

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
April 9, 2019**

MEETING CALLED TO ORDER: 6:44PM

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: Conway, Jantz, Arena, Hoffman and Schenker

Also present: Mayor Lou DeStefano, Attorney John Carr and Engineer (Jen Heller)

Absent: Councilman Pagano

APPROVAL OF WORKSHOP MEETING MINUTES FROM March 12, 2019

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

There was a roll call vote with ayes all.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM March 12, 2019

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

There was a roll call vote with ayes all.

APPROVAL OF THE EXECUTIVE SESSION MEETING MINUTES FROM March 12, 2019

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.

MEETING OPEN TO PUBLIC:

Bob Sutts (**15 E. Park Avenue**) had a complaint about the property owner of 16 Park Avenue placing a dumpster on Borough property and asked if they got a permit to put a fence up.

A discussion on permits for dumpsters ensued.

Alex Bauer discussed the International Property Maintenance Code.

Mayor DeStefano read the Arbor Day Proclamation. Councilman Conway discussed the Arbor Day events that the Environmental Commission is planning for April 26, 2019.

CLERK’S CORRESPONDENCE:

The Tax Sale is scheduled for April 10, 2019- 6:00PM at Borough Hall

The Easter Egg Hunt for Folsom School will be held on April 17, 2019 at 11:00am for students K-2nd grade.

Borough Hall offices will be closed on Friday, April 19, 2019 in observance of Good Friday.

Next E-Waste Day is scheduled for May 11, 2019 from 8:00AM until 1:00PM at the Borough Public Works Garage on Backline Rd.

Reminder: The Clerk’s office is opened until 7:00PM on Monday evenings.

ORDINANCES: (Second Reading/Adoption)

BOROUGH OF FOLSOM

ATLANTIC COUNTY, NEW JERSEY

ORDINANCE 2019 - 05

AN ORDINANCE DECLARING CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE BOROUGH OF FOLSOM SITUATE IN THE COUNTY OF ATLANTIC NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE PUBLIC SALE OF SAME PURSUANT TO N.J.S.A. 40A: 12-13 ET SEQ.

BE IT ORDAINED by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the attached parcels of real property set forth in the annexed Exhibit A (attached hereto and hereby incorporated herein by reference) are no longer needed for public use and that the same shall be placed for sale to the highest bidder;

BE IT FURTHER ORDAINED that such sale shall be subject to reasonable conditions set forth by the Borough Council, sale to be subject to confirmation at the next succeeding Borough of Folsom Council Meeting following the sale, sales shall be “as is and where is” and bidders shall be instructed and strongly recommended to by way of illustration and not limitation, “undertake due diligence with regard to the subject properties including confirmation of the suitability of the subject properties for a Buyer’s particular use, zoning, survey and title issues”. The Borough of Folsom Council shall reserve the right to reject all bids if the highest bid is not accepted;

BE IT FURTHER ORDAINED that no representation is made by the Borough as to the potential use of any property or as to the condition of any property to include any and all environmental constraints and/or title. A successful bidder shall be required to deposit 10% of the purchase price in either cash or certified funds on the date of sale and the balance of the purchase shall be paid in cash or certified funds within 30 days of the Borough Council’s acceptance of the bid.

Section One. Repealer. All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by Law.

Block 3101 Lot 4 Block 2717 Lot 491 Block 2717 Lot 491.01

No Public Comment

A motion to approve Ordinance#05-2019 was made by Councilman Hoffman and seconded by Councilman Conway

There was a roll call vote with ayes all.

RESOLUTIONS:

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

**BOROUGH OF FOLSOM
RESOLUTION# 2019-46**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough of Folsom, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and

hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *April, 9, 2019.*

A motion to approve Resolution #2019-46 made by Councilman Hoffman and seconded by Councilman Jantz

There was a roll call vote with ayes all.

**RESOLUTION 2019-47
BOROUGH OF FOLSOM**

A RESOLUTION TO ADOPT AND READ THE BUDGET BY TITLE ONLY

WHEREAS, the local municipal budget for the year 2019 was approved on the 9th day of April, 2019; and

WHEREAS, the it is the desire of the Borough of Folsom governing body to read the budget by title only, and

WHEREAS, the public hearing on said budget has been set for May 14, 2019 and will be advertised as such; and

NOW, THEREFORE BE IT RESOLVED, this Resolution was approved by the Council of the Borough of Folsom, County of Atlantic, at 1700 12th St., Folsom, NJ on the 9th day of April, 2019 at 6:00pm.

