

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 11, 2018**

MEETING CALLED TO ORDER: 7:11PM

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, Hoffman and Schenker

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

Mayor DeStefano asked for a moment of silence in memory of the 9/11 victims.

He also asked to please keep Carolina and Virginia in your prayers.

APPROVAL OF WORKSHOP MEETING MINUTES FROM August 14, 2018

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 with the exception of Councilman Hoffman’s abstention.

APPROVAL OF THE COUNCIL MEETING MINUTES FROM August 14, 2018

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 Hoffman’s abstention.

MEETING OPEN TO PUBLIC: No comments

CLERK’S CORRESPONDENCE:

Reminder: Clerk’s office is open until 7:00PM on Mondays.

Movie Night is scheduled for September 28, 2018 at 7:00PM.

Borough Hall offices will be closed on Monday, October 8, 2018 in observance of Columbus Day.

ORDINANCES: (Adoption/Second 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 Arena.

No public comment

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2018-80
BOROUGH OF FOLSOM**

A RESOLUTION AMENDING THE 2018 MUNICIPAL BUDGET

WHEREAS, N.J.S.A.40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Folsom in the County of Atlantic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$6,039.46, which is now available from the 2018 Clean Communities Program.

BE IT FURTHER RESOLVED, that the like sum of \$6,039.46 is hereby appropriated under the caption 2018 Clean Communities;

A motion to approve Resolution #2018-80 made by Councilman Pagano and seconded by Councilman Jantz

There was a roll call vote with ayes all.

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities through New Jersey.

WHEREAS, the Borough of Folsom , County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Borough of Folsom further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, The Borough of Folsom has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Atlantic;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Folsom Governing Body does hereby recognizes the following:

1. The Mayor and Council of the Borough of Folsom does hereby authorize submission of a strategic plan for the Borough of Folsom Municipal Alliance grant for fiscal year 2020 in the amount of:

DEDR	\$8164.00
Cash Match	\$2041.00
In Kind Match	\$6123.00

Total Alliance Budget: \$16,328.00

2. The Borough of Folsom acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

A motion to approve Resolution #2018-81 made by Councilman Schenker and seconded by Councilman Hoffman.

There was a roll call vote with ayes all.

**RESOLUTION 2018-82
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF HOMESTEAD REBATE

WHEREAS, it has come to the attention of the Tax Collector that a Homestead Credit has been made to the property listed below and that said resident has been declared a Disabled Veteran and is 100% exempt from property taxes and a refund will be given to:

<u>NAME</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>
Robert Devers	2705/739	\$124.42

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that said resident has been declared a Disabled Veteran and is 100% exempt from all property taxes the Homestead Credit will be refunded.

A motion to approve Resolution #2018-82 made by Councilman Hoffman and seconded by Councilman Pagano.

There was a roll call vote with ayes all.

RESOLUTION 2018-83

**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 2018 to a property which has been assessed as 100% Disabled Veteran exempt; and

WHEREAS, said payment have resulted in an overpayment for 2018 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>	
2005	5	\$1,705.60	Thomas Iarois

A motion to approve Resolution #2018-83 made by Councilman Hoffman and seconded by Councilman Arena

There was a roll call vote with ayes all.

RESOLUTION #2018-84

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

**RESOLUTION AUTHORIZING AND ADOPTING AMENDMENTS TO THE PERSONNEL
POLICIES AND PROCEDURES MANUAL AND THE EMPLOYEE HANDBOOK**

WHEREAS, it is the policy of The Borough of Folsom to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

WHEREAS, the Borough has previously approved and adopted a Personnel Policies and Procedures Manual and an Employee Handbook.

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has made certain recommendations to the Borough and the Borough wishes to incorporate such provisions in its Personnel Policies and Procedures Manual and in its Employee Handbook.

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 that the following amendments to the Borough Personnel Policies and Procedures Manual are hereby adopted:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees (Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a "Communication Media/ Social Media Policy" with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell, 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices.

Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

BE IT FURTHER RESOLVED that the Manual and Handbook are intended to provide guidelines covering public service by Borough Employees and is not a contract.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Personnel Committee and all managerial/supervisory personnel are responsible for these employment practices. The Borough Clerk shall assist the Personnel Committee in the implementation of the policies and procedures in this manual.

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 #2018-84 made by Councilman Pagano and seconded by Councilman Arena.

There was a roll call vote with ayes all.

RESOLUTION 2018-85
RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE
EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE 2019 BOROUGH OF FOLSOM ROAD PROGRAM

WHEREAS, the Mayor and Borough Council for the Borough of Folsom, County of Atlantic, State of New Jersey desires to request funding consideration from the State of New Jersey Department of Transportation under the Transportation Trust Fund (FY2019 Municipal Aid Program) for the 2019 Folsom Borough Road Program; and

WHEREAS, the Borough of Folsom is an eligible recipient for funding under said program; and

WHEREAS, the Borough Engineer has been authorized to prepare the required application and agreement; and

WHEREAS, in furtherance of same, it is necessary for the Borough Council of the Borough of Folsom to authorize the Mayor to execute said application to allow the Borough to be eligible for the New Jersey Department of Transportation Trust Fund (FY2019 Municipal Aid Program) for the 2019 Borough Road Program; and

WHEREAS, in furtherance of same, it is necessary for the Borough Council of the Borough of Folsom to authorize the Borough Engineer to provide all required reports, narratives, estimates and maps required for said funding consideration.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Folsom that the Borough does hereby support and authorize 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 and necessary to accomplish the submission of said grant application and grant agreement.

BE IT FURTHER RESOLVED, by the Mayor and Borough Council of the Borough of Folsom that the Borough Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation Trust Fund (FY2019 Municipal Aid Program).

ADOPTED at a meeting of the Mayor and Borough Council of the Borough of Folsom held on September 11, 2018.

A motion to approve Resolution #2018-85 made by Councilman Hoffman and seconded by Councilman Smith.

There was a roll call vote with ayes all.

Mayor DeStefano wanted to clarify that the roads to be paved will be decided at a later date.

RESOLUTION 2018-86
Borough of Folsom
RESOLUTION URGING THE NEW JERSEY LEGISLATURE TO AMEND S-716; S-477; AND S-1766

WHEREAS, while it is commendable that legislation is being considered to provide additional compensation to firefighters with cancer, S-716, as currently written will prove to be very expensive to Municipalities in the State of New Jersey; and

WHEREAS, while it is also commendable that the statute of limitations is being extended for claims involving sexual abuse, S-477 as currently written, will eliminate the statute of limitations entirely leaving officials and volunteers with the near impossible task of defending a claim that is decades old; and

WHEREAS, under current law family members can already collect substantial compensation for actual losses such as medical bills, lost income as well as loss of companionship; and

WHEREAS, the combined impact of these bills would devastate local government insurance budgets at a time when the local tax payers are being squeezed because of changes in the federal code.

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

- A. S-716 be amended to provide that the cancer presumption be limited to types of cancer that scientific evidence establishes that firefighters develop at a higher rate than the general public; and
- B. S-716 be amended to end the presumption at age 65 when the firefighter becomes eligible for Medicare. Alternatively, S-716 should be amended to remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia; and
- C. S-716 also be amended so that the standard to rebut the presumption remains at the current “preponderance of the evidence”; and
- D. S-477 be amended to increase the statute of limitation on claims involving sexual molestation against public entities to seven (7) years, subject to no limitation against the molester; and

E. S-1766 be amended to remove public entities subject to Title 59.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Governor of the State of New Jersey, in addition to the Legislative Delegation in the Second District, the Senate President and the Speaker of the Assembly.

A motion to approve Resolution #2018-86 made by Councilman Pagano and seconded by Councilman Smith

There was a roll call vote with ayes all.

RESOLUTION 2018-87

RESOLUTION AUTHORIZING THE SALE OF PUBLIC LANDS OWNED BY THE BOROUGH OF FOLSOM PURSUANT TO N.J.S.A. 40A:12-13, ET. SEQ. AND THE ADVERTISEMENT THEREOF

WHEREAS, the Borough of Folsom is the owner of certain lands and premises that the Borough desires to convey pursuant to N.J.S.A. 40A:12-13, et. seq.; and

WHEREAS, the Borough Council of the Borough of Folsom has determined that the subject lands are not needed by the Borough for public use and do not anticipate that said land will, in the future, be needed by the Borough of Folsom for public use; and

WHEREAS, the Borough Council of the Borough of Folsom has determined that it is in the Borough's best interest to hold a public and/or private auction for the sale of the subject lands and to offer said property to the highest bidders, subject to the terms and conditions that shall be established by the Borough, in accordance with N.J.S.A. 40A:12-13, et. seq.;

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

1. That the subject properties identified by the "Land Sale Committee" and Borough Council be offered for sale at public and/or private auction to the highest Bidder pursuant to N.J.S.A. 40A:12-13, et. seq.
2. The land sale shall be conducted at the Borough of Folsom Municipal Building at a time to be established by the Borough Clerk, which shall be conducted in accordance with the conditions of sale memorialized within the "Notice of Public Auction and Conditions of Sale of Municipal Real Estate" that shall be published by the Borough Clerk.
3. The auctioneer shall commence the bidding and close bidding after receiving the highest bid. The Borough of Folsom reserves the right to finally accept or reject any bid, and no bid shall be considered final unless and until passage of a Resolution by the Borough Council of the Borough of Folsom confirming the sale. The Borough Council also reserves the right to remove parcels from the land sale at any time prior thereto. The Borough Council further reserves the right to

- consolidate parcels for sale prior to the time of bidding, which may further be subject to reservations by the Borough.
4. That the Borough Clerk is hereby authorized and directed to advertise said Notice of Sale and post the Public Notice as required by N.J.S.A. 48:12-13, et. seq.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby directed to file with the Director of the Division of Local Government Services in the Department of Community Affairs for the State of New Jersey, the required sworn Affidavit verifying the publication of advertisement required by N.J.S.A. 40A:12-13, et. seq.

A motion to approve Resolution #2018-87 made by Councilman Hoffman and seconded by Councilman Schenker

Councilman Pagano asked which properties this pertains too. Mr. Lozuke stated that the Land sale Committee should provide a list of all the properties that the Borough wishes to sell. Brian stated that his resolution authorizes the land sale to take place.

There was a roll call vote with ayes all.

**RESOLUTION 2018-88
BOROUGH OF FOLSOM**

**A RESOLUTION ACCEPTING THE LETTER OF RESIGNATION FROM PUBLIC WORKS
EMPLOYEE SHAUN THOMPSON**

WHEREAS, Public Works employee Shaun Thompson has submitted to the Municipal Clerk a letter of resignation from said position effective September 21, 2018;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Folsom does hereby accept the resignation of Shaun Thompson

A motion to approve Resolution #2018-88 made by Councilman Arena and seconded by Councilman Smith.

There was a roll call vote with ayes all.

Mayor DeStefano thanked Shaun for his services and wished him luck.

SOLICITOR'S REPORT: Mr. Lozuke gave an overview of the land sale process. A discussion ensued regarding paper streets.

FIRE CHIEF REPORT: no report. Councilman Smith reported that Chief Donnelly is out west fighting fires. Mayor DeStefano wished him a safe return.

ENGINEER'S REPORT:

ACTION ITEMS

NJDOT FY 2019 Municipal Aid Program

Applications are due on October 8, 2018 for the NJDOT FY2019 Municipal Aid Program. Our office has prepared a resolution which authorizes the Borough to submit a Grant Application and execute a Grant

Agreement with the NJDOT. It also authorizes our office to prepare and submit the application, with required construction estimates, narratives, and maps. Our office met with John LaPollo to review numerous streets within the Borough. The list of streets should be finalized by Mayor and Council at the workshop meeting on September 11, 2018. We estimate that the cost to prepare the application documents, including a construction estimate and maps, would be approximately \$900.00

Action Item: Authorize ARH to prepare and submit the NJDOT FY2019 Municipal Aid application, in the amount of \$900.00.

Councilman Smith made and motion to have the engineer proceed with the application and to approve the \$900.00 and Councilman Schenker seconded the motion. All in favor.

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.

Our office met with John LaPollo on 14th Street to review a number of sinkholes that have developed along the curb line above a storm drain. We are revising the plans to address this issue. It is possible that the intersection of 14th Street and Backline Road will not be included due to the additional work needed on 14th Street. If so, it would be included in a future road program. The plans and specifications are 95% complete, and they are being reviewed prior to submission to the NJDOT for authorization to bid.

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. Based on the amount of funding available from the CDBG program, we are adding an additional one to two pieces of exercise equipment to the proposal. We are currently working on the construction documents and will be working with the Atlantic County Improvement Authority to ensure compliance with their program and authorization to bid the project. We anticipate working with the County over the next few weeks.

NJDOT FY 2019 TRANSPORTATION ALTERNATIVES GRANT PROGRAM

Our office completed and submitted an application for the NJDOT FY2019 Grant Program, to construct Improvements to the 13th Street Park and Community Garden, and a bike path along 13th Street to the Borough owned property to the south. The application requested \$455,592.50. A copy of the application has been sent to the Clerk via email.

LEGACY PROJECTS

NJDOT MUNICIPAL AID PROGRAM: 14TH STREET

Arawak repaired the roadway surface problems on May 22, 2018. They also repaired select areas along the shoulder where the asphalt was breaking away. Our office inspected the work and will continue to monitor it to confirm that the repairs were successful.

8TH STREET BRIDGE REPAIR

The County recently solicited proposals for the rehabilitation of Bridge BV-02. We would anticipate the selection of a design consultant to be finalized in September 2018.

MAYOR'S REPORT: announced that the Borough will be advertising for a Public Works Laborer. Mayor DeStefano asked residents to use caution when driving around the school buses. Mayor stated that the Master Plan Committee will be meeting with the Planning/Zoning board next week looking for their suggestions. The Board will also set the date for the public meeting sometime in October. The Mayor is hopes to wrap this up project and send to Trenton for their approval.

Mayor DeStefano stated that the Borough has been given the opportunity to receive (2) two free outdoor exercise equipment. Councilman Pagano made a motion to accept the equipment and Councilman Schenker seconded the motion. All in favor.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: announced that there was an ad for Public Works Laborer posted on the Borough's Facebook page. Kyle also reported that the Collings Lakes Civic Association was holding their meeting at Borough Hall at 7:00PM Monday night. Councilman Smith stated the Civic Association is under court order to get everything moving and the dams repaired. Kyle reminded residents to use caution when driving around town with the kids back in school.

Councilman Ken Jantz: reported that he and Councilman Arena took a ride to visit the intersections that were listed in Councilman Schenker's stop sign report and also evaluated the town for light outages. Councilman Jantz thanked Councilman Schenker for his detailed report. Councilman Jantz asked all residents to go to the Borough's website to report lights that are out.

Councilman Pagano: read the public works report.

Councilman Arena: informed residents of Movie Night, September 28 at 7:00PM at Falcon's Nest Park. Charlie stated he is hoping for a nice crowd. Councilman Arena thanked the Clerk for putting the movie night together. Charlie updated Mayor and Council on the Community Garden. Councilman Arena gave Jake Blazer and his crew all the credit in the world for a great job with the Garden. Charlie hoped for more participation next year.

Councilman Hoffman: reported that he received a quote for a new bladder tank in the utility room which is leaking. Councilman Hoffman stated they are waiting for another quote to replace the tank and some leaky pipes.

Councilman Hoffman discussed the Veteran Memorial Stone which is located at St. James Church. Councilman Hoffman is looking to have the stone moved to Borough Hall since it was donated to the Borough but placed at St. James Church many years ago because the Borough did not have a building to place it at. Councilman Hoffman asked our engineer to look for any grant money for some concrete work around the proposed Memorial site.

Councilman Hoffman inquired about going out for RFP's this year for our 2019 Professionals. A discussion ensued.

Mayor DeStefano asked for a motion to have the Solicitor prepare the RFP's. Councilman Hoffman motion to approve and Councilman Schenker seconded.

Smith-Abstain Jantz-Abstain Pagano-No Arena-Yes Hoffman-Yes Schenker-Yes

Councilman Schenker: gave an update on the stop signs. Councilman Schenker stated that there are seven intersections that could possibly need stop signs. Councilman Schenker reported that he received a quote of \$3200.00 for these signs. Councilman Schenker stated that we are waiting for our engineer to give us a price

for a traffic study. A traffic study is needed to see if these intersections qualify for a stop sign before we can adopt an ordinance and move forward.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: No Comments

PAYMENT OF BILLS IN THE AMOUNT OF: \$196,720.06

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

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, October 9, 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 8:10PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

