, and known as portions of Fourth Street and Ninth Street, all as more particularly described and depicted on the Tax Assessment Maps of the Borough of Folsom, Atlantic County, New Jersey, and as more particularly described on the legal descriptions attached as Exhibits A, B, C, D and E, respectively, as well as the Map attached to each respective legal description, are hereby vacated, released, extinguished and abandoned and all public rights therein be extinguished for street and right-of-way purposes, subject, however, to the reservations hereinafter set forth including, but not limited to, the conditions of approval established by the Planning Board and the NJ Pinelands Commission, which include Title to all of the Lands, hereby vacated becoming vested in Theodore and Anna Marie Whitmyer as reflected on the Subdivision.

SECTION II. The Borough of Folsom, for itself, its successors, and assigns, reserves unto itself the right to construct, install, build, operate, maintain, use, repair, replace, and relocate such public utilities and cable television facilities, within the described premises, which it may, at any time thereafter, deem necessary for the public health, safety, convenience, and welfare, and the Borough of Folsom further reserves unto itself the right to use, maintain, repair, replace, and relocate all existing utilities and cable television facilities owned or controlled by it located in, adjacent to, upon or through said land, and further reserves unto itself or for the benefit of any utilities, as the case may be, an easement over, under, through, and across the portion of the land described in the attached Exhibits as may be necessary or expedient for the purpose of

maintaining, replacing, relocating, installing, leveling, constructing, and repairing its facilities, mains, and appurtenances, if any, wherever there exists a pipeline and appurtenances thereto beneath the surface of the aforesaid described land, whether the same be owned by the Borough of Folsom or any utilities servicing the Borough. The Borough of Folsom further reserves for the benefit of South Jersey Gas and/or Public Service Electric and Gas Company and any cable television company the right to maintain, repair, and place utilities or facilities installed by them in, adjacent to, over or through the aforesaid land. All of the aforesaid rights shall be unaffected by this Ordinance.

SECTION III. The Borough Clerk is hereby authorized and directed to record a certified copy of this Vacation Ordinance and Exhibits directly with the Office of the Atlantic County Clerk.

SECTION IV. The Mayor and Borough Clerk are hereby authorized and directed to execute any and all documents to perfect the Street Vacations recited herein in order to perfect the approval granted by the Planning Board, which documents shall be in the form approved by the Borough Solicitor and shall be recorded in the Office of the Atlantic County Clerk.

SECTION V. All ordinances or parts of this Ordinance inconsistent herewith are hereby repealed as to such inconsistency only.

SECTION VI. This Ordinance shall take effect immediately after final passage and publication in accordance with New Jersey Law.

THE FOREGOING was introduced by the Borough Council of the Borough of Folsom at a Regular Meeting held on December 11, 2018. This Ordinance will be considered for adoption at final reading and publication to be held on December 27, 2018, at 6:00 p.m., or at such time as may be determined and announced, in the Folsom Municipal Building, 1700 12th Street, Folsom, New Jersey, 08037, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Office of the Borough Clerk to the members of the general public who may request same.

A motion to approve Ordinance 09-2018 was made by Councilman Hoffman and seconded by Councilman Schenker.

There was a roll call vote with ayes all.

RESOLUTIONS:

RESOLUTION 2018-96

BOROUGH OF FOLSOM

A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES

WHEREAS, certain Grant Receivable Balances remain on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>
2018 Recycling Tonnage Grant	\$366.30	\$366.30

A motion to approve Resolution #2018-96 made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

RESOLUTION 2018-97

RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A PORTION OF A MEETING OF THE BOROUGH COUNCIL PURSUANT TO N.J.S.A. 10:4-12

WHEREAS, meetings of the Mayor and Borough Council are subject to the provisions of a Statute entitled the "Open Public Meetings Act" codified within N.J.S.A. 10:4-12, et. seq.;

WHEREAS, the said Act provides for public participation within all meetings, except those meetings or business which involve certain enumerated activities of a public body as further set forth in the said Statute; and

WHEREAS, the Borough Council desires to discuss and act upon matters subject to the exclusions of said Act under the provisions of N.J.S.A. 10-4-12, et seq.; and

WHEREAS, the Act hereinabove recited provides that a public body may exclude public participation within any meeting wherein such matters may be discussed or acted upon provided that a Resolution be adopted at a meeting to which the public is admitted;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom, as follows:

A. The public shall and will be excluded from that portion of a meeting conducted by the Borough Council on Tuesday, December 11, 2018, pertaining to matters contemplated in N.J.S.A. 10:4-12 et seq., and to specifically include a matter under N.J.S.A.10:4-12(b)(8).

B. Directing the Clerk to separately record the minutes of that portion of the aforesaid meeting dealing with such matters and retain same within a confidential file until such time that those matters have been fully acted upon by the Township Committee.

A motion to approve Resolution #2018-97 made by Councilman Hoffman and seconded by Councilman Arena

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: no report

FIRE CHIEF REPORT: Councilman Smith read report:

The following incidents occurred in your community during the month of November 2018

November 3 rd	Alarm System	E. Black Horse Pike	16 Members Responding
November 6 th	Vehicle Crash	Rt. 54 and Rt. 561	14 Members Responding
November 14 th	Kitchen Fire	Seneca Lane	19 Members Responding
November 16 th	Alarm System	Fernwood Terr.	12 Members Responding

November was another busy month, members participated in various hands on training programs. Tomorrow at 10am our new Fire truck is scheduled to be delivered everyone is welcome to stop by and check it out. Santa will be coming to town on the 22nd and 23rd anyone that would like Santa to make a special delivery please have your packages to the firehouse by 5pm on your respective nights. December 22 we will be doing North of the pike and Penny Pot, the 23 we will be doing everywhere else south of the pike. Just a reminder Tuesdays the members are in station starting around 7pm. Everyone should feel free to stop in or bring their children by to check out the equipment and meet some of the firefighters. We also have smoke detectors available for anyone needing them, for those that have them double check your batteries. Remember you can follow us on Twitter and Facebook especially as inclement weather approaches updates are provided when necessary. Finally the department would like to wish everyone a joyous Holiday Season.

ENGINEER'S REPORT:

ACTION ITEMS

No Action Items for December.

INFORMATIONAL ITEMS

CURRENT PROJECTS

NJDOT FY2018 MUNICIPAL AID PROJECT

The NJDOT has awarded the Borough **\$282,000** for the 2018 Road Program. The scope consists of the following roads:

- Resurfacing of 14th Street from Mays Landing Road to the Hammonton Municipal Boundary;
- Resurfacing of 15th Street from Mays Landing Road to Backline Road;
- Resurfacing of Backline Road from 15th Street to Memory Lane.

We have received a review letter from the NJDOT. The comments are minor in nature and have been addressed.

However, the project continues to be reviewed by the NJDOT Structural and Railroad Engineering Services department. We have not received any comments from them at this time. As such, we do not have authorization to bid the project.

FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

The Borough wishes to proceed with the application as submitted in 2017. This project includes the installation of Senior and ADA compliant exercise equipment at Penny Pot Park. Based on the amount of funding available from the CDBG program, we are adding an additional one to two pieces of exercise equipment to the proposal. We are currently finalizing on the construction documents and will be working with the Atlantic County Improvement Authority to ensure compliance with their program and authorization to bid the project. On November 5, 2018, our office met with Councilman Arena, John LaPollo, and Ron Esposito to discuss the inclusion of the recently acquired exercise equipment into the project. We made revisions to the plans and specs accordingly. There was a good question posed at the last council meeting regarding the impacts of a concrete pad to the Borough's liability insurance. A response was received from the Risk Control Consultant. We will review his comments and revised the specifications accordingly. We anticipate submitting the final package to the ACIA within the next week. We note that we still need obtain final approval from Atlantic County in order to bid the project.

NJDOT FY 2019 Municipal Aid Program

Applications were due on October 8, 2018 for the NJDOT FY2019 Municipal Aid Program. Our office has prepared and submitted an application for the resurfacing of the remainder of Backline Road, from Memory Lane to 13th Street. The application requested \$488,856.37. We anticipate a response from the NJDOT in early spring of 2019.

NJDOT FY 2019 TRANSPORTATION ALTERNATIVES GRANT PROGRAM

Our office completed and submitted an application for the NJDOT FY2019 Grant Program, to construct improvements to the 13th Street Park and Community Garden, and a bike path along 13th Street to the Borough owned property to the south. The application requested \$455,592.50. A copy of the application has been sent to the Clerk via email. We anticipate receiving a response in the next few months.

RESURFACING OF NJDOT ROUTE 54 PROJECT

The NJDOT is planning on resurfacing Route 54, from Route 40 in Buena Borough to Route 30 in Hammonton. I attended a local officials meeting on November 14, where the project was reviewed with representatives from the four affected municipalities. The majority of Route 54 within the Borough's boundary is excluded from this project. A separate memorandum has been prepared and appended to this report for your review. I addressed the Borough's concerns with Route 54. A second meeting is currently being scheduled at the Borough Hall.

LEGACY PROJECTS

NJDOT MUNICIPAL AID PROGRAM: 14TH STREET

Arawak repaired the roadway surface problems on May 22, 2018. They also repaired select areas along the shoulder where the asphalt was breaking away. Our office inspected the work and will continue to monitor it to confirm that the repairs were successful.

8TH STREET BRIDGE REPAIR

ARH has received the contract to perform the design of a replacement bridge. The project is underway and it is expected to be constructed in the summer of 2019.

MAYOR'S REPORT: Mayor DeStefano thanked Kyle for all the work he has done in the past six years. Mayor DeStefano informed the residents that the new Master Plan has been approved. Mayor thanked everyone on the Committee, the staff and the DCA. Mayor asked that all residents to recycle. Mayor also thanked the Public Works Dept. for decorating the tree and Patti & Susan for their work during the tree lighting ceremony. Mayor DeStefano wished everyone a Merry Christmas and Happy New Year!

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: Kyle thanked everyone for all their support over the past six years. Kyle stated he will continue to contribute to the Borough and also as President of the CLCA continue to work on repairing the dams.

Councilman Ken Jantz: Ken reminded residents to report any street lights that are out. Councilman Jantz also thanked Councilman Smith. Ken wished everyone a Merry Christmas and a Happy New Year!

Councilman Pagano: absent

Councilman Arena: Charlie thanked Councilman Smith for giving his time to the Borough.

Councilman Hoffman: encouraged all residents to recycle. Jim stated that if you continue to put recycles in the trash it could be costly to the Borough. Councilman Hoffman wished everyone a Merry Christmas and a Happy New Year! Jim also thanked Councilman Smith for his years of service.

Councilman Schenker: Greg encouraged everyone to go to the ACUA website for all the new recycling changes. Greg thanked Councilman Smith for his years of service. Greg wished everyone a Merry Christmas and Happy Safe New Year!

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: NONE

PAYMENT OF BILLS IN THE AMOUNT OF: \$208,816.31

A motion to approve payment was made by Councilman Hoffman and seconded by Councilman Schenker.

There was a roll call vote with ayes all.

Mayor DeStefano reminded residents that we are having a Special Meeting on December 27, 2018 at 6:00PM at Borough Hall to approve two ordinances.

ENTERED IN EXECUTIVE SESSION AT 8:02PM

RETURNED FROM EXECUTIVE SESSION AT 8:30PM

Mayor DeStefano reminded the public that all other monthly reports are on file in the minute book and to please visit the Borough website with updated information along with the Folsom Borough Facebook Page.

The next regular meeting of Mayor and Council will be held on Tuesday, December 11, 2018 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12th Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 8:34PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

