

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
August 10, 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

Absent: Councilman Gummoe

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

APPROVAL OF THE MINUTES FROM June 8, 2016

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

APPROVAL OF THE WORKSHOP MINUTES July 13, 2016

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

There was a roll call vote with ayes all.

APPROVAL OF THE MINUTES FROM July 13, 2016

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

MEETING OPEN TO PUBLIC: No comments

CLERK'S CORRESPONDENCE:

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

Our next E-Waste day is scheduled for August 13, 2016 from 8:00am to 1:00pm at the Borough Garage.

Borough Hall offices will be closed on Monday, September 5, 2016 in observance of Labor Day.

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

Mayor DeStefano asked for a motion to approve a Land Sale Committee. Councilman Jantz, Councilman Arena and Councilwoman Veneziani. (inaudible) All in favor.

RESOLUTIONS:

**BOROUGH OF FOLSOM
REOLUTION #2016-87**

RESOLUTION OF SUPPORT PURSUANT TO N.J.S.A. 39:4-8-4(c)

WHEREAS, the Governing Body of the Borough of Folsom requested that the State of New Jersey Department of Transportation investigate the feasibility of legally prohibiting left turns along Route US 322 into and out of the Wawa convenience store’s driveways;

WHEREAS, the New Jersey Department of Transportation shared the Borough of Folsom’s concerns for motorist and pedestrian safety in this area and initiated an investigation;

WHEREAS, the Staff of the Bureau of Traffic engineering completed an investigation and based on said investigation the State of New Jersey Department of Transportation supports the request to legally prohibit left turns in the aforesaid area and recommends that left turn prohibitions and one way entrance/exit regulations be implemented in the interest of safety and the expeditious movement of traffic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Folsom its support is given for the following:

Route US 322

Turn Prohibitions:

No person shall make a turn at any location listed and only in the manner described:

Intersection/Location	Turn Prohibited	Movement Prohibited
Route US 322 and the westerly most driveway (entrance only) of the Wawa store (Block 2511, Lots 13, 14 and 15) (56 ft. east of the easterly curb line of Cains Mill Road.) (Approximate milepost 32.91)	Left Turns	Route US 322 westbound into the westerly most driveway (entrance only) of the Wawa store southbound.
Route US 322 and the easterly most driveway (exit only) of the Wawa store (Block 2511, Lots 13, 14 and 15) (125 ft. east of the easterly curb line of Cains Mill Road) (Approximate milepost 32.91)	Left Turns	Northbound from the easterly most driveway (exit only) of the Wawa store onto Route US 322 westbound.

“One – Way” Entrance/Exits

The driveways described are designated as “one-way” entrance/exit and traffic shall move as indicated:

Intersection/Location	Turn Prohibited	Movement Prohibited
Route US 322 and the westerly most driveway of the Wawa store (Block 2511, Lots 13, 14 and 15) (56 ft. east of the easterly curb line of Cains Mill Road.) (Approximate milepost 32.91)	Entrance <u>Only</u>	Southbound <u>Only</u>
Route US 322 and the easterly most driveway of the Wawa store (Block 2511, Lots 13, 14 and 15) (136 ft. east of the easterly curb line of Cains Mill Road) (Approximate milepost 32.91)	Exit <u>Only</u>	Northbound <u>Only</u>

Repealer Clause: the Borough of fulsome concurs that any approved traffic regulations in conflict with her inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

A motion to approve Resolution #2016-87 was made by Council President Pagano and seconded by Councilman Smith

There was a roll call vote with ayes all

**BOROUGH OF FOLSOM
RESOLUTION 2016-88**

**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 One Hundred seventy nine thousand and nine hundred dollars and no cents (\$ 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 #2016-88 was made by Councilman Arena and seconded by Councilwoman Veneziani.

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

FIRE CHIEF REPORT: Councilman Smith read the report.

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

July 4 th	Vehicle crash	Rt 54/ Mays Landing Rd	17	Members Responding
July 8 th	Alarm System	Rt 322	9	Members Responding
July 10 th	Investigate Fumes	Lupin Ln	14	Members Responding
July 13 th	Alarm System	Rt 54	16	Members Responding
July 18 th	Dwelling Fire	Fenimore Dr	19	Members Responding
July 20 th	Investigation	Cains Mill / Rt 322	11	Members Responding
July 21 st	Vehicle Crash	Cains Mill/ Rt 322	11	Members Responding

During July members continued to drill with water doing hose advancement, drafting and suppling master streams. Smoke detectors are available to anyone who needs them. Again every Tuesday night members are in station starting at 7pm anyone interested is certainly welcome to stop by or follow us on Facebook and Twitter

ENGINEER'S REPORT:

2014 Community Development Block Grant Funding - ADA Access Project

We are waiting on the Atlantic County Improvement Authority (ACIA) to issue the reimbursement payment to the Borough.

FY15 State Aid Project - 8th Street

Our office is continuing to pressure Arawak Paving to address the transition between the asphalt roadway and the existing bridge. They recently submitted some additional survey information we will be reviewing later this week.

ADA Improvements - Penny Pot Park

A contract was awarded to Kline Construction at last month's meeting for the construction of the ADA compliant walking path and parking areas around Penny Pot Park. The contractor has completed all of the items within the scope of work. A payment request has been processed and is on tonight's agenda for approval in the amount of \$40,810.72.

NJDOT Route 54 / 322

With the NJDOT shutdown of all state funded projects, the

FY16 State Aid Project - 14th Street

Our office has completed the survey of the section of 14th Street within the project limits.

SOLICITOR’S REPORT: NONE

MAYOR’S REPORT: hoped everyone was enjoying their summer. Mayor DeStefano reported that the Fire Department was driving around Folsom on National Night Out. Mayor DeStefano stated that he would like to do something with the Fire Department for next year.

COUNCIL MEMBER’S REPORTS:

Councilman Kyle Smith: no report

Councilman Kyle Jantz: was pleased to announce that we are sixth (6) in line for having our final review for getting our quotation for the street light on Fifth Street. Councilman Jantz also reported that we received our energy audit report back. Ken stated that he will be meeting with Building & Grounds and speaking to CFO Dawn Stollenwerk to see what our next step is. Ken stated that the Street Light Committee will be checking for outages next month. Ken asked all residents to report any outages or go to the link on the Borough’s website.

Council President Pagano: reported that at the Planning/Zoning meeting two (2) resolutions were memorialized. Ben also reported that the father of former Assemblyman John Amodeo passed away and asked for prayers for his family. Council President Pagano wished everyone a Happy Labor Day.

Councilwoman Veneziani: read the EMS report from AtlantiCare. Councilwoman Veneziani reported that Dr. Blachford the Superintendent from Hammonton Schools asked to come to our next Council meeting to give a presentation. Mimi also reported that the school has donated rubber mulch to the Borough. Mimi reminded residents about Community Day.

Councilman Charlie Arena: reported that Parks & Rec met last night at South River. Charlie stated that the Park looks good with the donated mulch. Councilman Arena reported that the Athletic Field Ordinance was discussed and how they want to move forward with some changes. Charlie reported that a sub-group was formed for issues that needed immediate attention.

Councilman Byron Gummoe: absent

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

NONE

PAYMENT OF BILLS IN THE AMOUNT OF: \$466,634.07

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 Wednesday, September 14, 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 7:40 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk