

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES (Revised)
August 14, 2018**

MEETING CALLED TO ORDER: 7:25PM

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, Arena and Schenker

Absent: Councilman Hoffman

Also present: Mayor Lou DeStefano, Attorney Brian Lozuke, and Engineer Mark Herrmann

APPROVAL OF WORKSHOP MEETING MINUTES FROM June 12, 2018

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

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

APPROVAL OF THE COUNCIL MEETING MINUTES FROM June 12, 2018

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

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

APPROVAL OF WORKSHOP MEETING MINUTES FROM July 10, 2018

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

There was a roll call vote with ayes all with the exception of Councilman Pagano, Councilman Arena and Councilman Smith’s abstention.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM July 10, 2018

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

There was a roll call vote with ayes all with the exception of Councilman Pagano’s, Councilman Arena and Councilman Smith’s abstention.

MEETING OPEN TO PUBLIC: No comments

CLERK’S CORRESPONDENCE:

The next E-Waste Day is scheduled for September 8, 2018 from 8:00AM to 1:00PM at the Borough Hall Garage.

Borough Hall Offices will be closed on September 3, 2018 in observance of Labor Day.

Borough Hall will return to regular business hours on September 4, 2018

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

ORDINANCES: (Introduction/First Reading)

BOROUGH OF FOLSOM

Ordinance 06-2018

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FOLSOM, CHAPTER 170, SECTION 170-12 ENTITLED
GUARANTEES REQUIRED CONCERNING THE POSTING OF PERFORMANCE GUARANTEES FOR SUBDIVISION AND SITE PLAN
IMPROVEMENTS**

SECTION 1. Section § 170-12 entitled "Guarantees Required" of the Borough of Folsom Code is hereby amended, in its entirety, to read as follows:

A. Before the filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit, the Borough shall require a performance guarantee for the purpose of assuring the installation of certain on-tract improvements.

The Borough may require up to 10% of the performance guarantees in cash. The developer has the option to post more than 10% in cash or any portion of a required maintenance guarantee in cash.

B. Types of Performance Guarantees Required.

1. Site Improvement Guarantee.

A guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Borough engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements. The Borough engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the developer. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance guarantee to another governmental agency, no

performance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

2. Perimeter Buffer Landscaping Guarantee.

A guarantee in favor of the Borough to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by site plan approval or imposed as a condition of approval. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

3. Temporary Certificate of Occupancy Guarantee.

In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to as a "temporary certificate of occupancy guarantee," in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to paragraph (1) of this section, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the Borough engineer. At no time may Borough hold more than one guarantee of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the Borough engineer upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

4. Safety and Stabilization Guarantee.

A developer shall furnish to the Borough a "safety and stabilization guarantee," in favor of the Borough. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the site improvement performance guarantee referenced in paragraph 1 of this section. A "safety and stabilization guarantee" shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

- (a) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
- (b) Work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough's intent to claim payment under the guarantee. The Borough shall not provide notice of its intent to claim payment under a

“safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt of the notice.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus 2.5% of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus 1% of bonded improvement costs in excess of \$1,000,000.

The Borough shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Borough shall release a “safety and stabilization guarantee” upon the Borough engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

C. Types of Maintenance Guarantees Required.

1. Site Improvement Maintenance Guarantee.

Prior to the release of a Site Improvement or Perimeter Buffer Landscaping performance guarantee described in Paragraph B, the developer shall post a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released. The Borough may not require any portion of the maintenance guarantee to be posted in cash but the developer has the option to post the maintenance guarantee in cash.

2. Stormwater Management Maintenance Guarantee.

Upon the inspection and issuance of final approval by the Borough engineer of the following private site improvements, a separate maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements related to the stormwater management for the project: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system.

3. The term of all maintenance guarantees shall be for a period of two years and shall automatically expire at the end of the two-year period.

D. Procedures for Reductions of Performance Guarantees.

Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may

request of the Borough Council in writing, by certified mail addressed in care of the Borough Clerk, that the Borough engineer prepare, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to Paragraph B of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Borough engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Borough engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the Borough Council, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

The list prepared by the Borough engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Borough engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to Paragraph B of this section.

The Borough Council, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Borough engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to Paragraph B of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Borough engineer and appended to the performance guarantee pursuant to Paragraph B of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Borough may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Borough below 30 percent.

In the event that the obligor has made a cash deposit with the Borough as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection

shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a “safety and stabilization guarantee,” the Borough may retain cash equal to the amount of the remaining “safety and stabilization guarantee”.

