

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
June 13, 2012**

**MEETING CALLED TO ORDER: 7:29 PM**

**SALUTE TO THE FLAG LED BY COUNCIL PRESIDENT MATT OLIVE**

**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 Schenker, Gazzara, Esposito, and Olive

**Absent:** Councilman Eckhardt, Councilman Kemmerer and Mayor Ballistreri

**Also present:** Attorney Mike Fitzgerald

Council President Olive introduced Freeholder James Bertino who was here this evening on behalf of Congressman Frank LoBiondo to present Daniel A. Schenker with an award for his achievement of Eagle Scout.

**APPROVAL OF THE WORKSHOP MINUTES May 9, 2012**

A motion to approve the workshop minutes was made by Councilman Gazzara and seconded by Councilman Esposito

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

**APPROVAL OF THE MINUTES FROM May 9, 2012**

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

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

**CLERK'S CORRESPONDENCE:** Ms. Gatto reminded everyone that the Borough Hall offices will be closed for the July 4<sup>th</sup> Holiday.

**MEETING OPEN TO PUBLIC:**

**Marie Anastasia (1311 13<sup>th</sup> Street)** commented on how efficient Atlantic City Electric has been in replacing burned out street lamps. Marie also reported that the Plaque at the Veteran's Memorial fell and was damaged and that Joyce Kemmerer has agreed to replace it. Marie thanked Joyce Kemmerer for all the years she has been donating the wreath at the Memorial. Marie thanked the Mayor, Council and Borough Staff for doing an excellent job in making

Folsom a great community. Marie commented on the excellent school system, low taxes, good services and an outstanding Public Works Department that helps make Folsom a great place to live.

**Christine Parker (1404 Backline Road)** asked if anything could be done about the speeding on Backline Road. Ms. Parker asked if the State Police could patrol more and if a few more speed limit signs could be added.

**MEETING CLOSED TO PUBLIC:**

Lt. Brian Beebe, Buena Vista Station Commander, introduced himself and asked if there was anything that he could address for the Governing Body. Trooper Beebe gave a breakdown of calls received from the area.

**PROCLAMATION:**

**BOROUGH OF FOLSOM  
PROCLAMATION**

**HONORING EAGLE SCOUT DANIEL A. SCHENKER**

**WHEREAS**, Daniel A. Schenker, a member of Boy Scout Troup 159 has earned the status of Eagle Scout; and

**WHEREAS**, the Mayor, Borough Council and Residents of Folsom recognize the many hours Daniel devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

**WHEREAS**, for Daniel's Eagle Scout Leadership Project he transformed old tennis courts to a useable Basketball Court for the Community to enjoy; and

**WHEREAS**, Daniel A. Schenker serves as an example to youth through his high level of personal achievement, leadership and community service and we are very proud that Daniel is a member of our Community.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the Mayor and the Borough Council of the Borough of Folsom do hereby recognize and extend our sincere congratulations to Daniel A. Schenker for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

**ORDINANCES: (First Reading/Introduction)**

**ORDINANCE 06-2012**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM  
VACATING PORTIONS OF ROAD B AND ROAD C**

**WHEREAS**, the Borough of Folsom has received a request for the vacation of portions of Road B and Road C; and

**WHEREAS**, the Borough has determined that it has no need for these portions of right of way; and

**WHEREAS**, N.J.S.A. 40:67-1 allows for the vacation of these portions of right of way of Road B and Road C.

**NOW, THEREFORE, be it ordained** by the Borough Council of the Borough of Folsom, Atlantic County, New Jersey that the Borough hereby vacates its interests in the portions of right of way of Road B and Road C described more fully in the descriptions attached hereto as Exhibit A and Exhibit B prepared by Thomas A. Prendergast, PLS, dated May 10, 2012, and such right of way interest in the property is hereby returned to the adjacent properties being identified as lot 1 of block 2805 on the tax map of the Borough of Folsom.

**BE IT FURTHER ORDAINED** that the vacation of the portions of Road B and Road C is subject to an express reservation and exception from vacation all rights and privileges, if any, possessed by public utilities as defined in N.J.S.A. 40A:2-13 and by any cable television company as defined in N.J.S.A. 40A:5A-1 et seq. to maintain, repair and replace their existing facilities in, adjacent to, over or under the road or any part thereof, being vacated.

**BE IT FURTHER ORDAINED** that the public interest in the vacated portions of Road B and Road C are released in favor of the owner of adjacent lot 1 of block 2805.

**BE IT FURTHER ORDAINED** that all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** if any provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such provision and the remainder of this Ordinance shall be deemed valid and effective.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect upon its passage and publication according to 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 13<sup>th</sup> day of June, 2012 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 11<sup>th</sup> day of July, 2012 at 7pm or as soon thereafter as the matter may be reached.

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

There was a roll call vote with ayes all.

**Consent Agenda:** All matters listed under Consent Agenda, are considered to be routine by this Borough Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

## **RESOLUTIONS:**

### **RESOLUTION 2012-48 BOROUGH OF FOLSOM**

#### **A RESOLUTION ACCEPTING THE 2011 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the Governing Body of every unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to with:

R.S. 52: 27BB-52: “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Folsom, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION 2012-49  
BOROUGH OF FOLSOM**

**A RESOLUTION TO AMEND THE WORDING ON RESOLUTION 2012-46  
RENEWING ALCOHOLIC BEVERAGE LICENSE**

**WHEREAS**, the Borough of Folsom Council seeks to amend paragraph (1) to read as follows,

**WHEREAS**, the following licensee has received a Special Ruling from the Director of Alcohol and Beverage Control pursuant to N.J.S.A. 33:1-12.18 to issue a new license for the 2011-2012 License Term,

0110-33-006-003	Chalmers Enterprises, Inc. T/A Rest A While Bar & Grill 1022 Black Horse Pike Folsom, NJ 08037	\$420.00
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**WHEREAS**, the Borough of Folsom Council have no objection to the 2011-2012 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 May 9, 2012

**RESOLUTION #2012-50**

**BOROUGH OF FOLSOM  
STATE OF NEW JERSEY  
COUNTY OF ATLANTIC**

**RESOLUTION APPROVING THE SALE OF LOT 13 OF BLOCK 2103**

**WHEREAS**, the property known as Lot 13 of Block 2103 is owned by the Borough of Folsom and was offered for sale pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., to the highest bidder from among the owners of real property contiguous to the property being sold; and

**WHEREAS**, title had become vested in the Borough of Folsom by the foreclosure of a Tax Sale Certificate for the property; and

**WHEREAS**, the foreclosure of the Tax Sale Certificate was financed by an escrow in the amount of \$2,000.00 posted by William H. Davis, III, representing an estimate of the fees and costs required to foreclose the Tax Sale Certificate; and

**WHEREAS**, the Folsom Council enacted Ordinance 01-2012 authorizing the sale of such land for a price of \$5,200.22; and

**WHEREAS**, the intent of the Borough Council was that the property be sold for the assessed value of \$3,600.00 and that an additional amount be added to the minimum price in order to recover and reimburse William H. Davis, III, for the cost of the foreclosure in the event that someone else purchased the property and, therefore, the minimum price of \$5,200.22 consisted of the assessed value of \$3,600.00 and the amount expended from the escrow for the tax sale foreclosure in the amount of \$1,600.22; and

**WHEREAS**, the only bidder for said property was William H. Davis, III, who bid the minimum price of \$5,200.22; and

**WHEREAS**, since the property is being sold to William H. Davis, III, who posted the escrow in the amount of \$1,600.22 the actual price to be paid by him is to be reduced by the amount advanced by him to pay the expense of the tax sale foreclosure; and

**WHEREAS**, since the cost of the tax sale foreclosure is a cost which was necessarily incurred in order to vest title to said property in the Borough of Folsom, it is also appropriate that such cost be shared equally between the Borough and William H. Davis, III.

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

- 1) The sale of Lot 13 of Block 2103 to William H. Davis, III, as the sole contiguous owner offering a bid at the minimum bid amount is hereby approved subject to the adjustments set forth herein.
- 2) William H. Davis, III, is entitled to receive a credit in the amount of \$1,600.22 against the sales price of \$5,200.22, since \$1,600.22 represents funds actually advanced by him.

- 3) In addition, ordinarily such a tax sale foreclosure would have been undertaken by the Borough at the Borough's own expense, but here William H. Davis, III, advanced the funds to undertake the foreclosure and thereby allow the sale to take place for the mutual benefit of him and the Borough. Such foreclosure cost is appropriately shared as a common expense between the Borough and William H. Davis, III. Accordingly, the sales price of \$5,200.22 is also subject to a further credit to William H. Davis, III, in the amount of \$800.11. Therefore, the net price to be paid by him is reduced to \$2,799.89. William H. Davis, III, shall pay to the Borough the net purchase price of \$2,799.89, together with the cost of preparation of the deed of conveyance, related documents, and any other conveyance and recording costs for the transfer of title, by certified check, bank check or money order made payable to the Borough of Folsom.
- 4) Upon the completion of the transaction and the reimbursement of conveyancing and recording costs to the Borough, any remaining balance in the escrow account shall be released and returned to William H. Davis, III.

**RESOLUTION 2012-51  
BOROUGH OF FOLSOM**

**A RESOLUTION TO ENTER INTO AN INTERLOCAL SERVICE  
AGREEMENT WITH THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY**

**WHEREAS**, Atlantic County was notified by letter dated October 27, 2000, from the United States Department of Housing and Urban Development (hereafter HUD") announcing that the County of Atlantic qualified to receive a Formula Allocation for the Community Development Block Grant Program (hereafter the "Urban County Program") for the fiscal year 2001, 2002, and 2003; and

**WHEREAS**, it is necessary to provide documentation to HUD every three years to re-qualify the Urban County (hereafter "County") to continue to receive a formula allocation for the next three federal fiscal years; and

**WHEREAS**, it is necessary for the County to submit the qualifying documentation to HUD by June 30, 2012 to re-qualify for Fiscal Years 2013, 2014, and 2015; and

**WHEREAS**, in order to participate with the County in the Urban County Program for these years it is necessary for the Local Government to enter into a Cooperation Agreement with the County and other local governments; and

**WHEREAS**, the Local Government may not apply for grants or appropriations under the Small Cities or State CDBG Programs for the fiscal years during the period in which it participates in the Urban County CDBG Program, and

**WHEREAS**, Folsom Borough desires to join with the County in the Urban County program; and

**WHEREAS**, the Interlocal Services Act NJSA 40:8A-1 et seq. Authorizes counties and municipalities to enter into agreements for the provision of joint services; and

**WHEREAS**, the execution of the Cooperation Agreement does not require the Local Government to expend municipal funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Folsom as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached Cooperation Agreement with the County, and other local governments, in substantially the following form with such minor changes as may be required by HUD.
2. This Cooperation Agreement shall be effective for the remaining year of the Urban County Qualification period (Federal fiscal years beginning October 1, 2012, October 1, 2013 and October 1, 2014) and shall be automatically renewed for participation in successive three year qualification periods unless the County or the Borough of Folsom provides written notice it elects not to participate for a new qualification period.
3. HUD requires that this Cooperation Agreement may have to be amended to incorporate changes necessary to comply with federal requirements for future qualification periods. Failure to comply will void the automatic renewal for such qualification period.
4. All resolution or parts of resolutions inconsistent with this Resolution are hereby repealed to the extent of their inconsistency.
5. The Clerk is hereby directed to provide a certified copy of this Resolution together with the annexed Cooperation Agreement, duly executed, to the County executive.

**RESOLUTION 2012-52  
BOROUGH OF FOLSOM**

**A RESOLUTION RENEWING ALCOHOLIC BEVERAGE LICENSES 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 2012-2013;

0110-44-005-003	Bell Liquor Store, Inc. t/a Bell Liquor Store, Inc. 1002 Black Horse Pike Folsom, NJ 08037	\$360.00
0110-33-001-001	Folsom Inn, Inc. 1012 Black Horse Pike Folsom, NJ 08037	\$420.00



0110-33-003-006	Smashed Hat Tavern, Inc. 1409 Black Horse Pike Folsom, NJ 08037	\$420.00
0110-33-004-004	Ghag Limited Liability Co. T/A Horsin Around 106 Cromwell Court Egg Harbor Twp., NJ 08234	\$420.00
0110-33-006-003	Chalmers Enterprises, Inc. T/A Rest A While Bar & Grill 1022 Black Horse Pike Folsom, NJ 08037	\$420.00
0110-33-002-009	Tim Buck 2 LLC T/A Tim Buck 2's 40 E. Black Horse Pike Folsom, NJ 08037	\$420.00
0110-33-007-008	Sneakers Sports Bar Company 131 Eisenhower Drive Newtonville, NJ 08346	\$420.00

**WHEREAS**, the Borough of Folsom Council have no objection to the 2012-2013 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, 2012

A motion to approve Resolutions 2012-48 through 2012-52 was made by Councilman Gazzara and seconded by Councilman Esposito

There was a roll call vote with ayes all.

**SOLICITOR'S REPORT:** No report.

**FIRE CHIEF'S REPORT:** Councilman Esposito read the Monthly report for Chief Donnelly.

**ENGINEER'S REPORT:** No report

**COUNCIL MEMBER'S REPORTS:**

**Councilman Ron Esposito:** Congratulated Daniel Schenker. Councilman Esposito thanked CFO Dawn Stollenwerk for an excellent audit. Ron thanked Marie Anastasia for her comments regarding Folsom. Councilman Esposito stated that he is continuing to accept & review proposals for the "Welcome to Folsom" sign landscaping project.

**Councilman Matt Olive:** Congratulated Daniel Schenker. Councilman Olive thanked Trooper Beebe for his report. Matt also thanked CFO Dawn Stollenwerk and the staff at Borough Hall for another good audit. Councilman wished everyone and safe and Happy 4<sup>th</sup> of July.

**Councilman Gary Kemmerer:** No report ( absent)

**Councilman Greg Schenker:** Thanked Marie Anastasia for her kind words. Councilman Schenker also thanked Joyce Kemmerer for her donations to the Veteran's Memorial. Councilman Schenker cautioned residents to be careful when driving now that school is out. Greg also commented that he is proud of his son's accomplishments.

**Councilman Butch Gazzara:** wanted to remind residents to be cautious when driving now that school is out. Councilman also congratulated all local Graduates on their accomplishments.

**Councilman George Eckhardt:** No report (absent)

**Public Comment on the Council Members Reports:**

**Bryon Gummoe(125 E. Park Avenue)** asked if Jersey Construction is going to pave the road to handle the heavier traffic.

**PAYMENT OF BILLS IN THE AMOUNT OF \$189,298.40**

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

There was a roll call vote with ayes all.

Council President Olive reminded the public that all other monthly reports are on file in the minute book.

The next regular meeting of Mayor and Council will be held on Wednesday, July 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 12<sup>th</sup> Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:03 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto  
Acting Municipal Clerk