

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES (Revised-1)
June 8, 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, Arena, Veneziani and Gummo

Also present: Mayor Lou DeStefano, Attorney Keith Bonchi, Fran Ballak and Engineer Gary Auer

APPROVAL OF THE WORKSHOP May 11, 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.

APPROVAL OF THE MINUTES FROM May 11, 2016

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

Councilman Gummo had a correction on the last sentence page 2 of the minutes. Councilman Gummo stated with regards to the all in favor vote approving our Solicitor Keith Bonchi to investigate the Collings Lake Food Market, Inc. liquor license, it was not a roll call vote and he did not give his vote verbally. Councilman Gummo stated that he did not give our Solicitor permission to investigate Collings Lake Food Market, Inc. as he stated he did in the minutes by having his colleague Fran Ballak stop on his way home at Collings Lakes Food Market Inc. bar to order a beer and look around before this matter was even brought up before Council at the May's meeting. By acting pro-actively before this apparent conflict between RestAWhile Bar and Bell Liquors even came before (inaudible) Council in May of 2016 constitutes a failure in ethics and it appears that Councilman Arena was given preferential treatment due to his Council seat, therefore I believe and I make motion that Keith Bonchi tenders his resignation. Councilman Jantz seconded that motion. Council President Pagano asked for input from Council. Councilwoman Veneziani stated she felt Councilman Gummo was absolutely unbelievable, unprofessional, and self-serving. Councilwoman Veneziani stated she felt it was very disrespectful, unprofessional and is totally embarrassed. A discussion ensued. Mayor DeStefano moved forward with Councilman's Gummo motion. Council President Pagano reminded Councilman Arena that he recuse himself. Councilman Arena recused himself. Councilman Smith asked why does Councilman Arena have to recuse himself from this vote. Councilman Arena stated because you heard him he thinks there was favoritism. Council President Pagano reminded Council that this motion is in possession of Council.

Keith Bonchi asked to speak to defend himself. Keith stated that he always represents the best interests of Folsom.

A discussion ensued.

Councilwoman Veneziani announced that since she and Councilman Pagano won the Primary Election her name will not be on a sign with Councilman Pagano because they do not stand for the same things so it's up to people if they want to trust me. (Inaudible)

Mayor DeStefano told Councilman Arena he can vote and do not recuse yourself. Council President Pagano stated to Councilman Arena that you are accepting personal liability if you vote. Councilman Arena asked if this can be tabled so he can seek legal advice since he was threatened with a lawsuit.

Mayor DeStefano stated he was going to have Council President Pagano removed for disrupting the meeting. Mayor DeStefano stated he was going to call the State Police and have him removed. A discussion ensued. (Inaudible)

Keith Bonchi offered to sit here through tonight's meeting or transfer everything to the 28th. Keith stated that he does not want a divided Council and doesn't want to be the source of division in this town. Keith stated he has been practicing law for 30 years and that he works very hard and he always tries to do what is best for his client in every situation. Keith stated he appreciates the loyalty and support of members of Council here but I'm not helping the city by being a divisive factor. I will tender my resignation. Council does not need to do a vote. You will have my resignation whenever you want it. It just doesn't serve any purpose to be divisive.

Mayor DeStefano stated that what a shame a couple of individuals on this Council have turned this town and Council into a circus for their own personal agendas. Mayor DeStefano stated that he is not going to accept Keith's resignation.

Residents in the audience were speaking (inaudible)

Mayor DeStefano asked for a vote and told Councilman Arena he could vote. (Inaudible)

Clerk Patricia Gatto called Councilman Smith for a vote. Councilman Smith stated that before he votes he wants to make sure everyone is voting and if one person is not allowed to vote on this Council then we shouldn't vote we all should have a say in this matter.

Council President Pagano stated why Councilman Arena should not be allowed to vote. He stated that he can't vote because of preferential treatment. Mayor DeStefano stated that as the person running this meeting you have every right to vote. Council President Pagano stated that you allowed our Solicitor to take the residents money and go attack a resident to put him out of business to stop him from (inaudible) for monetary gain.

Councilman Gummoe stated he will settle this right now. That line and given the circumstances of what's going on and unfortunately being involved with JIF I'll make it easy for all of you right now. I'll withdraw my motion and you'll have my resignation on your desk in the morning. Councilman Gummoe got up and left the meeting.

An argument ensued and Councilman Arena requested a recess because he felt ill.

A five minute recess was granted at 7:34PM

Back in Session at 7:42PM

Mayor DeStefano called for a vote for the motion on the floor.

Clerk Gatto stated that Councilman Gummoe withdrew his motion. Keith Bonchi asked if there was a second and Councilwoman Veneziani seconded it. Motion withdrawn.

There was a roll call vote with ayes all.

APPROVAL OF THE EXECUTIVE MINUTES FROM May 11, 2016

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

There was a roll call vote with ayes all.

APPROVAL OF THE RFP FOR THE TAX REVALUATION

A motion to approve the RFP for Tax Reval was made by Councilman Arena and seconded by Councilman Smith

All in favor vote.

APPROVAL TO REQUEST AN EXTENSION FROM THE ATLANTIC COUNTY BOARD OF TAXATION FOR THE TAX REVALUATION

All in favor vote.

MEETING OPEN TO PUBLIC: No comments

ORDINANCES: (Second Reading/Final Adoption)

BOROUGH OF FOLSOM

ORDINANCE NO. 05-2016

AN ORDINANCE AMENDING ORDINANCE NO. 04-2016 WHICH ESTABLISHED A NEW CHAPTER FOR THE REGULATION OF ALARM SYSTEMS

NOW, THEREFORE, BE IT ORDAINED by the council of the Borough of Folsom, County of Atlantic, and State of New Jersey as follows:

WHEREAS, pursuant to Ordinance 04-2016 Council for the Borough of Folsom passed an Ordinance establishing a New Chapter for the Regulation of Alarm Systems; and

WHEREAS, it has been determined necessary and appropriate to make certain amendments to Ordinance 04-2016; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the council of the Borough of Folsom that the portion of Ordinance 04-2016 which was entitled "VIOLATIONS AND PENALTIES" is hereby amended so as to read as follows:

VIOLATIONS AND PENALTIES. Anyone who is convicted of violating this article in the Borough of Folsom Municipal Court is subject to the following penalties:

- A. First offense and second offense: a warning.
- B. Third offense: a fine of \$50.00 payable through the Violations Bureau in the Borough of Folsom.
- C. Fourth offense: A Fine of \$100.00 payable through the Violations Bureau in the Borough of Folsom.
- D. Fifth offense: A fine of \$200.00 payable through the Violations Bureau in the Borough of Folsom.
- E. Sixth and Subsequent offenses: A fine of \$300.00 payable through the Violations Bureau in the Borough of Folsom. A Court appearance shall not be required unless noted by an officer in the performance of his duties.

AND BE IT FURTHER ORDAINED, that all Ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent to the ordinance herewith and the balance shall remain in full force and effect.

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 May 11, 2016. 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 June 8th, 2016 at 7:00 P.M.

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

Public Comment: None

There was a roll call vote with ayes all.

(First Reading/Introduction)

BOROUGH OF FOLSOM

06-2016

**AN ORDINANCE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 74 ENTITLED "ANIMALS" OF THE CODE OF THE BOROUGH
OF FOLSOM**

WHEREAS, the number of stray and feral cats within the Borough of Folsom creates a health hazard and nuisance;
and

WHEREAS, the feeding of stray and feral cats is a major cause of the proliferation of stray and feral cats within the
Borough of Folsom; and

WHEREAS, the code of the Borough of Folsom requires the annual licensing of cats and prohibits the running at large
within the Borough of Folsom; and

WHEREAS, it is believed necessary and appropriate for the health, safety and wellbeing of the community of the
Borough of Folsom to prohibit and restrict the feeding of stray and feral cats within its borders; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Folsom that the
following provisions of Chapter 74 of the Code of the Borough of Folsom are amended and added as follows:

§ 74-9. **Definitions** is amended and supplemented to include the following definitions.

Stray Cat. A cat that is regularly off the property of the owner is not under the physical control and restraint of the
owner and is regularly provided with food by persons other than its owner.

Feral Cat. A cat that exists in a wild or untamed state either due to birth or aversion to a wild state from
domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with
humans. Feral cats are completely or substantially unsocialized to humans.

Nuisance. For purposes of this article, nuisance means conduct by a stray or feral cat(s) that disturbs the peace by (a)
habitually or continually howling, crying or screaming, or (b) the habitual and/or significant destruction, desecration or
soiling of public property or private property against the wishes of the owner of the property.

Feed. To give, place, expose, deposit, distribute or scatter any edible material with an intention of feeding, attracting
or enticing stray or feral cats.

A New subsection shall be added as follows:

§ 74-22.1 Prohibition **against the feeding of stray and/or feral cats.**

No person shall feed or otherwise provide, permit or maintain to be permitted, food to any stray and/or feral cats. No
food for cats, licensed or unlicensed shall be placed outside a residence or place of business where a stray and/or feral cat may
have access to the food.

