

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
December 14, 2011**

MEETING CALLED TO ORDER: 7:42PM

SALUTE TO THE FLAG: by Mayor Ballistreri

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 News and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

ROLL CALL: Councilpersons Eckhardt, Gazzara, Schenker, Kemmerer, Esposito and Olive

Also present: Attorney Mike Fitzgerald and Gary Auer of Polistina & Assoc.

APPROVAL OF THE WORKSHOP MINUTES FROM November 9, 2011

A motion to approve the workshop minutes was made by Councilman Olive seconded by Councilman Kemmerer

There was a roll call vote with ayes all

APPROVAL OF THE MINUTES FROM November 9, 2011

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

There was a roll call vote with ayes all

MEETING OPEN TO PUBLIC:

Mayor Ballistreri introduced Gary Conover who appeared on behalf of the Atlantic County Utility Authority to give an update on their budget. Mr. Conover distributed to Mayor and Council the Annual Report Card for the Borough of Folsom and the Material Analysis Report by Material. Mr. Conover introduced a new program from ACUA called SeeClickFix. This program is a social media program designed for most smart phones. It can also be accessed through SeeClickFix.com, ACUA.com, Facebook and Twitter. This program is a downloadable application that can help citizens report non-emergency issues from throughout the community.

NO PUBLIC COMMENT

CLERK'S CORRESPONDENCE: Borough Hall offices will be closed on December 23rd and December 26th in observance of Christmas and January 2, 2012 for New Year's Day

Holiday Family & Community Skating Party on December 22, 2011 at the Rollway Skating Center from 6:00PM – 8:30PM sponsored by Folsom Municipal Drug & Alliance and the Folsom Home & School Association.

MEETING CLOSED TO PUBLIC:

(Second and Final Reading)

**BOROUGH OF FOLSOM
ORDINANCE 12-2011**

**AN ORDINANCE AMENDING CHAPTER 46, PLANNING BOARD,
OF THE CODE OF THE BOROUGH OF FOLSOM**

WHEREAS, Chapter 46 of the Code of the Borough of Folsom establishes the Borough Planning Board pursuant to N.J.S.A. 40:55D-1 et seq. and provides for its jurisdiction and procedures; and

WHEREAS, Section 46-9, Applications, of Chapter 46 establishes the procedure for the filing of applications for development within the jurisdiction of the Planning Board.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, as follows:

Chapter 46, Planning Board, Article I, Planning Board, Section 9, Applications, is amended to delete the second sentence and to replace it with the following:

The applicant shall file the completed application, fees and required number of plans no later than thirty (30) days prior to the hearing date.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance 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 Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed 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 of the Borough of Folsom, County of Atlantic and State of New Jersey held on the 9th day of November, 2011 and said Ordinance will be further considered for final passage, and adoption at a public hearing to be held in the Borough of Folsom Municipal Building, 1700 12th Street, Folsom, New Jersey on the 14th day of December, 2011 at 7pm or as soon thereafter as the matter may be reached.

NO PUBLIC COMMENT

A motion to approve was made by Councilman Olive and seconded by Councilman Kemmerer
There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2011 - 77
Borough of Folsom**

**A RESOLUTION GRANTING A RAFFLE LICENSE TO FOLSOM EDUCATIONAL
FOUNDATION TO BENEFIT THE SCHOOL**

WHEREAS, the Folsom Educational Foundation has applied for a license to conduct an on
premise raffle and 50/50 to be held on January 28, 2012.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Folsom, that

1. The following facts are hereby found and determined:
 - a) The Applicant is qualified.
 - b) The members designed to conduct the games are active members.
 - c) The members designated to conduct the games are of good moral character and have never been convicted of a crime.
 - d) The raffle will be conducted according to the Raffle Licensing Law and the Rules of Legalized Games of Chance Control Commission.
 - e) The entire proceeds are to be disposed of for a purpose permitted by the Raffles Licensing Law.
 - f) There is satisfactory proof that no payment will be made for conducting the raffle or assisting therein except to the extent allowed by the law.
 - g) There is satisfactory proof that the prizes are of the nature and amount allowed by the Raffles Licensing Law.
 - h) The rental to be paid for equipment does conform to the schedule of authorized rental prescribed by the Rules of the Control Commission.
2. The Council is hereby authorized and directed to execute and deliver the proper certificates of the aforesaid Findings and Determinations in the Form prescribed and specified by the Legalized Games of Chance Control Commission.

**RESOLUTION 2011-78
BOROUGH OF FOLSOM**

**A RESOLUTION ADOPTING CHANGES TO AN EXISTING DEFERRED
COMPENSATION PLAN PURSUANT TO THE FINAL INTERNAL REVENUE
CODE SECTION 415 REGULATIONS, PENSION PROTECTION ACT OF 2006, THE
HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND THE
WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008**

WHEREAS, the Borough of Folsom (herein after referred to as the “Employer”) by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”) effective December 14, 2005, for the purpose of making available to eligible employees the accrual of tax benefits under section 457 Deferred Compensation; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company (“VALIC”) as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006 (“PPA”), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the “HEART ACT”) and the Worker, Retiree and Employer Recovery Act of 2008 (“WRERA”) amended Section 457 of the Code; and

WHEREAS, State and Local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year;

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan,

NOW THEREFORE, BE IT RESOLVED, that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of Governmental Services.

**RESOLUTION 2011-79
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING THE GRANT APPLICATION AND EXECUTE A
GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE FOLSOM PEDESTRIAN AND BIKE PATH PROJECT**

WHEREAS, the Borough of Folsom has identified a need for a pedestrian and bicycle path along Mays Landing Road connecting the Municipal Complex, school and two parks and the Borough has decided that these improvements should be completed in the best interested of the public welfare and safety; and

WHEREAS, the New Jersey Department of Transportation's federal aid Safe Routes to School funding program allows municipalities to request funding for such improvements for safe pedestrian access projects;

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Folsom, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SRS-I-2012-Folsom Borough-00149 to the New Jersey Department of Transportation on behalf of the Borough of Folsom.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Folsom and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

A motion to approve Resolution 77-2011 through 79-2011 was made by Councilman Gazzara and seconded by Councilman Esposito

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: Mr. Fitzgerald stated that the Persiano Tax Certificate Foreclosure has been concluded and the lot can be sold in January to the adjoining property owner.

FIRE CHIEF'S REPORT: No one present from the Fire Company.

ENGINEER'S REPORT: Gary Auer stated that the grant application for the Folsom Pedestrian & Bike Path Project has been submitted to the New Jersey Department of Transportation. Mr. Auer updated Mayor and Council on the drainage issues at 1208 Mays Landing Road. Vince Polistina met with Folsom Public Works Superintendent John LaPollo at the site. Mr. Polistina sent Mayor & Council a letter with recommendations. Mr. Polistina is following up with the DEP regarding their assistance with one issue as outlined in the letter. Mr. Auer responded to a question asked by Mayor Ballistreri regarding the other drainage issues in Folsom and Mr. Auer stated that Vince also met with John LaPollo at the site of these drainage problems and are working on a solution.

MAYOR'S REPORT: Mayor Ballistreri reported that they are starting the budget review process for 2012. We are presently working on new revenue for 2012 and always looking to improve our financial situation here in Folsom. The Mayor wished everyone a safe and happy holiday.

COUNCIL MEMBER'S REPORTS:

Councilman Ron Eposito: Thanked Dan Schenker on his Eagle Scout project. Councilman Esposito also thanked everyone involved in the Tree Lighting Ceremony. Councilman Esposito thought the turnout was great and the kids had a good time. Also wished everyone Happy Holidays.

Councilman Matt Olive: Thanked Councilman Eckhardt for his work in purchasing the new trees. Councilman Olive thanked John LaPollo and his crew for all their help with the tree planting. Also wished everyone a Merry Christmas and a Happy Healthy New Year.

Councilman Gary Kemmerer: Councilman Kemmerer reminded residents that this Sunday will be the last day for leaf pickup. All leaves must be curbside by this Sunday. Wished everyone a Merry Christmas.

Councilman Greg Schenker: Eagle Scout project has been completed. Capaldi Bros.will be out in the spring to seal coat. Wished everyone a Safe and Happy Holiday.

Councilman Butch Gazzara: Congratulated fellow councilman on re-election and thanked all residents who came out and voted.

Councilman George Eckhardt: Parks and Rec had some money left over to purchase fifteen Maple Sugar Trees. The trees will be planted next week.

Public Comment on the Council Members Reports: No Public Comment

Meeting closed to Public

PAYMENT OF BILLS IN THE AMOUNT OF \$222,151.80

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

There was a roll call vote with ayes all.

Mayor Ballistreri asked residents to visit the new Borough of Folsom website's at www.folsomborough.com.

Meeting adjourned 8:17PM

The Borough of Folsom's re-organization meeting will be held on Wednesday, January 4, 2012 at 6:30pm at Borough Hall. The next regular meeting of Mayor and Council will be held on Wednesday, January 11, 2012 starting with a 1 hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:30 pm in Borough Hall, 1700 12th Street, Folsom, NJ

Respectfully submitted,

Patricia M. Gatto
Acting Municipal Clerk