

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
August 8, 2017**

MEETING CALLED TO ORDER: 6:32 PM

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, Pagano, and Arena

Absent: Councilman Hoffman and Councilman Schenker

Also present: Mayor Lou DeStefano, Attorney Brian Lozuke, and Engineer Gary Auer

Mayor DeStefano moment of silence for Folsom resident Pepper Brown who passed away.

APPROVAL OF THE WORKSHOP MINUTES July 11, 2017

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

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

APPROVAL OF THE MINUTES FROM July 11, 2017

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

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

Councilman Hoffman entered the meeting at 6:24PM.

MEETING OPEN TO PUBLIC:

Nick Cashan from BCA Insurance was here this evening along with Paul Miola from the Atlantic County Joint Insurance to give a brief overview of the JIF and the benefits of being a member.

James Mullins from KD National Force Security gave a presentation on having an emergency action plan.

Anthony Crescenzo (RT 54) asked Mayor and Council to make the road in front of his house a no passing zone. Mr. Crescenzo stated that leaving his driveway is becoming unsafe.

CLERK'S CORRESPONDENCE:

The next E-Waste Day is scheduled for August 12, 2017 from 8:00AM to 1:00PM at the Borough Hall Garage.

The Third Annual Shred Day is scheduled for August 21, 2017 at Borough Hall from 5:00PM to 8:00PM

Borough Hall Offices will be closed on September 4, 2017 in observance to Labor Day.

Borough Hall will return to regular business hours on September 5, 2017

Reminder: Clerk's Office is open on Monday evenings until 7:00PM.

Clerk Gatto thanked Brian Lozuke for his contribution to Movie Night. She also thanked Councilman Smith and his wife Jessica, Mayor DeStefano, Councilman Arena, Ron Esposito and Parks & Rec for helping with Movie Night.

Resolutions:

BOROUGH OF FOLSOM
RESOLUTION 2017-80

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, 2018 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, coverage’s, 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.

A motion to approve Resolution #2017-80 was made by Councilman Smith and seconded by Councilman Pagano.

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION NO 2017-81**

ROCK SALT CONTRACT AWARD

WHEREAS, pursuant to the Lead Agency of the Atlantic County Cooperative, advertising for sealed bids to be publicly opened and read aloud for furnishing and delivering Rock Salt was received in June 2017

WHEREAS, the winning bid was submitted by Mid-Atlantic Salt, LLC, 1305 Hollow Cove, Narberth, PA 19072 at a price of \$58.90 per ton.

WHEREAS, participating members of the Cooperative must award and execute a new contract with the winning bidders;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Folsom that a contract for Rock Salt is awarded to Mid-Atlantic Salt, LLC for Rock Salt at a price of \$58.90 per ton. The term of the contract shall be for a period commencing September 1, 2017 and terminating May 31, 2018.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to enter into a contract with Mid-Atlantic Salt, LLC and sign the necessary agreements as representatives of Borough of Folsom.

There is no certification of the Chief Financial Officer attached hereto because this contract was bid as an open-ended contract and, pursuant to N.J.A.C. 5:30-14.5(c)(2)(ii), funds will be certified and encumbered on individual purchase order forms when submitted to the Purchasing Agent.

A motion to approve Resolution #2017-81 was made by Councilman Hoffman and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION NO. 2017-82**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE
PROVISION OF ELECTRIC GENERATION SUPPLY SERVICE
FOR THE SOUTH JERSEY POWER COOPERATIVE**

WHEREAS, the South Jersey Power Cooperative (SJPC) is a purchasing cooperative that consists of various counties and their participating co-op members, and includes numerous municipalities, K-12 school districts, vocational-technical schools, utilities authorities and other municipal agencies. The Borough of Folsom, is a Participating Member of the SJPC through our respective county pricing co-operative; and

WHEREAS, the County of Camden is the current and acting lead purchasing agency for the SJPC; on behalf of the SJPC, Camden County publicly advertised bids for the purpose of procuring Electric Generation Supply Service (Bid 15-17); and

WHEREAS, the County of Camden received and opened bids on Thursday, July 20, 2017 for Electric Generation Supply Service for the SJPC; and

WHEREAS, the following were the lowest responsible bidders:

South Jersey Energy Company, 1300 Route 73 North, Suite 308, Mt. Laurel, NJ 08054 for Bid Pricing Option #1 for MGS, AGS, DDC services at a rate of .0735.

Constellation Energy, Inc. 1310 Point Street, Baltimore, MD 21231 for Bid Pricing Option #2 for SPL, CLS services at a rate of .0392.

WHEREAS, on behalf of the Participating Members of the SJPC, the County of Camden has executed a master agreement with Constellation Energy Company and South Jersey Energy Company for the needs of the Participating Members of the SJPC as described above commencing on September 1, 2017 and ending August 31, 2018; and

WHEREAS, each currently Participating Member of the SJPC, including Borough of Folsom, County of Atlantic shall encumber funds in accordance with applicable law and hereby acknowledge the terms and conditions of the aforementioned bid and master contract to which it will be bound for the duration of the agreement as noted herein.

A motion to approve Resolution #2017-82 was made by Councilman Hoffman and seconded by Councilman Pagano

There was a roll call vote with ayes all.

RESOLUTION 2017-83

**BOROUGH OF FOLSOM
A RESOLUTION AUTHORIZING A REFUND OF PROPERTY TAXES ON A TAX
EXEMPT PROPERTY**

WHEREAS, it has come to the attention of the Borough Council that payment has been made in 2017 to a property which has been assessed as 100% Disabled Veteran exempt; and

WHEREAS, said payment have resulted in an overpayment for 2017 property tax in the amount listed below;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom that the following amount be refunded;

<u>Block</u>	<u>Lot</u>	<u>Amount</u>	
3404	9	\$2,080.55	Catherine & Jose Pagan

A motion to approve Resolution #2017-83 was made by Councilman Hoffman and seconded by Councilman Pagano

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION #2017-84**

**A RESOLUTION OF THE BOROUGH OF FOLSOM ADOPTING A
FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES
OF TORT CLAIM AGAINST THE BOROUGH OF FOLSOM IN
ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY
TORT CLAIMS ACT, N.J.S.A. 59:8-6.**

WHEREAS, the New Jersey Tort Claims Act, *N.J.S.A. 59:8-6*, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity, and

WHEREAS, the Borough of Folsom is a public entity covered by the provisions of the New Jersey Tort Claims Act; and

WHEREAS, the Borough of Folsom deems it advisable, necessary and in the public interest to adopt a Notice of Tort Claim form in the form attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that the Borough Council that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the Borough of Folsom; and

BE IT FURTHER RESOLVED, that all persons making claims against the Borough of Folsom, pursuant to the New Jersey Tort Claims Act, *N.J.S.A.* 59:8-1, et seq., be required to complete the form herein adopted as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

BE IT FURTHER RESOLVED that a certified copy shall be provided to the Administrator and Solicitor of the Atlantic County Joint Insurance Fund for their information and records.

A motion to approve Resolution #2017-84 was made by Councilman Hoffman and seconded by Councilman Pagano

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION #2017-85**

**A RESOLUTION AUTHORIZING A PERSON-TO-PERSON TRANSFER OF RETAIL
PLENARY CONSUMPTION LICENSE #0110-33-006-005 FOR COLLINGS LAKES
FOOD MARKET, INC. TO ROUTE 322 LIQUORS, LLC.**

WHEREAS, an application for a Place to Place and Person to Person Transfer was previously submitted to the Borough of Folsom for Plenary Retail Consumption License: 0110-33-006-005 for Collings Lakes Food Market, Inc. to Rt. 322 Liquors, LLC. Folsom, NJ; and

WHEREAS, the aforementioned application was denied by the Mayor and Borough Council memorialized by Resolution #2016-66; and

WHEREAS, Rt. 322 Liquors, LLC subsequently filed an appeal of such denial with the New Jersey Division of Alcoholic Beverage Control that was assigned Agency Docket No.: Appeal No. 56; and

WHEREAS, the Mayor and Borough Council desire to amicably resolve the pending appeal and the uncertainty with protracted litigation by approving the person to person transfer for Plenary Retail Consumption License: 0110-33-006-005 for Collings Lakes Food Market, Inc. to Rt. 322 Liquors, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Folsom that it is in the best interests of the Borough and the public that the application for the person to person transfer of Plenary Retail Consumption License: 0110-33-006-005 held by Collings Lakes Food Market, Inc. to Rt. 322 Liquors, LLC be approved.

BE IT FURTHER RESLOVED, that in light of recent action by the NJ ABC, the aforementioned license shall become a pocket license and the pending appeal with NJ ABC shall be dismissed pending adoption of this Resolution, which Resolution shall be filed with NJ ABC and opposing Counsel for Rt. 322 Liquors, LLC forthwith after the adoption hereof.

A motion to approve Resolution #2017-85 was made by Councilman Hoffman and seconded by Councilman Pagano

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

SOLICITOR'S REPORT: Brian Lozuke stated that the contract with the Collings Lakes Fire Company will be on the Agenda for next month.

FIRE CHIEF REPORT: no report for Fire Company. Kyle read report for AtlantiCare.

ENGINEER'S REPORT: Conrail is still in the process of adding the upgrade of the 14th Street crossing to their contract with Tracks Unlimited. Polistina will be sending notices to all of the residents within the project limits advising them of the roadway moratorium and the need to complete any utility service opening prior to the completion of the resurfacing.

The applications for the 2018 State Aid Municipal Aid Funding are due this October. Polistina would like to discuss with Mayor and the Roads Committee the possible roadways that could be included for resurfacing.

The application for discretionary funding was submitted last month for the completion of 14th Street.

MAYOR'S REPORT: Mayor DeStefano thanked Patti and Kyle for Family Movie Night and the Folsom National Night Out. He heard good things about the events. Mayor DeStefano wished everyone an enjoyable and safe Labor Day Weekend.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: thanked everyone who came out for National Night Out. We had a good turnout. He stated that he received positive feedback and hopes the event will be bigger next year. Kyle thanked Patti for her work on the Movie Night and it was a fun night for his family. Kyle stated that his thoughts are with the Brown family and their loss.

Councilman Ken Jantz: thanked Kyle for National Night Out and said he looks forward to you doing it next year. Ken attended the Parks and Rec meeting this month and the goals of the committee were discussed one being the ice skating rink for the winter time. But our tennis and basketball courts are in need of repair which is now going to be their top priority.

Council President Pagano: reported on the Public Works Department. Ben congratulated Kyle on National Night Out and Patti for Movie Night. Ben thanked the residents for coming out to both events. Ben reported on the salt agreement with the State. Councilman Pagano wished everyone a safe Labor Day.

Councilman Arena: thanked Councilman Jantz for attending the Parks meeting. Charlie thanked Kyle and Patti for organizing the events. Charlie thanked Brian Lozuke for his donation. He thanked Superintendent John LaPollo, Ron Esposito, Claude Jones, Parks & Rec Commission, Mayor and Greg Schenker for coming out that night. Charlie stated that Parks & Rec are looking on expanding on some of our other events just to bring the Community together.

Councilman Hoffman: thanked Kyle and Patti for National Night Out and Movie Night. Jim thanked the Collings Lakes Fire Department for coming out.

Councilman Schenker: absent

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

NO COMMENTS: None

OPEN TO THE PUBLIC:

PAYMENT OF BILLS IN THE AMOUNT OF: \$430,939.40

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

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 , September 12, 2017 starting with an workshop meeting at 6:00 pm and continuing with the regular meeting in Borough Hall, 1700 12th Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 7:29 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk