

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
July 11, 2023**

MEETING CALLED TO ORDER: 6:14PM

SALUTE TO THE FLAG LED BY MAYOR SCHENKER

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 Atlantic City Press and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.*

ROLL CALL: Councilpersons: Conway, Whittaker, Porretta, Hoffman, Norman and Blazer

Also present: Mayor Greg Schenker, Solicitor Angela Costigan, and CJ Kaenzig from Polistina & Assoc.

APPROVAL OF THE WORKSHOP MEETING MINUTES June 13, 2023

A motion to approve the minutes was made by Councilman Norman and seconded by Councilman Whittaker

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

APPROVAL OF THE COUNCIL MEETING MINUTES June 13, 2023

A motion to approve the minutes was made by Councilman Norman and seconded by Councilman Porretta

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

APPROVAL OF THE COUNCIL MEETING MINUTES June 26, 2023

A motion to approve the minutes was made by Councilman Blazer and seconded by Councilman Norman

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

MEETING OPEN TO THE PUBLIC:

Mike Gilmore (2104 Laurel Lane) came before Council to have them listen to a video of the noise he stated that he had to listen too for four (4) hours on Saturday in a residential neighborhood. Mike asked Council what is being done about this issue.

Margaret Holman (134 Seneca Lane) stated that she received a letter from the Zoning Officer claiming she was in violation of the grass ordinance. She would like Mayor and Council to think about updating the code to allow for pollinator gardens. She would like to be able to keep the wildflowers.

Mike Gilmore (2104 Laurel Lane) asked Solicitor Costigan would it be possible to get a letter stating that the Zoning Officer has a conflict and cannot enforce his complaint against his neighbor. Ms. Costigan stated at this time we cannot.

CLERK’S CORRESPONDENCE:

Annual Shred Day is schedule for September 16, 2023 – 10:00am -1:00pm

ORDINANCES: *(Second Reading/Final Adoption)*

**BOROUGH OF FOLSOM
ORDINANCE# 07- 2023**

**AN ORDINANCE AMENDING CHAPTER 151 OF THE GENERAL CODE OF
THE BOROUGH OF FOLSOM ADDING ARTICLE 12 REQUIRING
LEAD- BASED PAINT HAZARD INSPECTIONS FOR RENTAL
DWELLINGS**

WHEREAS, the Council of the Borough of Folsom wishes to establish regulations for lead based testing in accordance with N.J.S.A. 52:27D-437.16; and

WHEREAS, pursuant to N.J.S.A. 40: 48-2, a municipality may repeal or amend an ordinance as it deems necessary and proper for good government, order and protection of persons and property and for the presentation of the public health, safety and welfare of its inhabitants.

WHEREAS, lead based testing is necessary to maintain safety in housing.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Folsom that Chapter 151 of the General Code is amended as follows:

SECTION 1. CHAPTER §151- 12 shall state LEAD BASED PAINT TESTING

§151-12-A Definitions.

The following definitions shall apply to this article.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR

A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD

Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION

A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR

A person that is certified to perform a visual assessment.

§151-12B Lead-based paint inspection.

1.The property owner or landlord will directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq, as may be amended from time to time.

2.In accordance with N.J.S.A. 52:27D-437.16 (c), a dwelling unit in a single-family,

two family or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- a. Has been certified to be free of lead-based paint;
- b. Was constructed during or after 1978;
- c. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner; and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law. N.J.S. A. 55:13A-1 et seq.
- d. Is a single family or two family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- e. Has a valid lead-safe certification issued in accordance with this section.

3. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16 (d). Upon the remediation of the lead-based paint hazard, the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

4. If no lead-paint hazards are identified, the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

5. In accordance with N.J.S.A. 52:27D-437.16 (e), property owners shall:

- a. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Folsom at the time of the cyclical inspection.
- b. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor pursuant to this section and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- c. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by a lead evaluation contractor pursuant to this section.

f. The fees for a lead-based paint inspection shall be as follows:

- a. The fee for a visual assessment and dust wipe sampling is as follow if performed by the Borough's lead inspector:

Visual Inspection

- Half Day Inspection (3 Units)

- \$437.00/Unit

- Full Day Inspection (4 To 8 Units)

- 4 Units: \$470.00/Unit

- 5 Units: \$400.00/Unit

- 6 Units: \$354.00/Unit

- 7 Units: \$320.00/Unit

- 8 Units: \$295.00/Unit

There may be times when a municipality is designated by the DCA or other government agencies as high-risk community for lead-based paint hazards in rental dwelling units requiring an elevated test, termed "Dust Wipe Sampling". A Dust Wipe Sampling means a sample collected by wiping a representative surface and tested in accordance with a method approved by HUD. If the Dust Wipe Sampling Inspection is required the following fees apply:

Dust Wipe Sampling Inspection - (Assumes 8 Samples Plus 1 Blank)

- Half Day Inspection (3 Units)

- \$599.00/Unit

- Full Day Inspection (4 To 8 Units)

- 4 Units: \$632.00/Unit

- 5 Units: \$562.00/Unit

- 6 Units: \$516.00/Unit

- 7 Units: \$482.00/Unit

- 8 Units: \$457.00/Unit

- b. The fee for the filing of a lead-safe certification provided to the Borough or lead-free certification shall be \$25.00.

- c. In accordance with N.J.S.A. 52:27D-437.16 (h), an additional fee of \$20.00 per dwelling unit inspected by the Borough's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the lead Hazard Control Assistance Act unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.

§151-12C Violations and penalties.

In accordance with N.J.S.A. 52:27D-437.19 the penalties for a violation of §151-12 B shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. REPEAL OF PRIOR ORDINANCES. All ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY. To the extent that any part of parts of this Ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining portions or sections of this Ordinance shall remain in full force and effect. If any section, sentence or any part of this Ordinance is adjudged, unconstitutional or invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting dated:

PUBLIC COMMENT: NONE

A motion to approve Ordinance #07-2023 was made by Councilman Norman and seconded by Councilman Blazer

There was a roll call vote with ayes all.

RESOLUTIONS:

Consent Agenda: All matters listed under Consent Agenda, are considered to be routine by this Borough Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

BOROUGH OF FOLSOM
RESOLUTION #2023-72
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
RENEWING MEMBERSHIP IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the **BOROUGH OF FOLSOM** (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2024 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certification with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an “extraordinary, unspecifiable service” that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY’S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.

RESOLUTION 2023-73

BOROUGH OF FOLSOM

**A RESOLUTION RENEWING ALCOHOLIC BEVERAGE LICENSE WITHIN THE
BOROUGH OF FOLSOM**

WHEREAS, the following licensee has received a Special Ruling from the Director of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.39 concerning the relief for Namah Shivay Inc. for the license term 2023-2024 for an inactive license.

0110-33-004-007	Namah Shivay, Inc. 3125 Vine Rd. Vineland, NJ 08360	\$420.00
-----------------	---	----------

WHEREAS, the Borough of Folsom Council has no objection to the 2023-2024 of said license and is not aware of any circumstances or provisions of law or local Ordinance which would prohibit the issuance of said license.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Folsom, that the Borough Clerk be and is hereby authorized to issue and deliver said license, all of which shall become effective July 11, 2023

**BOROUGH OF FOLSOM
RESOLUTION 2023-74**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO AWARD THE
BID FOR THE CDBG BOROUGH HALL AUTOMATED DOOR OPERATORS
CONTRACT NO. 29**

WHEREAS, bids were accepted on July 6, 2023 at 10:00 AM at the Borough Hall in the Borough of Folsom; and

WHEREAS, all bids were opened and announced to those in attendance; and

WHEREAS, the apparent lowest responsible Bidder, as determined by the Borough Engineer, is **Automated Access Systems, Inc. of Medford, NJ; and**

WHEREAS, the amount of the Bid submitted by **Automated Access Systems, Inc.**, is **\$23,847.00;**

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, that Automated Access Systems, Inc. is hereby awarded the contract for the CDBG Borough Hall Automated Door Operators, Contract No. 29 for the amount of **\$23,847.00**

Award of this contract is subject to the certification of availability of funds

Approval of the Atlantic County Improvement Authority

- The duration of the contract is thirty days from the contractor's receipt of the written notice to proceed.

A motion to approve Resolutions #2023-72 thru #2023-74 was made by Councilman Porretta and seconded by Councilman Norman.

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: *No report*

FIRE CHIEF REPORT: *Councilman Norman read the fire report*

ENGINEER'S REPORT:

NJDOT FY 2023 - Resurfacing of Cherokee Rd, Erie Rd, Seneca Lane, Mohawk Dr, & Lenape Terrace

We have completed surveying the roads and have begun the base mapping and design process. We anticipate submitting the plans and specs to the Borough and NJDOT for approval in August. Once we receive proper authorization we will advertise and receive bids, and try to award at the September council meeting.

NJDOT FY 2024 - Resurfacing of Fenimore Drive, Lenape Terrace, & Mohawk Drive

We have submitted the grant application for the New Jersey Department of Transportation's Fiscal Year 2024 State Aid program. We requested \$551,704.13 to resurface Fenimore Drive, Lenape Terrace, and Mohawk Drive. Grant recipients are typically announced in November.

ACIA FY 2020 CDBG Project

Bids for the Court Room Automated Door Operators were received on July 6. Automated Access Systems was the only contractor to submit a bid for the project, and their bid price was \$23,847.00. We recommend awarding the contract to Automated Access Systems.

MAYOR'S REPORT: *Greg informed Council that he will not be able to attend the August meeting. He was reminded residents that the pickleball courts are open so enjoy them. He reminded residents to drive carefully since the kids are out of school.*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg reminded residents that the Galloway Knights of Columbus will be staking out over 300 flags for Veteran Suicide Prevention Awareness. Greg invited anyone that would like to help out on Monday at 10:00AM. Greg reported that Folsom students painted trash cans which the Borough purchased through a grant to be placed around the parks. Greg encouraged residents to use them.*

Councilman Norman: *Al discussed the safety issue at Borough Hall with regards to the staff during the day. A safety discussion ensued.*

Councilman Porretta: *No report*

Councilman Whittaker: *Jim gave the Public Safety report.*

Councilman Hoffman: *Jim asked Mike Gilmore if he was in contact with the Buena Vista Township Zoning Officer.*

:

Councilman Blazer: *Jake reported that he is getting proposals for field maintenance and seal coating.*

MEETING OPEN TO THE PUBLIC:

Margaret Holman (134 Seneca Lane) asked when her road is being re-paved.

PAYMENT OF BILLS IN THE AMOUNT OF: \$7,780.54

A motion to approve payment was made by Councilman Norman and seconded by Councilman Porretta.

There was a roll call vote with ayes all

Council President Conway reminded the public that all other monthly reports are on file in the minute book.

Please visit the Borough of Folsom website at folsomborough.com for updated Borough information and the Borough of Folsom Facebook page.

The next regular meeting of Mayor and Council will be held on Tuesday, August 8, 2023 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:06PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