If any portion of the required bonded improvements is rejected, the Borough Council may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Borough Council or Borough engineer.

E. Payments to Borough Professionals.

The developer obligor shall reimburse the Borough for reasonable inspection fees paid to all Borough professionals, including, but not limited to, the Borough engineer providing services on the project related to the inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (1) and (2) of this section. The Borough may require the developer to post the inspection fees in escrow in an amount:

1. Not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under this section; and
2. Not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (1) and (2) of this section, is insufficient to cover the cost of additional required inspections, the Borough may require the developer to deposit additional funds in escrow provided that the Borough delivers to the developer a written inspection escrow deposit request, signed by the Borough engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

F. Other Requirements.

1. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.
2. To the extent that any of the improvements have been dedicated to the Borough on the subdivision plat or site plan, the Borough Council shall be deemed, upon the release of any performance guarantee required pursuant to Paragraph B of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough engineer.
3. All guarantees shall be approved as to form by the Borough solicitor. The developer shall pay for all reasonable fees associated with the review by the Borough solicitor.
4. A performance guarantee shall run for a period to be fixed by the Planning Board at the time of approval of a final plat, but in no case for a term of more than two years. However, with the consent of the owner and the surety, if there is one, the Borough Council may, by resolution, extend the term of such performance guarantee for an additional period not to exceed three years. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.
5. If the required improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the Borough of Folsom for the reasonable cost of the improvements not installed and, upon the receipt of the proceeds of the performance guarantee, the Borough of Folsom shall install such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.). The developer and/or obligor and surety shall also pay for all reasonable inspection fees in addition to all required improvements.
6. It shall be expressly understood that, notwithstanding the posting of any performance guarantees for a lot in a major subdivision, no certificate of occupancy shall be issued until the developer or subdivider shall have installed the road subbase, road base, curbs, gutters and first course paving and until the underground utilities such as sewer, water, gas, storm drainage lines, electric, telephone and cable television and all other underground work shall have been duly and properly installed as required by the Planning Board and/or the Borough of Folsom Code. No occupancy permit shall be issued until the developer shall have entered into an agreement with the Borough to permit municipal forces to enter

upon the streets of the subdivision prior to final acceptance of said streets for the purpose of rendering such Borough services such as fire and police protection, snow removal, trash collection and any other service as may be deemed necessary for the health, safety and welfare of the residents. No occupancy certificates shall be granted for the final two dwellings until the finished road surface has been installed pursuant to Borough and Borough engineering specifications and until all other improvements and conditions as may be required by the Planning Board, the Building Subcode Official and the Plumbing Official have been properly installed. Certification that all requirements are met must be provided in writing by the Borough engineer or other designated administrative officer prior to the issuance of such certificate of occupancy.

SECTION 2. All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. All Ordinances or parts of Ordinances not inconsistent with the terms and provisions of this Ordinance are hereby saved from repeal

SECTION 4. If any section, sentence, or any other part of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect upon final passage, adoption, and publication, in the manner prescribed by law.

A motion to approve Ordinance 06-2018 was made by Councilman Pagano and seconded by Councilman Jantz.

No public comment

There was a roll call vote with ayes all.

RESOLUTIONS:

Borough of Folsom Resolution 2018-74

A RESOLUTION TO EXTEND THE TAX DUE DATE AND INTEREST ON TAXES

WHEREAS, 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, 2018, 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.

NOW THEREFORE BE IT RESOLVED that any payment received after the later of August 1, 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, 2018.

A motion to approve Resolution #2018-74 made by Councilman Pagano and seconded by Councilman Smith

There was a roll call vote with ayes all.

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

A RESOLUTION TO AFFIRM THE BOROUGH OF FOLSOM'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of The Borough of Folsom to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Folsom has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE, BE IT ADOPTED by the (Mayor and Council of the Borough of Folsom) that:

Section 1: No official, employee, appointee or volunteer of the Borough of Folsom by whatever title known, or any entity that is in any way a part of the Borough of Folsom shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Folsom's business or using the facilities or property of the Borough of Folsom.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Folsom to provide services that otherwise could be performed by the Borough of Folsom.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Folsom as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Mayor and Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Folsom. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Folsom's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Folsom in order for the public to be made aware of this policy and the Borough of Folsom's commitment to the implementation and enforcement of this policy.

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 Resolution #2018-75 made by Councilman Pagano and seconded by Councilman Arena

Councilman Schenker inquired if this was included in the Personnel Manual.

There was a roll call vote with ayes all.

**Borough of Folsom
RESOLUTION NO. 2018-76**

INFORMATION TECHNOLOGY POLICY

WHEREAS, The Borough of Folsom is a member of the Atlantic County Municipal Joint Insurance Fund (JIF) and the Municipal Excess Liability Joint Insurance Fund (MEL); and

WHEREAS, the Borough of Folsom wishes to comply with various practices suggested by the JIF and MEL in regards to their cyber insurance policy; and

WHEREAS, by adopting such practices will enable the municipality to a claim reimbursement or a paid insurance deductible in the event there is a claim; and

WHEREAS, the Borough of Folsom through the JIF will provide Borough employees annual training in email and website malware identification, password construction, identifying security incidents and social engineering attacks.

NOW, THEREOFRE, BE IT RSOLVED, the Governing Body of the Borough of Folsom hereby adopts the attached Information Technology Practice Policy and implements the attached cybersecurity incident response plan.

BE IT FURTHER RESOLVED, the attached policies will be filed in the Office of the Borough Clerk and a certified copy shall be forwarded to the JIF.

A motion to approve Resolution #2018-76 made by Councilman Pagano and seconded by Councilman Schenker.

Councilman Smith asked for clarification regarding the policy.

There was a roll call vote with ayes all.

**RESOLUTION 2018-77
BOROUGH OF FOLSOM**

A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES

WHEREAS, certain Grant Receivable Balances remain on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>	<u>Cash Match</u>
2017-2018 Municipal Alliance Grant	\$1563.25	\$2296.31	\$733.06

A motion to approve Resolution #2018-77 made by Councilman Smith and seconded by Councilman Schenker.

There was a roll call vote with ayes all.

**RESOLUTION 2018-78
RESOLUTION SUPPORTING THE SUBMISSION OF AN APPLICATION FOR THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION ALTERNATIVES PROGRAM**

WHEREAS, the Mayor and Borough Council for the Borough of Folsom, County of Atlantic, State of New Jersey is applying for funding to allow for the construction of a pedestrian path to connect existing Borough amenities through municipal rights-of-way and Borough-owned properties; and

WHEREAS, the pedestrian path will extend from the Borough Park and Community Garden at the intersection of 13th Street and Mays Landing Road (NJSH Route 73) to Folsom Elementary School and the Borough Municipal Building and sports complex; and

WHEREAS, the project will promote and encourage pedestrian and bicycle access and safety for residents, school children, sports enthusiasts, etc.; and

WHEREAS, maintenance of the facilities, once constructed, will be assumed by the Borough of Folsom for work within the municipal rights-of-way and Borough-owned properties;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Folsom that the Borough does hereby support and approve the submission of a grant application with the State of New Jersey, Department of Transportation, and further authorizes the Mayor and the Borough Clerk to execute any and all documents reasonable necessary to accomplish the submission of said grant application and/or grant agreement.

A motion to approve Resolution #2018-78 made by Councilman Schenker and seconded by Councilman Arena

Smith-Y Jantz-N Pagano-Abstain Arena-Y Hoffman-Absent Schenker-Y

RESOLUTION 2018-79

RESOLUTION OF THE BOROUGH OF FOLSOM AUTHORIZING A RIDER TO THE SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY UTILITIES AUTHORITY FOR CERTAIN SOLID WASTE COLLECTION SERVICES

WHEREAS, a Shared Services Agreement between the Atlantic County Utilities Authority (the “Authority”) and the Borough of Folsom (the “Borough”) for certain Solid Waste Collection Services was heretofore authorized by ACUA Resolution 15-11-210; and

WHEREAS, it is the desire of the Borough and the Authority to amend said Shared Services Agreement; and

WHEREAS, this Agreement is classified as services provided between governmental agencies pursuant to N.J.S.A. 40A:11-5(2) and, as such, is exempt from the public bidding requirements of the New Jersey Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that the shared services agreement with the Authority for Solid Waste Collection Services be and hereby is amended as follows:

1. In addition to those collections set forth in the Agreement, the AUTHORITY shall provide roll-off pull services at the rate of \$184.00 per pull for each roll-off container. Under this Agreement, the Authority will provide one (1) thirty (30) cubic yard roll-off container for the BOROUGH's use and will provide pull services for the one (1) twenty (20) cubic yard roll-off container owned by the BOROUGH. Any disposal costs or other fees for material collected are the responsibility of the BOROUGH and material collected will be brought to ACUA's Solid Waste Facility in Egg Harbor Township, NJ for disposal at the ACUA's current tip fee.

2. All provisions of the Agreement which are not expressly modified in this Rider shall remain in full force and effect.

3. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached RIDER, forthwith after the adoption hereof.

A motion to approve Resolution #2018-79 made by Councilman Pagano and seconded by Councilman Schenker

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: No report

FIRE CHIEF REPORT: Councilman Smith read fire report.

ENGINEER'S REPORT:

ACTION ITEMS

FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

The Borough wishes to proceed with the application as submitted in 2017. This project includes the installation of Senior and ADA compliant exercise equipment at Penny Pot Park. We have submitted a proposal for engineering and inspection services, but before we proceed, the CFO must make sure that there is sufficient funding in place to award a contract. Our fees match what the previous engineer submitted, which is \$3,100 for the preparation of the construction documents and \$2,000 for the construction inspection.

Action Item: Approve ARH's proposal for the engineering, bidding, and construction management for the FY 2018 CDBG Program Penny Pot Park project, in the amount of \$5,100.00.

NJDOT FY 2018 TRANSPORTATION ALTERNATIVES GRANT PROGRAM

At the last workshop meeting, there was interest in pursuing a grant for a project involving the parking lot and community garden on 13th Street. Applications are due on August 23, 2018. The application requirements recommend submitting a project with an estimated construction cost between \$150,000 and \$1,000,000. Design, construction, and inspection expenses are eligible costs within the program; however, the municipality must have the capability to advance project costs prior to reimbursement. We estimate that the cost to prepare the application documents, including a construction estimate and maps, would be approximately \$900.00

Action Item: Approve ARH's proposal for the preparation and submittal of the NJDOT FY2018 TAP Grant in the amount of \$900.00.

A motion was made by Councilman Smith to approve the Penny Pot Park Improvements and seconded by Councilman Arena. All in favor.

A motion was made by Councilman Schenker and seconded by Councilman Arena to authorized ARH Engineers to proceed with the application for 2018 TAP Grant.

INFORMATIONAL ITEMS

CURRENT/NEW PROJECTS

NJDOT FY2018 MUNICIPAL AID APPLICATIONS

The NJDOT has awarded the Borough **\$282,000** for the 2018 Road Program. The scope consists of the following roads:

- Resurfacing of 14th Street from Mays Landing Road to the Hammonton Municipal Boundary;
- Resurfacing of 15th Street from Mays Landing Road to Backline Road;
- Resurfacing of Backline Road from 15th Street to Memory Lane;
- Resurfacing of the intersection of 14th Street and Backline Road.

We are currently advancing the construction plans and specifications. We anticipate completing the construction documents and submitting them to the NJDOT for authorization to bid within the next month.

MAYOR'S REPORT: Mayor DeStefano reported that the Master Plan Committee is still working on the Master Plan and that a meeting with the public will be scheduled in the future. Mayor DeStefano also reported that NJ Transit will be shutting down the Atlantic City Rail Line on September 5, 2018 through the Spring of 2019. The Informational Press Release will be posted at the Borough.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: thanked everyone who participated in the Drug Alliance Camp including the Fire Department. Kyle asked everyone to follow the Drug Alliance on Facebook.

Councilman Ken Jantz: wished everyone a Happy Labor Day.

Councilman Pagano: read the Public Works Department report. Councilman Pagano reported that the speed board sign is back on Collings Lake Drive. Ben wished everyone a Happy Labor Day.

Councilman Arena: reported on the last Parks & Rec meeting. Charles informed Mayor and Council that the next movie night will be at the end of September. Charlie have an update on the Community Garden. Community Garden Chair Jake Blazer received prices on a shed for the garden. They range from \$600.00 to \$700.00 and the Parks & Rec Committee will purchase. Charlie also stated they are hoping to get the cross walk from the garden to the park installed soon.

Councilman Hoffman: absent

Councilman Schenker: reported that he drove around town looking for areas that were in need of lighting and stop signs. Councilman Schenker gave a detailed report with his recommendations which he handed out in the workshop. Greg suggested that we move forward with the stop signs. Councilman Schenker wished everyone a Happy Labor Day.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: No Comments

PAYMENT OF BILLS IN THE AMOUNT OF: \$485,954.42

A motion to approve payment was made by Councilman Schenker and seconded by Councilman Jantz.

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 11, 2018 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.

With no other discussion the meeting was adjourned at 8:03PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