A New subsection shall be added as follows:

§ 74-26.1 **Tampering with Traps**

No person shall tamper with or disable any trap which has been placed and set up by the Folsom Animal Control
Officer or other public officer or their designee for the capture of stray and/or feral cats. Any person convicted of tampering or
disabling a trap shall be subject to the penalties as set forth at §74-29 herein.

Subsection 33 shall be amended as follows:

§ 74-33 Enforcement.

A. This article shall be enforced by the Animal Control Officer of the Borough of Folsom, the New Jersey State Police and/or the Code Enforcement Officer of the Borough of Folsom.

B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

AND BE IT FURTHER ORDAINED, that any prior or existing Ordinances which are inconsistent with the provision of this Ordinance are hereby repealed and/or modified to the extent of such inconsistencies;

AND BE IT FURTHER ORDAINED, that should any section, part of any section or clause or phrase of this Ordinance for any reason be held to be invalid or unconstitutional, such decisions shall not affect the remaining provisions of this Ordinance.

AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following the final passage and publication as required by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the _____ reading, on _____, 2016 at a regular meeting of the Borough Council in the Borough of Folsom, County of Atlantic and State of New Jersey. This Ordinance shall take effect according to law after final passage and publication.

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

There was a roll call vote with ayes all.

RESOLUTIONS:

**A RESOLUTION TO ANNOUNCE THE RETIREMENT OF PUBLIC WORKS EMPLOYEE
Patrick Blisard
Resolution #2016-44**

WHEREAS, Patrick Blisard has announced his retirement from the Borough of Folsom after **twenty seven years of service**; and

WHEREAS, Patrick Blisard's retirement will become effective August 1, 2016 and;

WHEREAS, the Governing Body of the Borough of Folsom expresses their appreciation to Patrick Blisard. for those years of service to our community.

THEREFORE BE IT RESOLVED, the Council of the Borough of Folsom extends to Patrick Blisard its best wishes for many years of happiness during his retirement.

A motion to approve Resolution #2016-44 was made by Councilman Arena and seconded by Councilman Smith

There was a roll call vote with ayes all

**RESOLUTION 2016-65
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING THE FORECLOSURE OF TAX SALE CERTIFICATES

WHEREAS, N.J.S.A. 54:5-109.29 et. seq. as amended, permits a municipal government to foreclose In-Rem certain Tax Sale Certificates held by the municipality; and

WHEREAS, the Borough of Folsom hold Tax Sale Certificates which are eligible for In-Rem tax foreclosure; and

WHEREAS, it is to the benefit of the Borough of Folsom to foreclose such Tax Sale Certificates; and

WHEREAS, funds have been provided for the expense of said foreclosures;

NOW THEREFORE BE IT RESOLVED, that the adoption of and execution of this Resolution shall authorize Counsel, Keith A. Bonchi, Esq. to foreclose Tax Sale Certificates held by the Borough of Folsom, said Certificates are particularly described according to the In-Rem Tax Foreclosure List attached hereto.

A motion to approve Resolution #2016-65 was made by Councilman Smith and seconded by Councilman Jantz.

There was a roll call vote with ayes all.

**RESOLUTION 2016-67
BOROUGH OF FOLSOM**

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

WHEREAS, the following Alcoholic Beverage Licensees have made their application for the renewal of their respective licenses for the year 2016-2017;

0110-33-003-007	Harley Dawn Inc. 1402 Black Horse Pike Folsom, NJ 08037	\$420.00
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WHEREAS, the Borough of Folsom Council have no objection to the 2016-2017 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, which will become effective July 1, 2016

A motion to approve Resolution #2016-67 was made by Councilman Smith and seconded by Councilman Pagano

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

**RESOLUTION 2016-68
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 relief for license term 2015-2016-2017

0110-33-004-006	Namah Shivay, Inc. 3125 Vine Road Vineland, NJ 08360	\$420.00
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WHEREAS, the Borough of Folsom Council have no objection to the 2016-2017 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 July 1, 2016.

A motion to approve Resolution #2016-68 was made by Councilwoman Pagano and there was no second. Motion failed.

Attorney Keith Bonchi asked for a reason so ABC knows. (no response from Council)

**BOROUGH OF FOLSOM
RESOLUTION 2016-70**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO AWARD THE BID FOR THE
CDBG ADA IMPROVEMENTS PENNY POT PARK
CONTRACT NO. 20**

WHEREAS, bids were accepted on June 7, 2016 at 10:00 AM at the Borough Hall in the Borough of Folsom; and

WHEREAS, all bids were opened and announced to those in attendance; and

WHEREAS, the apparent lowest responsible Bidder, as determined by the Borough Engineer, is Kline Construction; and

WHEREAS, the amount of the Bid submitted by **Kline Construction**, is \$39,999.99 base bid and alternate bid \$4,000.00 and

WHEREAS, the Chief Financial has provided the Borough Clerk with a certificate of funds availability.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that Kline Construction is hereby awarded the contract for the CDBG ADA Improvements Penny Pot Park Contract No.20 for the amount of \$39,999.99 base bid and \$4,000.00 alternate bid.

A motion to approve Resolution #2016-70 was made by Councilman Jantz and seconded by Councilman Smith

There was a roll call vote with ayes all

Mayor DeStefano reintroduced Resolution 2016-68 and there was a motion made by Councilman Pagano with no second.

Councilman Smith asked if they are in business. Clerk Gatto responded that they are inactive with a special ruling.

Councilman Pagano asked Attorney Keith Bonchi if recommended a reason. Councilman Pagano reminded Council that the Borough could possibly lose this license and how important this license can be in the future to the Borough.

**BOROUGH OF FOLSOM
RESOLUTION 2016-72**

**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 (\$199,900.00). 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 #2016-72 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.

**RESOLUTION 2016-73
BOROUGH OF FOLSOM (failed)**

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

WHEREAS, Councilman Byron Gummoë has submitted to the Mayor and Council of the Borough of Folsom a letter of resignation from said position effective June 8, 2016.

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

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

A motion to approve Resolution #2016-73 was made by Councilwoman Veneziani and seconded by Councilman Arena.

Councilman Smith stated that he was voting no because Councilman Gummoë's decision was based on raw emotion and if wants to resign he should come back here next month and stand up here and explain why he wants to resign then take another vote.

Vote: Smith-N Jantz-N Pagano-N Arena-Y Venezian-Y

**PUBLIC HEARING: ON THE FORMAL OBJECTION FROM TRISH ARENA,
KATHRYN HEINISCH AND BARBARA LAMB OVER THE TRANSFER OF
COLLINGS LAKES FOOD MARKET, INC. LIQUOR LICENSE TO RT 322 LIQUORS**

Keith Bonchi asked that the record reflect that Councilman Arena has left the podium or the dais as he obviously has a conflict of interest. (Inaudible)

Mayor DeStefano asked the attorneys that were present to introduce themselves.

Robert Greenberg an attorney from Vineland representing the buyers, for the Liquor store Viresh Patel and Taral Patel who is here tonight seeking to have the license transferred to the name Rt 322 Liquors, LLC and they are seeking a place to place transfer because there has been an expansion of the premises approved by the Planning/Zoning prior to this evening.

Fred DeClement represents the sellers and Scott Silver is also present who is an attorney with expertise in the ABC law.

Keith Bonchi asked the attorney to be more specific so everyone will understand just what the expansion will be.

Fred DeClement stated that he represents Joe Berenato owner of Collings Lakes Food Market, Inc.. Mr. DeClement also stated that he has represented all three (PUJA 3Assoc.) at the Planning/Zoning board meeting. Mr. DeClement explained the process of the change of use application with regards to the Planning/Zoning Board. Mr. DeClement stated that the new owners are seeking to expand the licensed premises from one (1) unit to three (units).

Keith Bonchi explained the Place to Place and Person to Person transfer and how the Public Hearing will work.

Mayor DeStefano asked everyone not to be overly redundant so we can keep the meeting moving along.

Attorney Silver asked that he was his understanding the State Police have investigated the new owners and reported back favorably.

Trish Arena- (1002 Black Horse Pike) was sworn in. Mrs. Arena asked Mr. Greenberg to explain who he was representing because she didn't understand him. Mrs. Arena stated she is objecting to the combine transfer of the license along with the renewal. Mrs. Arena stated she started out by OPRA requests to gather information regarding Collings Lakes Food Market Liquor License and one thing led to another and another and as a concerned citizen of Folsom for 25 years I feel like a neighborhood watch type person and she has a lot of concerns. Mrs. Arena went on to speak about her concerns over the placement of the inactive license, the purchase of the license, handling of the transfers, special rulings and all the years of verified petitions. Mrs. Arena stated that she spent hours and hours of research on state statues, administrative codes and the OPRA information she received regarding Collings Lakes Food Market, Inc. liquor license. Mrs. Arena also had concerns of the change of use application approved by the Planning/Zoning Board.

Attorney Scott Silver asked Mrs. Arena to state for the record her relationship with any of the liquor licenses entities in this town. Mrs. Arena stated that her name is not on a liquor license in this town. She stated her husband's family is the only liquor store license in this town since 1947. Scott Silver asked Mrs. Arena if her husband is the owner of this license. Mrs. Arena stated that her husband's family is. Scott Silver asked if her husband is on the license and Mrs. Arena responded yes. Scott Silver asked if she and her husband live together and she responded yes. Mr. Silver asked Mrs. Arena if the prospect of this new license gives you (inaudible) an economic perspective? Mrs. Arena stated her name is not on the license and she stated I have no answer for that.

Shirley Passalacqua (103 Country Lane-Cranbury Run-Buena) Beauty Store owner at Collings Lakes Food Market, Inc.. stated that she currently rents Suite C known as Shirley's Family Hair Care from Joe Berenato. She stated that she attended last month's meeting and the engineer stated that Suite C is vacant and she wanted everyone to know that she is still in there working. Shirley said she has no problem with the bar or her landlord. Ms. Passalacqua was sworn in by Keith Bonchi.

Kathryn Heinisch- (11E.Black Horse Pike) Ms. Heinisch was sworn in by Keith Bonchi. Ms. Heinisch lives across the street. Scott Silver asked to clarify where she lives. Ms. Heinisch asked if the Borough realized they had an ordinance limiting liquor licenses (#33) to five (5) when you were renewing Collings Lakes Food Market, Inc. in 2011-2012. Mayor DeStefano reported that in 2011 was a previous Council and Mayor. Ms. Heinisch said this license can't be grandfathered in because it became a new license when it became inactive. She was hoping to get an answer to that. She also questioned the hours of operation. She asked to restrict their hours.

Donna Sutts-(15 E. Park Avenue) was sworn in by Keith Bonchi. Ms. Sutts stated that she made some phone calls. Donna stated that two years ago she was told by this Council and Planning Board passed this licensed with conditions and she said she didn't know it was her job to make sure the conditions were in writing. Donna thanked the Solicitor for doing some proactive work. Donna stated that she feels like our solicitor is working for me a citizen of Folsom and he is not working for anyone of you individually. She stated she feels like he is working as a whole

and she apologized for what happened earlier. She stated that one of these attorneys work for the Borough and she isn't sure if that is legal. She wanted everyone to know that every legal argument has two sides. She reminded Council that they are elected by them and should be working for the residents. Donna stated that her concern is solely the safety of her home and the homes behind the store. She stated she has no problem with Joe and Kathy operating their business and have been good to her as a neighbor. Donna wanted to know what Council is going to do to protect the community. She said she is concerned about the safety, the open door, the smoking and the crowd outside. She stated she would like security there and closed by 10:00PM. Donna stated she wants conditions before Council passes this. She told Council to do their homework before you vote because we are electing you. She wanted Council to promise they were going to put conditions on this for the safety of the children, for my home and my neighbor's home. Donna complained about the flashing sign.

Fred DeClement explained the names of the clients. Collings Lakes Food Market, Inc. is the seller, Joe and Kathy Berenato are the officers of the corporation, PUJ3, LLS was the applicant for the Planning Board and they are the ones purchasing the real estate. Rt 322 Liquors, LLC will be the owners of the new license and that is not the trade name of the bar.

Keith Bonchi stated that one LLC is purchasing the land and another LLC is purchasing the license which is common. (Inaudible)

Fred DeClement stated that it is not uncommon for a public defender to represent someone for planning board issues.

Keith Bonchi stated that the Courts of recently ruled that he does not have a conflict.

Scott Silver stated that the vast majority of what Mrs. Arena spoke about was ancient history and it's done and over it's gone. There was a 30 day window to appeal anything that happens with respect to liquor licenses in the past. The only thing that you can bring to the Council right now is the transfer. I would note for the record that the records of Folsom and the ABC both respective that the license was properly transferred and that Resolution 2012-55 dated July 11, 2012 is when a Person to Person and Place to Place Transfer to Collings Lakes Food Market, Inc. on the Black Horse Pike. Scott Silver addresses the advertising requirement question. Scott also explained the inactive to active status of the Callings Lakes Food Market. Instead of going point by point maybe it would be better if I addressed any questions or concerns that the board members might have. Scott Silver had one more comments with respect to conditions. Everything I heard tonight about the impact of the bar/liquor store is speculative. Any conditions placed on the bar is going to be absolutely arbitrary and will not stand. From what I understand the existing small bar has been operating for about nine months essentially without incident if there are problems down the road the Council always has the right to file a disciplinary charge and impose special conditions then but to just assume or speculate is going to be a problem and is something you can't do. Lastly he wanted to clarify that this is the bar license has two separate privileges and went on to explain those and then asked Council if they had any questions.

Inaudible

Kathy Berenato (1205 Mays Landing Rd) was sworn in by Keith Bonchi who stated that she had the business for thirty years and they never had any problems and stated that all these problems your hearing from people she doesn't understand why because they never had a problem. Ms. Berenato stated that it's a nice bar with no troubles. Ms. Berenato stated with regards to the renters some pay their rent and some don't.

Christine Ayer (6302 Roberts Ave-May landing) who is Kathy Berenato's sister was sworn in by Keith Bonchi. Who stated that her father purchased that store remodeled it and it has been a nice store for years and there was never any problems. Ms. Ayer thanked Council for everything they do and asked them to do the right thing.

Kathy Berenato also stated that people do not go outside with open bottles and the door is not open. There is no stopper on the door and no one is ever out there drinking.

Scott Silver asked if the fence was a 6 foot solid fence.

Attorney Robert Greenberg for the applicant stated that Mrs. Arena was correct there were three (3) separate advertisements. The last publication fully complies with the law. Mr. Greenberg gave an explanation of the three publications.

Attorney Scott Silver stated that the ABC inspected the Collings Lakes Food Market, Inc. and the only thing they found was that Mr. Berenato did not have the 12 page application on site.

Donna Sutts-15 E. Park Ave was still sworn in and stated to Kathy Berenato that she didn't have a problem with the store. Donna also reported that she did see the door open repeatedly. Donna also stated that she doesn't see people drinking outside. Donna also stated that the new owners intend to make it three sizes bigger as a bar and that is why she is asking for conditions. Donna asked Council to take control of the bar situation before something happens because it was supposed to be operating as a liquor store.

Scott Silver stated that he has represented the new owners before and there has never been a problem with them. Scott stated that they developed a repertoire with the police department.

Councilwoman Veneziani asked Mr. Silver what type of business the previous owners had. Scott responded that they had a broad C which operates primarily as a liquor store.

Jason Derks-19 E. Park Avenue was sworn in by Keith Bonchi stated that he appreciates hearing this all tonight and that the new owners have been investigated. Jason stated that he recently moved in because of the school and the community and asked Council to do the right thing for the community.

Christine Esposito-19 E. Park Avenue was sworn in by Keith Bonchi wanted to confirm that Mayor and Council received a copy of the petition.

Scott Silver read the formal objection for the record.

Inaudible

Trisha Arena was still sworn in asked Scott Silver several questions about a certain type of license. Mrs. Arena stated that some people mentioned that there have been no problems at Collings Lakes Food Market because it was a store and only has been a bar since last year. Mrs. Arena asked Mrs. Berenato if she is a member of their corporation. Mrs. Arena stated that the resolution from 2012 that Scott Silver mentioned was incorrect because it was a pocket license it wasn't cited.

Public Hearing is closed.

Mr. Bonchi read an email he received today from Folsom Borough Clerk Patti Gatto that Donald Goulden from the ABC State Investigative Unit called today and asked to confirm the transfer of Collings Lakes Food Market, Inc. next week. Mr. Goulden stated that his division did an inspection of Collings Lakes Food Market, Inc. because of a complaint he received and found no real violations other than the bar counter was too large for that size bar and if the transfer goes through that it would be acceptable. Mr. Goulden also stated that Mr. Berenato was missing some paperwork.

Keith stated that they may be some real validations as to the activation of this license those things were done in the past. Council cannot turn around tonight and say that this license should never have been activated by prior Council the statute of limitation has passed and well as the time to object nor is our job to override the Planning Board. Keith went on to explain what the requirements are for a Person to Person and Place to Place transfer and what Council must consider or not consider when deciding how to vote.

Council President Pagano spoke about some of the conditions that came up at the last Planning Board meeting.

Inaudible

Fred DeClement stated that some concerns brought up by planning board cannot be addressed until the transfer goes through.

Councilwoman Veneziani wanted to confirm with Attorney DeClement that if the sale does not go through then the conditions will not be addressed. The new owners stated some nights 8PM and some 9PM. (Inaudible)

Keith Bonchi asked what the hours will be and a discussion ensued.

Mayor DeStefano stated that if we approve this transfer and we will have to place conditions.

**RESOLUTION 2016-66
BOROUGH OF FOLSOM (FAILED)**

**A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER AND PLACE-TO-PLACE
TRANSFER OF RETAIL PLENARY CONSUMPTION LICENSE
#0110-33-006-005 COLLINGS LAKES FOOD MARKET, INC. TO ROUTE 322 LIQUORS, INC.
LOCATED AT 10 E. BLACK HORSE PIKE, FOLSOM, NJ 08037**

WHEREAS, an application has been filed for Person-to-Person and Place-to-Place Transfers of Plenary Retail Consumption License Number 0110-33-006-005, heretofore issued to Collings Lakes Food Market, Inc.; and

WHEREAS, Route 322 Liquors, Inc. 5005 E. Landis Avenue, Vineland NJ 08361 has submitted a Division of Alcoholic Beverage Control Application and a New Jersey State Police Background Investigation report; and

WHEREAS, application for the Division of Alcoholic Beverage Control is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term; and a transfer tax clearance has been received; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Folsom, does hereby approve effective June 8, 2016 the Person-To-Person and Place-to-Place Transfers of Plenary Retail Consumption License No. 0110-33-006-005 heretofore issued to Route 322 Liquors, Inc. 10 E. Black Horse Pike, Folsom, New Jersey, and does hereby direct the Alcoholic Beverage Control Secretary to endorse the license certificate to

**BOROUGH OF FOLSOM
RESOLUTION #2016-66**

**A RESOLUTION FOR A PERSON-TO-PERSON TRANSFER AND PLACE-TO-PLACE TRANSFER OF
RETAIL PLENARY
CONSUMPTION LICENSE #0110-33-006-005 COLLINGS LAKES FOOD MARKET, INC. TO ROUTE
322 LIQUORS, LLC. LOCATED AT 10 E. BLACK HORSE PIKE, FOLSOM, NJ 08094**

WHEREAS, on June 8, 2016, an application for a Place to Place and Person to Person Transfer was submitted to the Borough of Folsom for Plenary Retail Consumption License, 0110-33-006-005 , Collings Lakes Food Market, Inc. to Rt 322 Liquors, LLC. Folsom, NJ; and

WHEREAS, the Licensee sought a Place to Place and Person to Person transfer to the premises situated at 10 E. Black Horse Pike, Folsom, NJ 08094; and

WHEREAS, the Mayor and Council of the Borough of Folsom is required to hold a hearing if there is any written objection to a license transfer; and

WHEREAS, the Borough of Folsom heard opposing testimony from approximately four (4) residents in opposition to the transfer, in addition to (2) individuals in support of the transfer

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Folsom finds that it is in the public's best interest that the application for the transfer be denied based upon the testimony of several concerned residents; and **FURTHER RESLOVED**, that the Mayor and Council of the Borough of Folsom finds that granting the application could lead to an increase in safety and regulatory problems, and a decrease in the general welfare of the Borough residents and other reasons set forth more specifically on the record by Council Members.

FURTHER RESOLVED, that the Mayor and Council of the Borough of Folsom does hereby deny the Place to Place Person to Person Transfer of Collings lakes Food Market, Inc. , Plenary Retail Consumption License, 0110-33-006-005 to Rt 322 Liquors, LLC for the premises situated at 10 E. Black Horse Pike, Folsom, NJ 08094, effective June 8, 2016

A motion to approve Resolution #2016-66 was made by Councilman Jantz and seconded by Councilman Pagano

Discussion on the transfer from Council:

Councilman Veneziani stated that she understands the whole situation however because she's been a part of the school for 25 years and that is why people move here. Councilwoman stated she cannot vote for this because it's not in the best interest of the character of the neighborhood, for our students and for the people that I would hope to move in this community. She stated she works very hard for Folsom and she doesn't want to see it move in another direction. She stated she feels this bar is not in the right location. She also stated that she is not against bars just in the area because of the children. Mimi stated her most concern is for the residents and children.

Councilman Jantz stated that he has no problem with it except that it was approved for Unit D and Councilman Jantz stated and it should stay at Unit D.

Council President Pagano asked our Solicitor what is our liability of this decision.

Keith Bonchi responded that every time we get up and walk out of our house there is a liability. So every day we have some kind of liability. Keith stated that they have the right to appeal your decision to ABC and the City would have to defend its position. Keith asked Council President Pagano if he wanted a motion to amend and add the condition that they close at 9PM and keep the door shut.

A long discussion ensued. Councilman Smith stated that several years ago when Council voted for this it was understood that when they approved the transfer it was for just Unit D. Although the conditions were not put in writing they were verbal conditions.

Scott Silver stated that the applicant can always come back to Council and ask them to reconsider.

A motion to approve Amended Resolution #2016-66 was made by Councilman Jantz and seconded by Councilman Pagano

Smith-N Jantz-N Pagano-Abstain-Arena-recused Veneziani-N Gummoe-absent

Mayor DeStefano asked for a motion to amend the existing resolution 2016-66 with the condition not to operate past 9PM. Council President Pagano made a motion and Councilman Jantz seconded.

Smith-Y Jantz-Y PaganoY Arena-recused Veneziani-N Gummoe-Absent

Resolution to expand has been denied.

**RESOLUTION 2016-71
BOROUGH OF FOLSOM**

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

WHEREAS, the following Alcoholic Beverage Licensees have made their application for the renewal of their respective licenses for the year 2016-2017;

0110-33-006-005	Collings Lakes Food Market, Inc. T/A Rest A While Bar & Grill 10 East Black Horse Pike Folsom, NJ 08037	\$420.00
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WHEREAS, the Borough of Folsom Council have no objection to the 2016-2017 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, which will become effective July 1, 2016

A motion to approve Resolution #2016-71 was made by Councilman Pagano and seconded by Councilman Jantz.

Smith-Y Jantz-Y Pagano-Y Arena-Abstain Veneziani-N Gummo Absent

Keith Bonchi wanted to point out that there were only three yes votes to approve resolution and that the Mayor needs to vote. Mayor DeStefano stated that he was advised not to vote.

SOLICITOR’S REPORT: no report

FIRE CHIEF REPORT: Councilman Smith read the fire report:

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

May 1 st	Arcing Wires	Rt 54	17	Members Responding
May 3 rd	Vehicle Crash	Rt 54	22	Members Responding
May 6 th	Vehicle Crash	Rt 322	19	Members Responding
May 17 th	Vehicle Crash	Mays Landing Rd	16	Members Responding
May 18 th	Alarm System	Pine Ln	18	Members Responding
May 20 th	Investigation	E. Collings Dr	11	Members Responding
May 23 rd	Alarm System	Mays Landing Rd	14	Members Responding
May 28 th	Pedestrian/MVC	Rt.322 and Cains Mill	23	Members Responding

During May training for water rescues and driver operations continued. Ladder certifications were completed and the newly acquired mobile air support unit was placed in service. 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

All of the requested documentation has been forwarded to the Atlantic County Improvement Authority (ACIA). We are waiting on them to complete their review and issuance the reimbursement payment to the Borough.

FY15 State Aid Project - 8th Street

Our office has recently communicated with Arawak Paving on how they would address the transition from the existing bridge to the newly paved roadway. We are continuing to push Arawak to make the necessary corrections.

ADA Improvements - Penny Pot Park

The Borough received bids earlier this week for the construction of an ADA Compliant walking path and parking around Penny Pot Park. A summary of the bid results are attached to this evening's report. The Borough had \$54,757.00 in funds remaining from the previous year's allocated grants.

NJDOT Route 54 / 322

Our office has been in contact with the NJDOT Resident Engineer for the Route 54 /322 project several times over the past month to discuss the completion of the work along Route 322. Due to the inclement weather during the month of May the contractor has been delayed in completing the final items prior to the final paving. An updated schedule will be available after the monthly site meeting tomorrow. The Resident Engineer indicated that the work is ahead of schedule and that the substantial completion date was originally July 29th.

MAYOR'S REPORT: Mayor DeStefano wished everyone a Happy Father's day. Mayor DeStefano asked for a moment of silence for Mr. Ray Groatman and Mr. Jack Vaughn both teachers in Hammonton who passed away this week.

COUNCIL MEMBER'S REPORTS:

Councilwoman Veneziani: reported on the Folsom school and announced the students of the month. Mimi announced that graduation is Friday and congratulations to Linda Thomas and Debbie DeStefano who are retiring this year. Councilwoman Veneziani wished everyone a nice summer and a Happy Father's Day.

Councilman Kyle Smith: apologized for the first part of the Council meeting because it was rather embarrassing to our town. Kyle reported that the fire company enjoyed Field Day at Folsom School. Councilman Smith stated that the school does great things. Kyle stated that it's very important that we keep our school a viable commodity of our town. Kyle reminded residents to use caution when driving around town since school is out and more kids are outside playing. Kyle wished everyone a Happy Father's Day and enjoy your summer. Kyle wished teacher Debbie DeStefano a happy retirement. Kyle wished everyone a great and safe Fourth of July.

Councilman Ken Jantz: wanted to update Mayor and Council on the light on 5th Road asking for an updated quote.

Councilman President Ben Pagano: wished all the Father's a Happy and Healthy Family Day. Council President thanked everyone who took the time to come out and vote.

Councilman Charlie Arena: no report

Councilman Byron Gummoe: absent

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

NONE

PAYMENT OF BILLS IN THE AMOUNT OF: \$204,495.25

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

There was a roll call vote with ayes all including the Mayor.

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, July 13 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 10:41PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk