

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

MEETING CALLED TO ORDER: 7:16 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, Veneziani and Schenker

Absent: Councilman Arena

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

APPROVAL OF THE WORKSHOP MINUTES FROM November 17, 2016

A motion to approve the minutes was made Councilwoman Veneziani and seconded by Councilman Pagano. Councilman Smith and Schenker had to abstain and Councilman Arena was absent so approval will be on next month's agenda. Councilman Schenker made a motion to rescind the motion to approve.

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

APPROVAL OF THE MINUTES November 17, 2016

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

There was a roll call vote with ayes all.

APPROVAL OF THE EXECUTIVE SESSION MINUTES November 17, 2016

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

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

MEETING OPEN TO PUBLIC:

Gary Conover from the Atlantic County Utility Authority gave a brief overview of the 2017 Budget. Mr. Conover reported that there will be no 2017 tipping fee increase. Gary wished everyone a Happy Holiday.

CLERK'S CORRESPONDENCE:

Borough Hall Offices will be closed on December 23, December 26, 2016 and January 2, 2017 in observance of Christmas and New Year's Day

ORDINANCES: (First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE #07-2016**

SPECIAL EMERGENCY AUTHORIZATION TO FUND REVALUATION PROGRAM

AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-53(a) TO FUND THE COSTS ASSOCIATED WITH THE EXECUTION OF A COMPLETE PROGRAM OF REVUATION OF REAL PROPERTY FOR THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

Whereas, the Borough of Folsom, County of Atlantic, New Jersey (“Borough”) has determined that it is necessary to prepare and execute a complete program of revaluation of real property for use by the Borough Tax Assessor and the Atlantic County Board of Taxation; and

Whereas, the amount to be appropriated by the Borough for the purpose described above is \$80,000.00 which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, *N.J.S.A. 40A:40-1 et. seq.*; and

Whereas, it is the desire of the Borough Council to adopt an ordinance to create said special emergency appropriation.

Now, Therefore, Be It Resolved by the Borough Council of the Borough of Folsom, County of Atlantic, New Jersey, pursuant to Local Budget Law as follows:

SECTION 1: There is hereby appropriated, pursuant to N.J.S.A 40A:4-53(a) the sum of \$80,000.00 appropriated for the revaluation project, as further described in the preamble of this ordinance.

SECTION 2: Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to N.J.S.A. 40A:4-55; provided, however at least one-fifth (1/5th) of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.

SECTION 3: That a certified copy of this Ordinance as finally adopted, shall be filed by the Borough Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

SECTION 4: This ordinance shall be effective after final passage and publication as provided by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council in the Borough of Folsom, County of Atlantic and State of New Jersey, held on December 14, 2016 and said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on January 11, 2016 at 7:00 P.M.

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

There was a roll call vote with ayes all.

RESOLUTIONS:

**BOROUGH OF FOLSOM
Resolution# 2016-114**

**RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE
2016 LOCAL MUNICIPAL BUDGET PER N.J.S.A. 40A: 4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides that appropriation transfers may be made during the last two months of the year;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the following transfers be made:

<u>Account Description</u>	<u>Account Number</u>	<u>From</u>	<u>To</u>
Construction Official - Other Expenses	01-22-195-020		2000.00
Employee Health Insurance	01-23-220-092	3000.00	
Health Benefits Waiver	01-23-221-000		1000.00
TOTAL		3,000.00	3,000.00

A motion to approve Resolution #2016-114 was made by Councilwoman Veneziani and seconded by Councilman Schenker.

There was a roll call vote with ayes all.

**RESOLUTION 2016-115
BOROUGH OF FOLSOM**

**A RESOLUTION ACCEPTING THE LETTER OF RESIGNATION FROM PUBLIC
WORKS EMPLOYEE BRANDON SAUERWALD**

WHEREAS, Public Works employee **Brandon Sauerwald** has submitted to the Municipal Clerk a letter of resignation from said position effective November 23, 2016;

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

A motion to approve Resolution #2016-115 was made by Councilman Smith and seconded by Councilwoman Veneziani.

Mayor DeStefano thanked Brandon for his services.

There was a roll call vote with ayes all.

**RESOLUTION 2016-116
BOROUGH OF FOLSOM**

**A RESOLUTION HIRING A FULL TIME LABORER FOR THE PUBLIC WORKS
DEPARTMENT**

WHEREAS, there is a need for the hiring of a full time laborer to replace Public Works Employee Brandon Sauerwald who resigned on November 23, 2016; and;

WHEREAS, the position was advertised in the local newspaper and posted on the Borough Website and;

WHEREAS, the personnel committee approved the hiring of Kevin Stadtmueller at a rate of \$17.00 per hour and;

WHEREAS, such employment is effective December 15, 2016, with probationary period of (60) sixty days.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom that Kevin Stadtmueller is hereby hired as a full time laborer for the Public Works Department.

A motion to approve Resolution #2016-116 was made by Councilman Smith and seconded by Councilwoman Veneziani.

Councilman Schenker had an issue with his rate of pay and the hiring procedure. Councilman Schenker requested to table this resolution until next week. Councilman Schenker then made a recommendation to table this resolution and Council President Pagano seconded that motion. A discussion ensued and Attorney Kris Facenda asked Councilman Schenker are you making a motion to postpone or table. Councilman Schenker stated he is making a motion to postpone until Council can get together for a special meeting to discuss. A discussion ensued over when to hold the meeting and Councilman decided to make a motion to table Resolution 2016-116. Councilman President Pagano seconded that motion.

Smith –N Jantz-N Pagano-Y Veneziani-N Schenker-Y

Motion to table failed.

Councilman Schenker questioned if the salary was approved by Council. Councilman Schenker made a motion to approve at \$14.00 per hour.

Councilman Arena entered the meeting at 7:22PM. A discussion ensued updating Councilman Arena.

Smith-Y Jantz-Y Pagano-Y Arena-Y Veneziani-Y Schenker-N

**RESOLUTION 2016-117
BOROUGH OF FOLSOM**

**A RESOLUTION RENEWING ALCOHOLIC BEVERAGE LICENSE WITHIN THE
BOROUGH OF FOLSOM**

WHEREAS, the following licensee has received a Special Ruling from the Director of Alcoholic Beverage Control pursuant to N.J.S.A. 33:1-12.18 for the relief for Sneakers Sports Bar Company for license term 2015-2016 for failure to renew.

0110-33-007-008	Sneakers Sports Bar Company 1611 Asbury Avenue Mays Landing, NJ 08330	\$420.00
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WHEREAS, the Borough of Folsom Council have no objection to the 2015-2016 renewal of said license and is not aware of any circumstances or provisions of law or local Ordinance which would prohibit the issuance of said license.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, that the Borough Clerk be hereby authorized to issue and deliver said licenses, all of which to become effective December 14, 2016

A motion to approve Resolution #2016-117 was made by Council President Pagano and seconded by Councilman Smith.

Smith-Y Jantz-Abstain Pagano-Y Arena-Recuse Veneziani-N Schenker-N (tie) Mayor-Y

Resolution 2016-118-tabled

**BOROUGH OF FOLSOM
RESOLUTION 2016-119**

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

WHEREAS, the property identified as Block 301, Lots 16, 17 & 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 301, Lots 16, 17 & 18 pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bid for Block 301, Lots 16, 17 & 18 is Two Hundred and Ninety Two Thousand and Five Hundred Dollars (\$179,900.00). No bid less than the minimum amount set forth will be considered.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.

9. 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.
10. 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).
11. 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.
12. All potential sales are subject to final approval by the Borough Council.
13. 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 #2016-119 was made by Councilwoman Veneziani and seconded by Council President Pagano.

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

FIRE CHIEF REPORT: Councilman Smith read report.

The following incidents occurred in your community during the month of November 2016

November 2 nd	Vehicle Crash	Mays Landing Rd	14 Members Responding
November 8 th	Chimney Fire	Oakwood Rd	24 Members Responding
November 10 th	Alarm System	Mays Landing Rd	16 Members Responding
November 11 th	Vehicle Crash	Rt 322/ Rt54	19 Members Responding
November 20 th	Wires Arcing	Rt 54	18 Members Responding
November 20 th	Investigation	Mays Landing Rd	19 Members Responding

With the holidays approaching we would like everyone to know that Santa will be out visiting everyone on the fire truck once again starting Thursday December 22nd. Santa will be on the North side of RT322 and in the Penny Pot section and on Friday December 23rd he will be

visiting all of the roads on the South side of RT 322 with the exception of Penny Pot. If anyone would like Santa to make a special appearance at their home please reach out to us ahead of time or come by the station around 5pm on the night he is scheduled for your neighborhood and he will be glad to stop by. Once again, every Tuesday night the members are in the station starting around 7pm or you can check us out at clfd23.org Finally on behalf of the Fire Department I would like to wish each and everyone a great holiday along with much good health and happiness for the new year.

Mayor DeStefano thanked the Fire Company for their participation in the Annual Christmas Tree Lighting. Mayor DeStefano stated that the fire company looked good the Hammonton Parade.

ENGINEER'S REPORT:

ADA Improvements - Penny Pot Park

The final billing was paid at the last meeting and we are working with the Borough Finance Officer to prepare the required documents for submission to the ACIA to obtain the reimbursement funding.

FY16 State Aid Project - 14th Street

We have completed the preparation of the design plans and specifications for the project and forwarded the documents to the NJDOT for their review and approval. Due to the suspension of the Transportation Trust Fund there is a backlog of projects, so we have been advised their review could take approximately 4-6 weeks. We have also forwarded the plans to the NJDOT Structural & Railroad Engineering Services Unit for review since the roadway involves a railroad crossing. That review and approval appears to be several weeks out also.

In the meantime we would like to sit down with the Mayor and members of the Roads Committee to review the plans and ensure all concerns have been addressed.

FY15 State Aid Project - 8th Street

The project has been completed and the advance signage has been installed by the contractor. We are finalizing their final payment requests and as-built quantity change order. Those will be submitted for inclusion on the agenda for the January meeting.

FY17 State Aid Funding

The submission deadline for the Municipal Aid FY 2017 grant program is February 3, 2017. Our office would like to meet with the Mayor and the Roads Committee to discuss desired projects, including the work to complete the resurfacing of the entirety of 14th Street later this month or early January.

2016 Community Development Block Grant Funding - Borough Hall Automatic Door Operators

Our office has submitted a proposal for engineering design and construction management services for the provision and installation of automatic door operators for the Borough Hall Building. The Borough currently has approximately \$5,300.00 remaining from previous years funding and we expect the Borough to receive an additional \$15,000.00 when funds for 2017 are granted later this month.

SOLICITOR'S REPORT: NONE

MAYOR'S REPORT: Mayor Destefano thanked Folsom School, Dr. Brown and the Borough Staff for all their support during our tree lighting ceremony. Mayor stated that we didn't have very nice weather but there was a large crowd this year. He thanked everyone that was involved. Mayor reported that the 8th Street slow and bump signs are up. Mayor thanked the engineer for getting that done. Mayor DeStefano thanked Councilwoman Veneziani for her last three years. He stated they have been invaluable. Mayor welcomed Jim Hoffman to Council. Mayor DeStefano wished everyone a Merry Christmas or whatever Holiday you do celebrate and a Healthy and Prosperous New Year

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: congratulated Kevin to our public works department. Kyle stated that this is the third interview process that he has sat through and feels Kevin did a great job and feels we hired the right person and wished him good luck. Kyle thanked all the Borough employees for their help with the Christmas Tree Lighting. Councilman Smith thanked Councilwoman Veneziani for all her work for the town and wished her the best of luck. Kyle asked everyone to be safe on the roads and enjoy your holidays.

Councilman Kyle Jantz: thanked Councilwoman Veneziani for her service as a Councilperson and School Board Member. Ken reported his last light outage right across from his house. Councilman Jantz wished a Merry Christmas to everyone.

Council President Pagano: thanked Councilwoman Veneziani for her time to serve the Borough. Ben reported that Ferris & Associates was granted a temporary approval to mine. Ben reported that he attended the League of Municipalities which hosted a Community of Champions Program. Ben stated that it's a great program with 19 of the 23 Atlantic County Municipalities participating. Ben thanked the Borough Hall employees and the school for their work on a very successful tree lighting. Ben wished everyone a wonderful blessed Holiday and a Happy New Year.

Councilwoman Veneziani: no report. Mimi thanked everyone for their kind words and wished everyone a Merry Christmas and a Happy New Year.

Councilman Charlie Arena: thanked Councilwoman Veneziani for her time on Council and School Board. Charlie reported that the Parks & Rec had a meeting last night and discussed projects for next year. Councilman Arena reported that he has received emails about speed humps on E. Collings Drive. Charlie stated that he drove down there however there was not much traffic the time of day he went. He stated that he is taking this issue very seriously because there have been a lot of complaints. Charlie stated that maybe we can start out by adding some signs and maybe some added patrols by the state police.

Council President Pagano stated that he contacted Freeholder Jim Bertino and he is working with state and county engineering department to bring the radar apparatus along with doing an impact study. A discussion ensued over stop signs.

Councilman Schenker: thanked everyone involved in the tree lighting. Greg thanked Mimi for her service to the town. Councilman Schenker informed new hire Kevin Stadtmuller that his actions up here this evening did not reflect how he felt towards him but rather that proper procedure was not followed and why he wanted to delay the resolution. Councilman Schenker went to state that he is very passionate about this job and cares about the town. Greg went on to explain about the Borough's former litigation. Greg wish everyone a Happy Holiday.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

NO COMMENTS

PAYMENT OF BILLS IN THE AMOUNT OF: \$180,316.57

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

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 Borough of Folsom's re-organization meeting will be held on Wednesday, January 4, 2017 at 6:00pm at Borough Hall. The next regular meeting of Mayor and Council will be held on Wednesday, January 11, 2017 starting with a workshop meeting at 6:00 pm and continuing with the regular meeting at Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:24 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk