

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 14, 2016**

MEETING CALLED TO ORDER: 7:20 PM

SALUTE TO THE FLAG LED BY Mayor DeStefano

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the open public meeting act, pursuant to Public Law 1975, Chapter 231. Said meeting has been advertised in the Hammonton Gazette and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

ROLL CALL: Councilpersons: Smith, Jantz, Pagano, Arena, and Veneziani

Also present: Mayor Lou DeStefano, Attorney Kris Facenda, and Engineer Gary Auer

RESOLUTIONS:

**RESOLUTION 2016-94
BOROUGH OF FOLSOM**

**A RESOLUTION ACCEPTING THE LETTER OF RESIGNATION FROM COUNCILMAN
BYRON GUMMOE**

WHEREAS, Councilman Byron Gummoe has submitted to the Municipal Clerk a letter of resignation from said position effective August 29, 2016

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Folsom does hereby accept the resignation of Councilman Gummoe.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:16-3(f), that Councilman Byron Gummoe's seat is hereby determined to be vacant to be filled accordance with applicable laws.

A motion to approve Resolution #2016-94 was made by Councilman Gummoe and seconded by Councilman Smith

There was a roll call vote with ayes all.

Attorney Kris Facenda directed Mayor and Council on the process of filling a vacancy. Councilman Pagano asked if he could nominate someone. Attorney Facenda stated that he could. Council President Pagano nominated Claude Jones. Attorney Facenda stated you can only vote for someone on the list. Attorney Facenda stated to Councilman Pagano I misunderstood your question and Council President Pagano withdrew his nomination.

There was a roll call vote for the nomination of Lisa O'Toole. All in favor.

**BOROUGH OF FOLSOM
RESOLUTION NO. 2016-96**

APPOINTMENT TO FILL A VACANCY ON COUNCIL

WHEREAS, the seat of Councilman Gummoe was vacated on August 29, 2016; and

WHEREAS, Councilman Byron Gummoe submitted to the Borough Clerk his resignation from said position by letter dated August 29, 2016 effective the same day, thus creating a vacancy in that position pursuant to N.J.S.A. 40A:16-3(f); and

WHEREAS, pursuant to N.J.S.A. 40A: 16-5(b), a vacancy in that position may be filled by the procedure set forth in N.J.S.A. 40A:16-11; and

WHEREAS, the Municipal Committee of the political party of which Councilman Byron Gummoe was the nominee has by letter dated September 8, 2016 presented to the Governing Body the names of three nominees for the selection of a successor to fill said vacancy.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Governing Body this 14th day of September, 2016 that Lisa O'Toole shall be and hereby is appointed to fill the vacancy created by the resignation of Councilman Bryon Gummoe until the successor is qualified and certified after the next General Election.

BE IT FURTHER RESOLVED that Lisa O'Toole shall take His/her seat on Council immediately with all voting rights and privileges of that office.

A motion to approve Resolution #2016-96 was made by Councilman Smith and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all.

OATH OF OFFICE TO COUNCILWOMAN LISA O'TOOLE BY KRIS FACENDA

MAYOR DESTEFANO REQUESTED A BRIEF RECESS

APPROVAL OF THE EXECUTIVE MINUTES FROM July 13, 2016

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

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

APPROVAL OF THE WORKSHOP MINUTES FROM August 10, 2016

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 Councilwoman O'Toole's abstention.

APPROVAL OF THE MINUTES August 10, 2016

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

There was a roll call vote with ayes all with the exception of Councilwoman O’Toole’s abstention.

MEETING OPEN TO PUBLIC: Greg Schenker-(1447A Backline Rd.) needed some clarification from our Solicitor. Mr. Schenker asked Attorney Kris Facenda if he could elaborate on what the difference is between a lawsuit and a tort claim. Mr. Schenker also stated that he had some questions as a concerned resident of the town. Mr. Schenker asked why one Councilperson’s name was not on the lawsuit. Council President Pagano stated he is not on the lawsuit because he didn’t vote. Attorney Kris Facenda cautioned Councilman Pagano not to answer any questions with regards to the active litigation. Mr. Schenker asked Mayor and Council if there are any active discussions with regards to the how the Borough will pay for these lawsuits. Attorney Kris Facenda stated he is not going to talk about matters he is not involved in because this lawsuit is being handled through our insurance carrier and he will not discuss open and active litigation. Kris stated that would be a subject for executive session. Kris Facenda advised the Mayor not to answer.

CLERK’S CORRESPONDENCE:

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

Borough Hall will begin regular office hours on Tuesday, September 6, 2016 FROM 8:30AM TO 4:00PM

Our next E-Waste day is scheduled for October 8, 2016 from 8:00am to 1:00pm at the Borough Garage.

Borough Hall offices will be closed on Monday, October 10,2016 in observance of Columbus Day.

Our Shred Day is scheduled for September 24, 2016 at Folsom Community Day from 11:00AM until 2:00PM (No Businesses)

RESOLUTIONS:

**RESOLUTION 2016-90
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>
2015-2016 Municipal Alliance Grant	\$1,428.72	\$1,428.72

A motion to approve Resolution #2016-90 was made by Council President Pagano and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

**RESOLUTION 2016-91
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF PROPERTY TAXES

WHEREAS, it has been brought to the attention of the Borough Council that Verizon has a customer base of less than 51% of residents who do not use Verizon lines therefore they are not required to pay taxes for 2016;

WHEREAS, Verizon has paid the first half of 2016 property taxes Block 9999, Lot 1, and therefore is due a refund in the amount of \$4,424.17;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom \$4,424.17 be refunded to Verizon.

A motion to approve Resolution #2016-91 was made by Councilman Smith and seconded by Councilman Arena.

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

**BOROUGH OF FOLSOM
RESOLUTION 2016-92**

**A RESOLUTION OF THE BOROUGH OF FOLSOM
AUTHORIZING THE SALE OF BOROUGH OWNED
LAND**

WHEREAS, the property identified as Block 1801, Lot 18 and Block 1701, Lot 18 is owned by the Borough of Folsom and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, it is in the best interest of the Borough to advertise this land for public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13.

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

1. The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the property located at Block 1801 Lot 18 and Block 1701 Lot 18 pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bid for Block 1801 Lot 18 is Fifteen thousand dollars and no cents (\$15,000.00). No bid less than the minimum amount set forth will be considered.
3. The minimum bid for Block 1701 Lot 18 is Ten thousand dollars and no cents (\$10,000.00). No bid less than the minimum amount set forth will be considered.
4. The Borough Clerk is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale. The failure, however, to notify any contiguous owner shall not invalidate the sale. The Borough Clerk is further authorized to notify by letter or telephone any other property owners, real estate developers, builders, real estate brokers and agents, and other potentially interested parties and other potentially interested parties as the Borough Clerk may deem appropriate.
5. The property being offered for public sale hereunder is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property by public sale to the highest bidder at or above the minimum price set forth in paragraph 2 above, with the Borough Council reserving the right to accept or reject or otherwise remove the lot from sale. The public sale shall take place at the Folsom Borough Hall, 1700 12th Street (Route 54) Folsom, NJ 08037 on a date and time to be established by the Clerk. Bids shall be received by the Borough Clerk in accordance with procedures to be announced by the Borough Clerk. A deposit by certified check, bank check or money order made payable to the Borough of Folsom in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The Clerk may by the announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interested parties.
6. All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Borough reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.
7. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$150.00. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Borough of Folsom and provided to the Borough Clerk within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.
8. A bargain and sale deed without covenants shall be delivered at the Office of the Borough Clerk on or before 45 days after the sale. The Mayor and Borough Clerk are hereby authorized to

execute said deeds and other conveyance documents and the Borough Attorney is authorized to prepare such deeds and documents.

9. In addition to the terms and conditions set forth herein, the successful bidders agree to the imposition of the following conditions by the Borough:
 - a. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Borough any and all monies deposited with the Borough.
 - b. The Borough does not warrant or certify title to the property and in no event shall the Borough be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Borough, the sole remedy being the right to receive a refund prior to closing a title of the deposit paid and in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Borough shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.
 - c. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Borough of Folsom, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land and a continued right of maintenance and flow thereof. The Borough shall be without obligation to provide access, public or private, or to provide any improvements.
 - d. The deed will contain a covenant that neither the purchaser nor any future owner or potential developer of the lot may assert a claim against the Borough of Folsom based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.
 - e. The Borough makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.
10. The Borough Clerk, the Mayor and the Borough Attorney are authorized to prepare and execute any and all such documents and to take any and all such actions as may be required to effect the transactions set forth herein.
11. The Borough Clerk shall file with the Director of Local Government Services in the Department of Community Affairs any required affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).
12. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Borough of Folsom.

13. All potential sales are subject to final approval by the Borough Council.

14. The Borough reserves the right to waive any and all defects, informalities and irregularities in any bid. The Borough further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, readvertise the property for sale. No bid shall be considered finally accepted until confirmed by the Borough Council.

BE IT FURTHER RESOLVED, that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Resolution shall be deemed valid and effective; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect following adoption and approval in the time and manner prescribed by law.

A motion to approve Resolution #2016-92 was made by Council President Pagano and seconded by Councilman Arena.

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

**RESOLUTION 2016-93
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND AND CANCEL OF PROPERTY TAXES

WHEREAS, it has come to the attention of Mayor and Council that Jose Pagan, Block 3404 Lot 9, owner Jose and Catherine Pagan has been declared to be 100% permanently and totally disabled due to a wartime service-connected disability and as such is exempt from paying property taxes;

WHEREAS, the 2016 taxes in the amount of \$4,161.09 shall be canceled and;

WHEREAS, the 2016 first half taxes were paid in the amount of \$2,029.01, this amount shall be refunded to Jose Pagan.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the 2016 taxes are cancelled and the first half 2016 taxes in the amount of \$2,029.01 be refunded.

A motion to approve Resolution #2016-93 was made by Councilwoman Veneziani and seconded by Council President Pagano

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

RESOLUTION #2016-95

**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 ONE:

Anti-Discrimination Policy:*

The Borough of Folsom is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough of Folsom discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Clerk, the Personnel Committee or Borough Attorney.

Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act:*

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough of Folsom does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough of Folsom will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Borough of Folsom to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough of Folsom.

The Personnel Committee shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Personnel Committee. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Folsom to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough of Folsom facilities. Any questions concerning proper assistance should be directed to Personnel Committee.

CHANGE TWO:

Communication Media Policy: *

The Borough of Folsom's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough of Folsom. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough of Folsom's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough of Folsom's local or wide-area networks."

The Borough of Folsom respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual.

All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the (local unit type). The (local unit type) reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the (Borough of Folsom's) Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough's personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough of Folsom are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough of Folsom's Communication Media for legitimate business purposes. Employees may not use Borough of Folsom's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any (Borough of Folsom) rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough of Folsom. Certain data, or applications that process data, may require additional security measures as determined by the Borough of Folsom. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Borough of Folsom has given permission. All employees must take appropriate actions to ensure that Borough of Folsom data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough of Folsom computing environment.

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough of Folsom. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Borough may engage in social media activity during work time through the use of the Borough of Folsom's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough of Folsom information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough of Folsom employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor and Council. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough of Folsom.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough of Folsom Communication Media. If such situation occurs, employee agrees that any images belong to the Borough of Folsom and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Mayor and Council of the Borough of Folsom. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough of Folsom. Such unauthorized communications may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display on the Borough of Folsom's return address, any information posted on the Internet must reflect and adhere to all of the Borough of Folsom's standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough of Folsom's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Mayor and Council is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public of the Borough of Folsom and other third-party rights. Any use of the Borough of Folsom name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough of Folsom, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough of Folsom employees, or if they discuss matters related to the Borough of Folsom on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough of Folsom, and the employee is expressing only their personal views. For example: “The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Borough of Folsom or the Borough of Folsom business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough of Folsom’s policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

CHANGE THREE:

Employee Dating Policy:

The Borough of Folsom recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Folsom has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title [or civil-service classification], makes or has the authority to make decisions or to take action concerning another employee’s compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee’s at will status.

CHANGE FOUR:

Employability Proof: After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.

CHANGE FIVE:

Open Public Meetings Act Procedure concerning Personnel Matters:*

Discussions by the governing body or anybody of the Borough of Folsom concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be

present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or anybody of the Borough of Folsom concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

CHANGE SIX:

- A. Model Employment Application to be Compliant with Ban the Box Legislation. In March of 2015, New Jersey's Ban the Box Legislation become effective, which prohibits employers from asking on an employment application about a candidate's criminal background. Therefore, we have eliminated the question from the standard job application.

CHANGE SEVEN:

- A. CEPA Notice. Removed outdated CEPA notice and replaced with most current version.

BE IT FURTHER RESOLVED that the same revisions are to be made and incorporated in the Employee Handbook.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all the Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

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 #2016-95 was made by Councilman Smith and seconded by Council President Pagano

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

**BOROUGH OF FOLSOM
RESOLUTION NO 2016-97**

ROCK SALT CONTRACT AWARD

WHEREAS, pursuant to the Lead Agency of the Atlantic County Cooperative #41-ACC, advertising for sealed bids to be publicly opened and read aloud for furnishing and delivering Rock Salt was received in July 2016.

WHEREAS, the winning bid was submitted by Cargill Inc., Deicing Technology Business, 24950 Country Club Blvd, North Olmsted, OH 44070 at a price of \$63.56 per ton.

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

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Folsom that a contract for Rock Salt is awarded to Cargill, Inc. for Rock Salt at a price of \$63.56 per ton. The term of the contract shall be for a period commencing September 1, 2016 and terminating May 31, 2017.

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

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

A motion to approve Resolution #2016-97 was made by Councilman Arena and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

FIRE CHIEF REPORT: Councilman Smith read report.

Two (2) vehicle crashes were reported for the month of August. Fire members continued to drill. The fire company will be holding its 20th annual open house on Friday, October 7, 2016 starting at 7PM.

ENGINEER'S REPORT:

2014 Community Development Block Grant Funding - ADA Access Project

We reached out to the Atlantic County Improvement Authority (ACIA) today to inquire on the reimbursement payment to the Borough for approximately \$36,000.00. We were told there was an accounting error with the County offices and that the ACIA has been working with the County to resolve the discrepancy. The ACIA had received a partial payment in the amount of \$15,000.00.

We have requested that the ACIA send the \$15,000.00 check to the Borough and forward the remaining balance as soon as possible.

ADA Improvements - Penny Pot Park

We are waiting on the final payment request from Kline Construction to finalize their billing and submit the required documentation to the ACIA.

SOLICITOR'S REPORT: NONE

MAYOR'S REPORT: Mayor DeStefano reminded everyone about Community Day on September 24, 2016 at Folsom School from 10:00AM to 2:00PM. Mayor DeStefano requested a moment of silence for resident Max Guzman who passed away this week.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: thanked Councilman Gummoe for his services to the Borough. Councilman Smith reported that the fire company will be holding its annual open house on October 7, 2016. Kyle reminded residents that ATV enforcement is through the State Police and not the Borough. Kyle asked residents to report any ATV incidents to the State Police.

Councilman Kyle Jantz: reported that the Committee had two (2) street lights repaired. Councilman Jantz also reported that Mrs. Brown from Fairmount Avenue has requested a street light on her road. Councilman Jantz and Councilman Pagano have visited the site and are still researching this issue and will report to Council next month. Councilman Jantz asked Mr. and Mrs. Brown to come before Council and make their own presentation. They were in Florida at this time.

Council President Pagano: congratulated Councilwoman O'Toole. Ben wished everyone a wonderful Columbus Day. Ben reminded residents about Community Day on the 24th of September. Council President reported that he attended the swearing in of Freeholder Amy Gatto in Mullica Township. Council President Pagano asked the Freeholders to hold a meeting here in Folsom. Ben asked for a moment of silence and prayer for the Cappuccio family and also in memory of the people that lost their lives on 9/11.

Councilwoman Veneziani: reminded residents about Community Day and that there is lots of space still available. Councilwoman Veneziani also informed everyone that there will be a dedication to the new playground at Community Day. Mimi stated that the playground was a donation from the Folsom Fire Company.

Councilman Charlie Arena: reported that the swings for Penny Pot Park were delivered today and will be installed next week. Councilman Arena also reported that the roof was replaced on the dugout today. Charlie stated the Public Works Superintendent LaPollo reported that a sign was vandalized at the park and that John had replaced it.

Councilwoman Lisa O'Toole: thanked Mayor and Council for the opportunity and for their support to serve on Council.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

Greg Schenker (1447A Backline Rd) commented on Councilman Smith's report that a resident had a complaint about the State Police with regards to the ATV. Mr. Schenker just wanted to state that the State Police were patrolling our neighborhood looking for a man who was armed and dangerous and was strolling the tracks just three houses from his. Mr. Schenker just wanted to mention that sometimes the State Police have very pressing issues that they have to attend to. Mr. Schenker stated that the State Police are doing the best they can with the man power they have and the area that they cover.

PAYMENT OF BILLS IN THE AMOUNT OF: \$202,433.22 and \$12,711.35

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

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

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 Wednesday, October 12, 2016 starting with an hour workshop meeting starting at 6:00 pm and continuing with the regular meeting at 7:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:54 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk