

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
May 14, 2014**

MEETING CALLED TO ORDER: 7:31PM

SALUTE TO THE FLAG LED BY Mayor Tom Ballistreri

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the open public meeting act, pursuant to Public Law 1975, Chapter 231. Said 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, Gazzara, DeStefano, Kemmerer, Veneziani, and Gummoe

Also present: Solicitor Keith Bonchi, Engineer Gary Auer

APPROVAL OF THE WORKSHOP MINUTES FROM April 9, 2014

A motion to approve the minutes was made by Councilwoman Veneziani and seconded by Councilman Smith.

There was a roll call vote with ayes all.

APPROVAL OF THE MINUTES FROM April 9, 2014

A motion to approve the minutes was made by Councilman Gazzara and seconded by Councilman Kemmerer.

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC:

Donna Sutts (15 E. Park Avenue) asked Mayor and Council if there was something the Borough can do about the deteriorated house at 16 E. Park Avenue. Ms. Sutts stated that the pipes and siding have been stolen from the house, trash is blowing onto her property and kids are playing behind the house. Mayor Ballistreri stated that he did visit this house and it is in terrible condition. Ms. Sutts stated that the Borough does have an ordinance that would allow the Borough to bring the bank owned property to court. Mayor Ballistreri asked Solicitor Keith Bonchi to take a look at the ordinance and see what can be done.

Frank Festa (3 Oak Lane) questioned Mayor and Council if there was anything that the Borough can do about the fee increase with the Collings Lakes Civic Association. Mr. Festa also gave a little history of the Collings Lake Civic Association. Councilman Smith suggested that Mr. Festa get it touch with Eric Kertz of the Civic Association with any questions he may have.

MEETING CLOSED TO PUBLIC

CLERK'S CORRESPONDENCE: Ms. Gatto informed residents that the Borough will be having its first annual shredding day on June 28, 2014 from 9:00AM until 12:00PM at the Borough Hall Parking Lot. This is for individuals only-no businesses.

ORDINANCE (Introduction/First Reading)

**BOROUGH OF FOLSOM
ORDINANCE NO. 3-2014**

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF UNIMPROVED LAND DESIGNATED BLOCK 3406, LOT 7; ON THE TAX MAP OF THE BOROUGH OF FOLSOM, BY THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND COUNCIL, of the Borough of Folsom, County of Atlantic, State of New Jersey as follows:

SECTION I. The Borough has been notified by the current owner of Block 3406, Lot 7 that they would like to donate said property of unimproved ground to the Borough of Folsom.

SECTION II. The local lands and buildings law, NJSA 40A:12-1, et seq., authorizes the Borough to accept such properties by ordinance.

SECTION III. The Mayor and Council has determined that it is in the public interest to accept the property and direct the Solicitor to prepare a deed conveying the property from the Estate of Joseph Ingemi, 3310 South Pinewood Drive, to the Borough of Folsom

SECTION IV. All ordinances or parts of ordinances or any resolution of the Mayor and Council of the Borough of Folsom inconsistent herewith is repealed to the extent of such inconsistency.

SECTION V. This Ordinance shall take effect immediately after final adoption and publication according to law.

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 May 14, 2014 and 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 June 11, 2014 at 7:00 P.M.

NO PUBLIC COMMENT

A motion to approve was made by Councilwoman Veneziani and seconded by Councilman Kemmerer

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2014-45
BOROUGH OF FOLSOM**

A RESOLUTION ACCEPTING THE 2013 MUNICIPAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2013 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, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, 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 “Comments and 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 “Comments and 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 with:

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) 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 Folsom, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

A motion to approve Resolutions 2014-45 was made by Councilman Gummo and seconded by Councilman DeStefano

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION #2014-46**

**A RESOLUTION DESIGNATING A PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.) FOR THE
BOROUGH OF FOLSOM YEAR 2014**

WHEREAS, public agencies that award contracts to vendors and construction contractors are required to comply with the laws and regulations of New Jersey, under N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1.1 et seq., in order to ensure equal employment opportunity in public contracting; and

WHEREAS, N.J.A.C. 17:27-3.2 mandates that the governing body of a municipal corporation shall, by resolution, annually, designate a Public Agency Compliance Officer;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Folsom do hereby approve, confirm and ratify this appointment to Patricia M. Gatto to expire December 31, 2014 as follows;

A motion to approve Resolutions 2014-46 was made by Councilman Gummoe and seconded by Councilman DeStefano

There was a roll call vote with ayes all.

RESOLUTION #2014-47

**BOROUGH OF FOLSOM
STATE OF NEW JERSEY
COUNTY OF ATLANTIC**

**RESOLUTION AUTHORIZING AND ADOPTING AMENDMENTS TO THE PERSONNEL POLICIES
AND PROCEDURES MANUAL AND THE EMPLOYEE HANDBOOK**

WHEREAS, it is the policy of The Borough of Folsom to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

WHEREAS, the Borough has previously approved and adopted a Personnel Policies and Procedures Manual and an Employee Handbook.

WHEREAS, the adopted a Personnel Policies and Procedures Manual and an Employee Handbook which did not include a provision entitled "Family and Medical Leave Act Policy" and it is the intention to have such Act included in both the Personnel Policies and Procedures Manual and Employee Handbook.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Folsom, in the County of Atlantic and State of New Jersey that the following amendments to the Borough Personnel Policies and Procedures Manual are hereby adopted:

1. Family and Medical Leave Act Policy

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act (“FLA”). In order to be eligible for such leave, employees must have: one (1) year of service with the Borough; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Borough reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Personnel Committee.

Commencing July 1, 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$525 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a new born or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Borough with 15 days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is

otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- Statement or description of appropriate facts regarding the qualifying exigency for which leave is need;
- Approximate date on which the qualifying exigency commenced or will commence;
- Beginning and end dates for leave to be taken for a single continuous periods of time;
- An estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- If the qualifying exigency requires meeting with a third-party, the contact information for the third-party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest & Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

BE IT FURTHER RESOLVED that the same revisions are to be made and incorporated in the Employee Handbook.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all the Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the Manual and Handbook are intended to provide guidelines covering public service by Borough Employees and is not a contract.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Personnel Committee and all managerial/supervisory personnel are responsible for these employment practices. The Borough Clerk shall assist the Personnel Committee in the implementation of the policies and procedures in this manual.

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

A motion to approve Resolutions 2014-47 was made by Councilman Gummoe and seconded by Councilman DeStefano

There was a roll call vote with ayes all.

**RESOLUTION 2014-48
BOROUGH OF FOLSOM**

**RESOLUTION AUTHORIZING A CHANGE ORDER TO THE RESURFACING OF 14TH STREET
PROJECT, FY 2013 STATE AID-CONTRACT NO.16**

WHEREAS, the Borough of Folsom in accordance with the Local Public Contracts Law, N.J.S.A. 40a:1-1 et seq, previously awarded and entered into a contract for the FY 2013 State Aid - Resurfacing of 14th Street-Contract No. 16, a State Aid Project from the New Jersey Department of Transportation with Arawak Paving Company for the resurfacing of a portion of 14th Street in the Borough of Folsom; and

WHEREAS, it has subsequently been determined by the Borough that it will be in the best interests of the Borough and the 14th Street resurfacing project that the scope of the 14th Street resurfacing project be expanded to include an additional 361 LF portion of 14th Street and that such change order is allowed under N.J.A.C. 5:30-11.3; and

WHEREAS, the inclusion in the 14th Street resurfacing project of the additional 361 LF portion of 14th Street is a result of the Contract bids being lower than anticipated and allows the Borough to take full advantage of the available state funding; and

WHEREAS, the inclusion of the additional portion of 14th Street in the project does not substantially change the quality or character of the work to be provided by the Contractor; and

WHEREAS, the net increase in the Contract is \$14,949.44 and the execution of a change order will not cause the originally awarded contract price to be exceeded by more than twenty percent (20%); and

WHEREAS, the inclusion in the 14th Street resurfacing project of the additional portion of 14th Street will allow the additional portion to be addressed in conjunction with the overall 14th Street resurfacing project and will allow the Borough to take full advantage of the available state funding.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, in the

County of Atlantic and State of New Jersey that:

A change order is approved for the 14th Street resurfacing project to include an additional portion of 14th Street at a net increase of \$14,949.44 and for a resulting total Contract amount of \$113,849.04; and

The Mayor and Borough Clerk are hereby authorized to enter into an execute on behalf of the Borough and amendatory contract covering the approved changed order, such amendatory contract to be in a form satisfactory to the Borough Attorney.

A motion to approve Resolutions 2014-48 was made by Councilman Gummo and seconded by Councilman DeStefano

There was a roll call vote with ayes all.

**RESOLUTION 2014-49
BOROUGH OF FOLSOM**

**A RESOLUTION APPOINTING A PERMANENT FULL TIME LABORER FOR THE PUBLIC WORKS
DEPARTMENT**

WHEREAS, there is a need for the appointment of a permanent full time laborer; and

WHEREAS, the personnel committee approved the appointment of Shawn Thompson from a temporary part-time employee to a permanent full-time employee.

WHEREAS, such appointment is effective May 14, 2014, pending successful completion of a CDL Class A license. Upon successful completion of the CDL Class A License the hourly rate will be increased to \$12.00 per hour with a probationary period of one (1) year. Upon completion of the probation period the hourly rate will be increased to \$14.00;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom that Shawn Thompson is hereby appointed the full time laborer for the Public Works Department.

A motion to approve Resolutions 2014-49 was made by Councilman Gummo and seconded by Councilman DeStefano

Vote: Smith (N) Gazzara (Y) DeStefano(Y) Kemmerer (Y) Veneziani (Y) Gummo (Y)

SOLICITOR’S REPORT: Keith Bonchi reported that they are working on the second list of In-Reim foreclosures. Mayor Ballistreri asked Mr. Bonchi to explain the process to the residents.

FIRE CHIEF’S REPORT: Councilman Smith read the report for Chief Donnelly. Collings Lakes Fire Department reported five (5) incidents occurred for the month of April.

The Fire Department reported that their Hoagie sale was a really big success. CPR refreshers class and boater safety classes continued for members needing it. The parking lot at the station was finally completed and a digital sign was purchased by the Ladies Auxiliary and should be up and running shortly.

ENGINEER'S REPORT: Engineer Gary Auer updated Mayor and Council on the Public Works Garage Bids that were received. For the electrical work a total of three (3) bids were received. The lowest responsive bid was submitted by Scalfo Electric, Inc. for a total of \$24,200.00. For the pole building there were a total of two (2) bids submitted. The lowest responsive bid was submitted by Pioneer Pole Buildings for a total of \$34,750.00. Gary also reported that the work on the 14th St. road project has been completed. Gary also stated that the work on the Laborers building is continuing.

Mayor Ballistreri asked for a roll call vote to accept the bids. All ayes.

MAYOR'S REPORT: Mayor Ballistreri stated that the Borough is exploring another land auction in the near future.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: stated that anyone having mosquito problems to contact Mosquito Squad. Councilman Smith also referred residents who have questions regarding the Collings Civic Association, should visit their website www.collingslakes.org. The meetings are held on the first Monday of the each month.

Councilman Butch Gazzara: No report

Councilman Lou DeStefano: No report

Councilman Gary Kemmerer: No report.

Mayor Ballistreri stated that he had to call Councilman Kemmerer in the middle of the night because a big tree came down on Backline Road. Resident Frank Pagano called the Mayor because he almost hit the tree that was down and now causing a driving hazard. Frank Pagano stayed there at the site until resources arrived.

Councilwoman Veneziani: gave an updated report on the Parks and Rec meeting that was held at the 13th Street Park. Councilwoman Veneziani, Ron Esposito, Ken Jantz and George Eckhardt were in attendance. They inspected the 13th Street Park and reported that a sugar maple tree near the basketball court needs to be replaced, the tennis court net and poles need to be fixed, the rest of the new sugar maples in the park need to be fertilized, there is rebar sticking out of the parking poles that needs to be cut, two (2) large red oak trees at the playground are dying and need to be cut down, and the last item is that the REC is looking for someone to train coaches in CPR. Some items that are tabled until next meeting are recycled cans and handicap picnic tables. Mimi stated that Councilman Skip DeStefano contacted the FAA to see if they could help with some of the financial expenses to maintain the fields and was told they cannot at this time. Next meeting will be held the second Tuesday of the month. Mimi also added that the scoreboard is not working and needs to be repaired at 13th Street.

Mayor Tom Ballistreri thanked Joe Gatto and Frank Torrissi for fixing the mound and batter's box at the field.

Councilman Gummoe: Reminded residents about the e- waste ordinance and to bring your trash cans in by 8:00PM on trash day.

PAYMENT OF BILLS IN THE AMOUNT OF \$559,964.75

A motion to approve payment was made by Councilman Gummoe and seconded by Councilman Smith

There was a roll call vote with ayes all.

Mayor Tom Ballistreri 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.

The next regular meeting of Mayor and Council will be held on Wednesday, June 11, 2014 starting with a half hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:39 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk