

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
July 9, 2014**

MEETING CALLED TO ORDER: 7:13PM

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, Kemmerer, and Veneziani

Absent: Councilman Gummo and Councilman DeStefano

Also present: Solicitor Keith Bonchi and Engineer Vince Polistina

APPROVAL OF THE WORKSHOP MINUTES June 11, 2014

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

There was a roll call vote with ayes all.

APPROVAL OF THE MINUTES FROM June 11, 2014

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

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC: NONE

MEETING CLOSED TO PUBLIC

CLERK'S CORRESPONDENCE: Ms. Gatto reported that Folsom's first annual shred day was held at Borough Hall on June 28, 2014 and no residents brought any documents for shredding. Ms. Gatto reported that next year the Borough may move the day to Community Day in hopes to bring out more people.

ORDINANCES: (FIRST READING/INTRODUCTION)

**BOROUGH OF FOLSOM
ORDINANCE NO. 05-2014**

**AN ORDINANCE TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES
BY THE BOROUGH OF FOLSOM PURSUANT TO C.52:15-15F *et .seq.***

WHEREAS, P.L. 2013 c.28 authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 C. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

NOW, THEREFORE, BE IT ORDAINED by the Folsom Borough, County of Atlantic and State of New Jersey according to the following:

Section 1. All full time employees and elected public officials who receive compensation from the Borough of Folsom are mandated to have direct deposit of their compensation as of July 1, 2014 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f(b).

Section 2. Municipal employees may request, in writing, an exemption form the direct deposit mandate to the Borough Chief Financial Officer. Such requests will be presented to the Borough Council within 30 days. The Borough of Folsom Council may grant such an exemption by resolution and only for good cause.

Section 3. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately after final passage 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 July 9, 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 August 13, 2014 at 7:00 P.M.

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

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
ORDINANCE NO. 06-2014**

**AN ORDINANCE GRANTING RENEWED CONSENT AND PERMISSION TO SOUTH
JERSEY GAS COMPANY TO USE THE PUBLIC STREETS TO FURNISH GAS FOR
LIGHT, HEAT AND POWER IN FOLSOM BOROUGH**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to Folsom Borough pursuant to the municipal consent first granted to South Jersey Gas Company in certain Ordinance 36 passed on April 4, 1957; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of Folsom Borough to renew that portion of the 1957 Ordinance, applicable to the use of the streets in the Borough for said service by adopting the following Ordinance;

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

Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within Folsom Borough in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of Folsom Borough and shall extend to the boundaries of Folsom Borough and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

Section 5. All Ordinances or parts which are inconsistent with the provisions of this Amendment to an Ordinance, are hereby repealed to the extent of such inconsistency.

Section 6. South Jersey Gas shall be required to post an annual bond in the sum of \$5,000.00 to ensure proper performance of it and any subcontractor as it relates to opening and closing streets.

Section 7. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Borough of Folsom, then the restriction which imposes the greater limitation shall be enforced.

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 July 9, 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 August 13, 2014 at 7:00 P.M.

A motion to approve was made by Councilman Kemmerer and seconded by Councilman Smith

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 # 2014-56**

**RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT FOR
CONSTRUCTION CODE, PLUMBING SUB-CODE, FIRE SUB-CODE AND ELECTRICAL
SUB-CODE INSPECTION SERVICES WITH THE BOROUGH OF FOLSOM
AND THE TOWN OF HAMMONTON**

WHEREAS, the Borough of Folsom is statutorily authorized by N.J.S.A. 40A:65-4 to enter into an Interlocal Services Agreement with State, County and Local Governments; and

WHEREAS, the Borough of Folsom has requested the Town of Hammonton's assistance in providing emergency construction code, plumbing sub-code, fire sub-code and electrical sub-code inspection services to their municipality; and

WHEREAS, the Borough of Folsom has determined that there exists a need to provide emergency construction code, plumbing sub-code, fire sub-code and electrical sub-code inspection services with the Town of Hammonton.

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:

1. That the Mayor and Town Clerk are hereby authorized to execute the Agreement between the Borough of Folsom and the Town of Hammonton

BOROUGH OF FOLSOM
RESOLUTION #2014-57

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, 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, 2015 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 certificate 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 uniquely have 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.

**BOROUGH OF FOLSOM
RESOLUTION #2014-58**

RESOLUTION TO EXTEND TAX DUE DATE AND INTEREST ON TAXES

BE IT RESOLVED, by the Governing Body of the Borough of Folsom, the third installment of current year taxes shall not be subject to interest until the later of August 1, 2014, the additional interest-free period authorized pursuant to R.S.54: 4-67, or the twenty-fifth calendar day after the date that the tax bill for the third installment was mailed or otherwise delivered.

BE IT FURTHER RESOLVED, that any payment received after the later of August 1st, the additional interest-free period authorized pursuant to R.S.54: 4-67, or the twenty-fifth calendar day after the date that the tax bill for the third installment was mailed or otherwise delivered will be charged interest back to August 1, 2014.

A motion to approve Resolutions 2014-56 through 2014-58 was made by Councilman Smith and seconded by Councilman Kemmerer

There was a roll call vote with ayes all.

GUEST SPEAKER: Mr. Paul Forlenza the Deputy Executive Director from the Atlantic County Municipal Joint Insurance Fund was here this evening to give a presentation on the benefits of being a member of the JIF.

SOLICITOR'S REPORT: Mr. Bonchi reported that the In-Reim have been filed and hope to have them published by next meeting followed by final judgment.

FIRE CHIEF'S REPORT: Chief Donnelly reported that there were six (6) incidents that occurred in Folsom for the month of June. Bill also reported that water rescue training was held along with driver training. Collings Lake Fire Company had four (4) firefighters graduate from fire school along with six (6) members attending an advanced pump training course. On June 16, 2014 they held the Atlantic County Fire Chiefs meeting at the station and members went over to the elementary school for their outside fun day.

ENGINEER'S REPORT: Vince reported that he had a preconstruction meeting with Pioneer construction. Mr. Polistina also reported that the pad for the new public works building is ready and the electric bids for go out next month.

MAYOR'S REPORT: Mayor Ballistreri thanked resident Joyce Kememerer for donating the wreath at the Veteran's memorial.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: No report

Councilman Butch Gazzara: Butch requested that the Borough look into purchasing a plaque recognizing all former Mayors and Councilpersons to be placed in the hallway entrance.

Councilman Lou DeStefano: Absent

Councilman Gary Kemmerer: No report

Councilwoman Veneziani: No report

Councilman Gummoe: Absent

PAYMENT OF BILLS IN THE AMOUNT OF \$33,263.88

A motion to approve payment was made by Councilman Kemmerer and seconded by Councilman Gazzara

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, August 13, 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 7:46 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk