

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
August 13, 2019**

MEETING CALLED TO ORDER: 7:20PM

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: Conway, Jantz, Arena, Hoffman and Schenker

Also present: Mayor Lou DeStefano, Attorney John Carr and Jen Heller (Vince Poistina & Assoc.)

Absent: Councilman Pagano

APPROVAL OF WORKSHOP MEETING MINUTES FROM July 9, 2019

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

There was a roll call vote with ayes all.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM July 9, 2019

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

There was a roll call with ayes all.

APPROVAL OF EXECUTIVE SESSION MEETING MINUTES FROM July 9, 2019

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

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC: No Comments

CLERK'S CORRESPONDENCE:

Borough Hall Offices will be closed on Monday, September 2, 2019 in observance of Labor Day.

Borough Hall will return to regular business hours on September 3, 2019

The next E-Waste Day is scheduled for September 14, 2019 from 8:00AM to 1:00PM at the Borough Hall Garage.

Folsom Annual Shred Day will be September 14, 2019 from 9:00AM to 12:00PM- at Borough Hall

Folsom's Annual Movie Night will be September 20, 2019.

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

RESOLUTIONS:

**RESOLUTION 2019-82
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF A RETAIL
PLENARY DISTRIBUTION LICENSE**

#0110-44-005-004 Route 322 Liquors to Ruchirag, LLC

WHEREAS, an application has been filed for Person-to-Person Transfer of Plenary Retail Distribution License Number 0110-44-005-004, heretofore issued to Route 322 Liquors LLC, with a mailing address of 10 East Black Horse Pike, Unites B, C and D Folsom, NJ 08037; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statues, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Folsom, does hereby approve August 13, 2019 the Person-To-Person Transfer of Plenary Retail Distribution License No. 0110-44-005-004 heretofore issued to Ruchirag, LLC, 10 E. Black Horse Pike Units B, C, and D, Folsom, New Jersey 08037 and does hereby direct the Alcoholic Beverage Control Secretary to endorse the license certificate to the new ownership.

A motion to approve Resolution #2019-82 was made by Councilman Hoffman and seconded by Councilman Jantz

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

**RESOLUTION 2019-83
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICE AGREEMENT WITH
THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY FOR THE
ADMINISTRATION OF THE PROGRAM INCOME FROM SMALL CITIES GRANTS
FOR HOUSING REHABILITATION**

WHEREAS, the Mayor and Council of the Borough of Folsom desires to engage the services of the Atlantic County Improvement Authority to perform various services for the Municipality; and

WHEREAS, the Atlantic County Improvement Authority is qualified by training and experience to perform the required services in the manner and on the terms and conditions set forth in the attached contract, and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that the Atlantic County Improvement Authority is hereby appointed to be the administrators of that portion of the Folsom Housing Rehabilitation Program financed by the Program Income generated by previous Small Cities CDBG Grants, and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to enter into and execute the Inter-local Services Agreement authorizing the Atlantic County Improvement Authority as the Administrator of the Borough's Program Income-Housing Rehabilitation Program for a three year period from July 1, 2019 to July 1, 2022.

A motion to approve Resolution #2019-83 made by Councilman Conway and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**RESOLUTION 2019-84
BOROUGH OF FOLSOM**

A RESOLUTION TO CANCEL 2019 PROPERTY TAXES

WHEREAS, it has come to the attention of the Tax Collector that the property listed below is owned by the widow of a totally disabled tax exempt Veteran.

<u>NAME</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>
Jodi L. Nachman	2709/668	\$3,205.59

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the 2019 taxes be cancelled.

A motion to approve Resolution #2019-84 made by Councilman Hoffman and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**RESOLUTION 2019-85
BOROUGH OF FOLSOM**

A RESOLUTION ACCEPTING THE 2018 MUNICIPAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to with:

R.S. 52: 27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under these provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

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

A motion to approve Resolution #2019-85 made by Councilman Hoffman and seconded by Councilman Arena

There was a roll call vote with ayes all.

RESOLUTION 2019-86

**RESOLUTION EXCLUDING PUBLIC PARTICIPATION WITHIN A
PORTION OF A MEETING OF THE BOROUGH COUNCIL
PURSUANT TO N.J.S.A. 10:4-12**

WHEREAS, meetings of the Mayor and Borough Council are subject to the provisions of a Statute entitled the "Open Public Meetings Act" codified within N.J.S.A. 10:4-12, et. seq.;

WHEREAS, the said Act provides for public participation within all meetings, except those meetings or business which involve certain enumerated activities of a public body as further set forth in the said Statute; and

WHEREAS, the Borough Council desires to discuss and act upon matters subject to the exclusions of said Act under the provisions of N.J.S.A. 10-4-12, et seq.; and

WHEREAS, the Act hereinabove recited provides that a public body may exclude public participation within any meeting wherein such matters may be discussed or acted upon provided that a Resolution be adopted at a meeting to which the public is admitted;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom, as follows:

A. The public shall and will be excluded from that portion of a meeting conducted by the Borough Council on Tuesday, July 9, 2019, pertaining to matters contemplated in N.J.S.A. 10:4-12 et seq., and to specifically include a matter under N.J.S.A.10:4-12(7) (8) possible litigation and a personnel matter.

B. Directing the Clerk to separately record the minutes of that portion of the aforesaid meeting dealing with such matters and retain same within a confidential file until such time that those matters have been fully acted upon by the Borough Council.

A motion to approve Resolution #2019-86 made by Councilman Hoffman and seconded by Councilman Arena

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2019-87**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO ENTER INTO AN
EXECUTE AN AGREEMENT FOR THE CDBG FY 2018 PENNY PARK OUTDOOR
EXERCISE EQUIPMENT PROJECT**

WHEREAS, all bids were rejected on April 2, 2019 and on June 6, 2019 due to bids over the Engineer's estimate and therefore the Borough of Folsom agreed to contract with Sussman Enterprises ; and

WHEREAS, the amount of the quote submitted by **Sussman Enterprises Inc.**, is \$28,000.00; and

WHEREAS, the Borough of Folsom will purchase and install two (2) pieces of Outdoor ADA Exercise Equipment in the amount of \$8,196.05 to be reimbursed by the Atlantic County CDBG Program;

NOW THEREFORE, BE IT RESOLVED, The Mayor and Borough Clerk are hereby authorized to enter into an execute on behalf of the Borough a contract with Sussman Enterprises, Inc., 4 Lagoon Blvd. Brigantine, NJ 08203.

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 Resolution #2019-87 made by Councilman Hoffman and seconded by Councilman Arena

There was a roll call vote with ayes all.

SOLICITOR'S REPORT:

John Carr discussed with Council certifications of Fire Chiefs with regards to the incident in Sea Isle City a few weeks ago. John also discussed tax appeals.

FIRE CHIEF REPORT: no report

ENGINEER'S REPORT: (Jen Heller)

Action Items:

FY 2018 Community Development Block Grant (CDBG) Program:

The Borough has purchased two additional pieces of equipment utilizing the CDBG funds available and has negotiated with the Contractor, Sussman Enterprises, to install the footings, DGA and rubber surfacing for the Borough. The Borough's Public Works Department will install the exercise equipment. *Council will need to decide if the negotiated bid amount is acceptable and award the amended contract to Sussman Enterprises.*

NJDOT FY2018 Municipal Aid Project:

The Contractor has requested an extension for the project since it will not be completed prior to August 15th, as required by the Contract. Mr. Herrmann has indicated that the Contractor would begin the work immediately following the paving of Mays Landing Road which is expected to begin on August 19th. In addition, the Contractor has submitted the first pay estimate to the Borough in the amount of \$28,745.98.

Current Projects:

NJDOT FY2019 Municipal Aid Project:

We have completed the survey and base mapping of Backline Road for the 2019 Road Program. Design is currently underway. The NJDOT requires additional review time for projects where a railroad crossing exists within the project limits.

NJDOT - 2018 TAP Program - Folsom 13th Street Pedestrian Path Project

Representatives from the NJDOT District 4 Office held a kickoff meeting with the Clerk, the Public Works Superintendent and the Engineer's office on Friday, August 9, 2019 to discuss the process for the grant funding. The grant funding awarded to the Borough is only for the construction costs for the project, and design, inspection and construction management and administration services are not costs that are funded by or reimbursable through the grant award. The Borough should also be aware that the project funds are reimbursed by the NJDOT after the work is completed by the Contractor, with the NJDOT retaining 10% of the grant award until the project is closed out.

Review of the Ordinance changes, as updated by the Pinelands Commission on June 10, 2019:

The Master Plan Reexamination Report adopted by the Borough in 2018 recommended implementing ordinance changes in order to promote commercial development along the Black Horse Pike. The Pinelands Commission reviewed the proposed ordinance to be adopted by the Borough and had recommended certain modifications and changes just prior to the June 11, 2019 meeting.

The Pinelands Commission has indicated that in order to comply with the Comprehensive Management Plan, the new Rural Development Commercial (RDC) District, specifically created to further the goal of encouraging economic development, must include "clustered residential" as a permitted use. Other changes recommended by the Commission include eliminating applicability of the Density Transfer Program in the Forest Commercial district. The Pinelands Commission also recommended requiring cluster developments in the RD Rural Development District for developments of two or more units, with a density of 1 unit per 5.5 acres, and non-clustered residential development as a permitted conditional use in the zoning district on lots with a minimum lot area of 5.5 acres. The Forest Commercial district has been modified to only allow single family residential existing as of June 30, 2019.

There are several inconsistencies and contradictions within the recommended ordinance changes proposed by the Pinelands Commission. It is advised that the Council closely reviews these changes

prior to adopting the ordinance.

MAYOR'S REPORT: Mayor DeStefano reminded residents that school is starting soon so please use caution when driving.

COUNCIL MEMBER'S REPORTS:

Councilman Greg Conway: updated Council on his newsletter.

Councilman Ken Jantz: reminded residents to report any street light outages to Borough Hall.

Councilman Pagano: absent

Councilman Arena: updated Council on Parks & Rec.

Councilman Hoffman: discussed PWD future equipment purchases. Jim also discussed grass clippings.

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: \$627,698.59

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

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 10, 2019 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.

Council entered into an executive session at 7:58PM

Council returned from executive session at 8:04PM

John Carr stated that no action will be taken and two employees were given rice notices and both employees requested the personnel matter be discussed in open session, however, there is nothing to discuss at this time.

With no other discussion the meeting was adjourned at 8:10PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

