

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
December 10, 2014**

MEETING CALLED TO ORDER: 7:17PM

SALUTE TO THE FLAG LED BY Mayor Lou 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, Gazzara, Pagano, Veneziani and Gummoe

ABSENT: Councilman Kemmerer

Also present: Mayor Lou DeStefano, Solicitor Fran Ballak, and Engineer Gary Auer

APPROVAL OF THE WORKSHOP MINUTES November 12, 2014

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

There was a roll call vote with ayes all.

APPROVAL OF THE MINUTES FROM November 12, 2014

A motion to approve the minutes was made by Councilwoman Veneziani and seconded by Ben Pagano

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC:

Mr. Gary Conover appeared on behalf of the Atlantic County Utility Authority to discuss the ACUA budget and review the Annual Analysis for the Borough of Folsom.

MEETING CLOSED TO PUBLIC

CLERK'S CORRESPONDENCE: Ms. Gatto reminded residents that Borough Hall will be closed on December 24th and 25th for Christmas and January 1, 2015, New Year's Day.

RESOLUTIONS:

**RESOLUTION 2014-89
BOROUGH OF FOLSOM**

AN OPEN PUBLIC MEETINGS ACT - EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the New Jersey Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Folsom has determined that such circumstances presently exist and that Council is authorized to enter into an executive session from which the public will be excluded;

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

1. The public shall be excluded from discussion of the subject matter set forth herein; and
2. The general nature of the subject matter to be discussed is potential litigation involving the renewal of Collings Lakes Liquor License renewal.
3. It is anticipated at this time that the above matter will only be made public upon a specific request to the Folsom Council and a determination by the Council that matter no longer need remain confidential; and
4. Upon the conclusion of the closed session Council will return to the public session and action may be taken at such time; and
5. This Resolution shall take effect immediately.

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

There was a roll call vote with ayes all.

Mayor and Council entered into Executive Session at 7:23PM to discuss the renewal of Collings Lake Liquor License and the use of the #33 License.

Councilwoman Veneziani made a motion to end the Executive Session seconded by Councilman Smith.

The meeting was adjourned with ayes all.

Executive Session ended at 7:57PM

**RESOLUTION 2014-90
BOROUGH OF FOLSOM**

AN OPEN PUBLIC MEETINGS ACT - EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the New Jersey Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Folsom has determined that such circumstances presently exist and that Council is authorized to enter into an executive session from which the public will be excluded;

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

6. The public shall be excluded from discussion of the subject matter set forth herein; and
7. The general nature of the subject matter to be discussed is litigation involving the tax appeal filed by South Jersey Gas.
8. It is anticipated at this time that the above matter will only be made public upon a specific request to the Folsom Council and a determination by the Council that matter no longer need remain confidential; and
9. Upon the conclusion of the closed session Council will return to the public session and action may be taken at such time; and
10. This Resolution shall take effect immediately.

A motion to approve was made by Councilman Smith and seconded by Councilman Gazzara

There was a roll call vote with ayes all.

Mayor and Council entered into an Executive Session at 7:59PM to discuss possible litigation involving the South Jersey Gas Tax Appeal

Councilwoman Veneziani made a motion to end the Executive Session and seconded by Councilman Smith.

The meeting was adjourned with ayes all.

Executive Session ended at 8:13PM

**RESOLUTION 2014-82
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. 33:1-12.39 for the relief for Collings Lakes Food Market, Inc. for license term 2014-2015 for an inactive license.

| | | |
|-----------------|--|----------|
| 0110-33-006-005 | Collings Lakes Food Market, Inc. 10 E. Black Horse Pike Folsom, NJ 08094 | \$420.00 |
|-----------------|--|----------|

WHEREAS, the Borough of Folsom Council have no objection to the 2014-2015 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 license, all of which to become effective November 12, 2014

A motion to approve Resolution 2014-82 was made by Councilman Gummoie and seconded by Councilman Smith

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2014-91**

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

WHEREAS, the property identified as Block 15.02, Lot 10 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 15.02, Lot 10 pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bid for Block 15.02, Lot 10 is Ninety-Five Thousand Dollars (\$95,000.00). 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 Township Council reserving the right to accept or reject or otherwise remove the lot from sale. The public sale shall take place on January 21, 2015, at 6:30p.m. at the Folsom Borough Hall, 1700 12th Street (Route 54) Folsom, NJ 08037. 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

A motion to approve Resolution 2014-91 was made by Councilwoman Veneziani and seconded by Councilman Gummo

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: No report

FIRE CHIEF'S REPORT: Councilman Smith read the report for Chief Donnelly. Councilman Smith stated that there were five (5) calls for the month of November. The Fire Department wished everyone a great holiday season. We would like to remind everyone that Santa will be coming to town on December 22nd and 23rd.

ENGINEER'S REPORT:
Public Works Building

All of the work for the new building has been completed. The request for final payment was received by our office and will be prepared for next month's meeting.

NJDOT Route 54 / 322

As requested during the last Council Meeting our office reached out to the NJDOT Resident Engineer to inquire about having signage placed in each direction along Route 322 to alert motorists that the Bell Liquor Store was open for business. The request was put forth to the contractor and the signage was expected to be placed as soon as it was completed.

IBEW

All of the remaining items have been completed by the contractors.

Laborers Union Hall

The construction of the building addition is slowly continuing.

End of report

Mayor DeStefano stated that the Borough is looking to change the speed limit on 14th St. to 35 miles per hour.

Solicitor Fran Ballak stated that our Planning Board solicitor Jorge Coombs will be forwarding the information to the Pinelands for St. James Church.

MAYOR'S REPORT: Mayor DeStefano asked for a moment of silence for Jack Anastasia and Ed Eby. The Mayor informed residents to visit the link on the Borough website if they are in need of heating assistance. Mayor DeStefano announced that the Borough is need of volunteers on several boards and commissions. Anyone interested should contact Borough Hall. Mayor DeStefano thanked the Collings Lake Fire Department and the Folsom School and Choir for all their help with the tree lighting. Mayor DeStefano thanked Butch Gazzara and Gary Kemmerer for all their hard work over the years. Mayor wished everyone a Merry Christmas and a Safe and Prosperous New Year.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: wished Butch and Gary a lot of luck in the future and also thanked them for all they did for the Borough. Councilman Smith reported on the following:

VOLUNTEER OF THE YEAR:

On December 1, 2014, the 2014 Folsom Municipal Alliance Volunteers of the Year were honored with a dinner reception at the Mays Landing Country Club. Honored this year were two long time youth volunteers - Sami Jo Kemmerer (of Folsom) and Kristen Ritchie (of Collings Lakes/Buena side).

Sami is a sophomore at the Academy of Performing Arts at A.C.I.T. She participated in every program offered by the Alliance from the age of 6-11 and began volunteering in the 7th grade. Sami Jo maintains a vigorous academic schedule and participates on the varsity high school basketball team, softball team, Folsom Softball team and the U18 South Jersey Rebels fast pitch travel team. Sami is also an animal activist and traveled to a high kill shelter in Georgia with the M.O.M.S. Animal Rescue/Animal Aid to rescue over 100+ animals. In the future, Sami Jo intends to pursue a Master's Degree in Voice Therapy.

Kristen is a senior at the Atlantic County Institute of Technology. Kristen moved into the district and began volunteering at Alliance events. Kristen also has a vigorous academic schedule and participates on the varsity high school softball team, swimming team and U18 South Jersey Bandits fast pitch travel team. In the future, Kristen intends to pursue a degree in Marine Biology.

UPCOMING EVENTS:

Alliance Saturday Morning Basketball Clinic - This is a 6 week clinic held on Saturdays in the Folsom School gym. Registration forms will be going home this week for this clinic. It is open to grades 1st-8th and begins on January 10th.

Kyle wished everyone a very Merry Christmas and a Happy New Year. Councilman thanked everyone that came out for the Christmas Tree Lighting.

Councilman Butch Gazzara: thanked Council for their kind words and stated that it has been a pleasure to work for the Borough. Councilman Gazzara wished everyone a Happy Holiday and a Healthy New Year.

Councilman Ben Pagano: thanked Councilman Gazzara and Kemmerer for all their countless hours making Folsom a wonderful place to live. Councilman Pagano wished everyone a very Merry Christmas and a Happy New Year. Councilman asked God to bless us all.

Councilman Gary Kemmerer: Absent

Councilwoman Veneziani: wished Councilman Gazzara and Kemmerer the best in the future and thanked them for taking time out of their personal lives to serve on Council. Councilwoman Veneziani wished everyone a Merry Christmas and a Happy New Year.

Councilman Gummoe: thanked Councilman Gazzara and Kemmerer for all their help. Councilman Gummoe wished everyone a Merry Christmas and Happy New Year. Councilman Gummoe reminded residents to bring trash cans in after pickup especially with snow season coming up. Councilman Gummoe urged residents to use caution around the construction zone.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY

NO COMMENTS

PAYMENT OF BILLS IN THE AMOUNT OF:\$187,714.15 and \$9,189.05

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

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.

The Borough of Folsom's re-organization meeting will be held on Wednesday, January 7, 2015 at 6:30pm at Borough Hall. The next regular meeting of Mayor and Council will be held on Wednesday, January 14, 2015 starting with a half hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

A motion to adjourn was made by Councilman Smith and seconded by Councilman Gazzara

With no other discussion the meeting was adjourned at 8:29 PM with ayes all.

A motion to re-open the meeting was made by Ben Pagano and seconded by Kyle Smith.

There was a roll call vote with ayes all.

Councilwoman Veneziani made a motion to add to the bill list and was seconded by Councilman Smith.

The bill added was for Annata's.

There was a roll call vote with ayes all.

A motion to adjourn was made by Councilman Smith and seconded by Councilman Gazzara

With no other discussion the meeting was adjourned at 8:35 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