A motion to approve Resolution #2019-47 made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**RESOLUTION 2019-48
BOROUGH OF FOLSOM**

A RESOLUTION TO APPOINT ENVIRONMENTAL COMMISSION APPOINTMENTS FOR 2019

**ENVIRONMENTAL COMMISSION
CHAIRMAN**

3 YEAR – Greg Conway	12/31/20
3 YEAR – Mike Porretta, Sr.	12/31/20
3 YEAR – ALEXANDER BAUER	12/31/20
3 YEAR – Kathy Conway	12/31/21
3 YEAR – Stephanie Pagano	12/31/21

**ADVISORY PANEL
CLASS I
CLASS II**

1 YEAR – GREG CONWAY	12/31/19
1 YEAR – BEN PAGANO	12/31/19

A motion to approve Resolution #2019-48 made by Councilman Hoffman and seconded by Councilman Conway

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2019-49**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO
PARTICIPATE IN THE ATLANTIC COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

WHEREAS, the Mayor and Borough Council of the Borough of Folsom have opted to participate in the Atlantic County Community Development Grant (CDBG) Program; and

WHEREAS, as a participant, the Borough of Folsom expects to be allocated \$15,000.00 for Fiscal Year 2019; and

WHEREAS, in order to be allocated CDBG funds, the Borough of Folsom must enter into an interlocal service agreement with the Atlantic County Improvement Authority, which is the Administrator of the Atlantic County CDBG Entitlement Program.

NOW, THEREFORE, BE IT RESOLVED, that the Agreement by and between the Atlantic County Improvement Authority and the Mayor and Borough Council of the Borough of Folsom, which is attached hereto, is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign said agreement.

A motion to approve Resolution #2019-49 made by Councilman Schenker and seconded by Councilman Jantz

There was a roll call vote with ayes all.

**RESOLUTION NO. 2019-50
BOROUGH OF FOLSOM**

**RESOLUTION PURSUANT TO N.J.S.A. 40A:12-13 AUTHORIZING TERMS RELATED TO THE
ADVERTISEMENT AND SALE OF REAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE
SITUATE WITHIN THE BOROUGH OF FOLSOM**

WHEREAS, this is a Resolution of the Folsom Borough Council made for purposes of arranging for the advertising and sale of unneeded real property; and,

WHEREAS, New Jersey law makes provision for the sale of excess Borough owned real property after advertisement pursuant to the terms of N.J.S.A. 40A:12-13a.; and,

WHEREAS, the Folsom Borough Council has received interest in those properties described on the attached Exhibit A and the Committee does wish to undertake the steps necessary in order to advertise and sell the subject properties consonant with State law;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that advertisement of a public sale at auction to the highest bidder of the properties concerned herein shall be made, with the auction to take place thereafter, which advertisement shall take place in a newspaper circulating in the Borough where the lands are situated by two insertions at least once a week during two consecutive weeks, with the last publication to be not earlier than seven (7) days prior to the sale, which sale shall be scheduled for 6:00 p.m. on May 20, 2019 at the Borough of Folsom, 1700 12th St., Folsom, NJ 08037

AND BE IT FURTHER RESOLVED that the Folsom Borough Council shall fix a starting bid of the assessed value and does further resolve to reserve the right to reject all bids including the highest bid which reservation of rights shall be advertised within the land sale advertisement, and the following shall be reserved as to restrictions on use of the property;

AND BE IT FURTHER RESOLVED that such sale shall be advertised for purposes of promoting fair and competitive bidding in the Borough but that such land shall be conveyed "As Is, Where Is and With All Faults" and that there shall be a requirement to place a 10% cash or bank check deposit within five days of the acceptance of the highest bid, and that there shall be added to the winning bid price a fee of \$250.00 to pay for the preparation of and the recording of the Deed by the Borough's attorney, and further, purchaser shall sign a Contract to purchase property in a form as attached hereto as Exhibit B which Agreement shall be immediately binding upon signing and acceptance of the offer of the Folsom Borough Council.

A motion to approve Resolution #2019-50 made by Councilman Hoffman and seconded by Councilman Schenker

There was a roll call vote with ayes all.

RESOLUTION 2019-51

**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, April 9, 2019, 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)(7)(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 Borough Council.

A motion to approve Resolution #2019-51 made by Councilman Hoffman and seconded by Councilman Schenker

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: John Carr distributed his report to Mayor and Council. Mr. Carr reported that our Engineer went out and inspected the dead tree located at 27 E. Park Avenue. It was determined that the tree is on Borough property and the dead limb should be removed. John discussed solar projects in other towns.

FIRE CHIEF REPORT: Councilman Jantz read the fire report.

The following incident occurred in your community during the month of February 2019

February 21 st Responding	Vehicle Crash	Rt322 & 14 th St	16 Members
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February was another busy month members continue to mount new equipment on the new engine as it comes in. Anyone needing smoke detectors should contact the fire department or contact your town hall which can forward the information. Again, we in the station every Tuesday night and we encourage folks to stop by and check us out. We also post information on our Facebook page, Twitter and our website clfd123.org.

ENGINEER'S REPORT:

Action Items:

NJDOT FY2019 Municipal Aid Project:

The Borough was awarded funding in the amount of \$310,000 through the NJDOT FY2019 Municipal Aid Program. The funding will be used for the 2019 Road Program - Resurfacing of Backline Road. A proposal for the design and construction management services provided by our firm to complete the project has been sent to the Borough for consideration. As indicated in the proposal, we would be ready to begin the work immediately following authorization in an effort to avoid construction delays due to the cold weather in the winter.

2019 CDBG Funding

The applications for 2019 funding are due on April 10, 2019. A resolution authorizing the Borough to participate in the funding program is required for the submission and this resolution is on the April 9, 2019 meeting agenda. We are seeking a recommendation from Council tonight for a project for the 2019 funding application.

11th Street Flooding - South Jersey Industries/Joseph Shelli Properties, LLC

On Monday, April 8th, our office met with representatives from the State's Office of Natural Resource Restoration at the subject property. We will be working with the department, as well as the Cape Atlantic Conservation District and the Natural Resource Conservation Service (NRCS), to address the flooding issues and to develop a solution.

Dead Tree - 27 E. Park Avenue:

Our office looked at the tree with John LaPollo last week and it appears that the tree is located on

Borough property. The top of the tree is dead and it is recommended that the tree be monitored for further deterioration. We defer to the Borough Solicitor with regards to the Borough's responsibility in this case.

FY 2018 Community Development Block Grant (CDBG) Program:

ARH Associates has advertised the project for the improvements proposed at Penny Pot Park. The scope of work consists of installing two new pieces of accessible outdoor exercise equipment and constructing a poured-in-place rubber surface at the park. The bids will be received on Thursday, May 2, 2019 and if favorable bids are received, it shall be awarded at the following Council meeting on May 14, 2019.

Current Projects:

Stormwater Compliance:

We are currently doing the work necessary to bring the Borough into compliance with the Municipal Stormwater Permit.

8th Street County Bridge Replacement

ARH has submitted preliminary plans to Atlantic County for the replacement bridge and construction is expected in Fall 2019.

NJDOT FY2018 Municipal Aid Project:

The Borough received bids for the NJDOT FY2018 Municipal Aid Project on March 5, 2019. ARH Associates has reviewed the bids submitted for the base bid (funded by NJDOT) and the alternate bid (funded by the Borough). ARH recommends awarding the project to Arawak Paving Company for a total contract amount of \$293,700.00, approximately 11% less than the Engineer's Estimate. Mr. Herrmann will work on obtaining a "Disabled Veteran" parking sign as requested by Council.

MAYOR'S REPORT: Mayor DeStefano wished everyone a Happy Easter. Mayor DeSefano informed the residents of Backline Line Road that the Borough was approved for \$310,000.00 for road work.

COUNCIL MEMBER'S REPORTS:

Councilman Greg Conway: Greg reminded residents to recycle according to the flyer sent by the ACUA. Greg informed residents of an app called Recycle Coach from the DEP that can help resident with what and what not to recycle. Greg read the Public Works Dept. report. Greg also informed Council that Dr. Mazzoni will be here at Borough Hall on April 26, 2019 at 10:00 AM to present the winners of the various Arbor Day contests. Greg said that all parents are invited.

Councilman Ken Jantz: Ken reported on the Parks & Rec Commission meeting. Ken reported that some repairs and maintenance are being done in some of the Parks. Ken informed Council that the shed has been built at the Community Garden. Ken asked Council if they are interested in passing an Ordinance to stop helium balloons in our Parks or just install some signs.

Councilman Pagano: absent

Councilman Arena: Charlie reported that the Green Team met last night and that the Community Garden has four (4) plots left. Charlie informed residents that if anyone is interested in a plot to contact Patti at Borough Hall. Charlie also reported that on Mother's Day the Community Garden will be hosting a Paint-A-Pot for \$3.00 per pot.

Councilman Hoffman: Jim reported that they are waiting for one (1) more quote for bathroom repairs before they can move forward with the project.

Councilman Schenker: Greg reported that he has been working on the land sale with the DEP and the Green Acre Program. Greg stated that he received a phone call from a resident inquiring about a community yard sale. Greg will ask the resident if he would be interested in chairing a Yard Sale Committee. Greg wished everyone a Happy Easter and asked for a moment of silence for longtime resident Janet Giraldo.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: NONE

PAYMENT OF BILLS IN THE AMOUNT OF: \$231,630.60

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 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, May 14, 2019 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.

Council entered into executive session at 7:49PM

Council returned from executive session at 8:15PM

With no other discussion the meeting was adjourned at 8:16PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

