

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
March 14, 2012**

MEETING CALLED TO ORDER: 7:37PM

SALUTE TO THE FLAG: by Mayor Ballistreri

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the open public meeting act, pursuant to Public Law 1975, Chapter 231. Said meeting has been advertised in the Hammonton News and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

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

Also present: Attorney Mike Fitzgerald and Engineer Vince Polistina

APPROVAL OF THE WORKSHOP MINUTES FROM FEBRUARY 8, 2012

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

There was a roll call vote with ayes all

APPROVAL OF THE MINUTES FROM FEBRUARY 8, 2012

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

There was a roll call vote with ayes all

APPROVAL OF THE MINUTES FROM THE SPECIAL MEETING, FEBRUARY 20, 2012

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

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

MEETING OPEN TO PUBLIC:

Dave Cappuccio (1414 Backline Road) questioned the Mayor on a newspaper article in the Hammonton Gazette.

Bryon Gummoe(125 E. Park Ave) expressed his disapproval over the way the February Council Meeting was conducted. Mr. Gummoe questioned the way the State Police was investigating the letter that was sent to Mayor Ballistreri and his disapproval over being questioned.

Mary Jane Kaiser (303 E. Collings Dr) wanted to know why the Borough held a special meeting for the sale of the fire truck on a day when the Borough was closed. Ms. Kaiser said she heard there is a problem with Fire Trucks being dispatched and was concerned about the residents of Folsom regarding this problem. Ms. Kaiser also asked the Mayor if there was going to be public comment after the resolution portion of the meeting.

Lou DeStefano(3124 Pinewood Dr.)questioned the Mayor over the distance from the Firehouse to Mr. DeStefano's home from the last meeting. Mr. DeStefano asked the Governing Body which day the fire trucks were removed from the Firehouse because the school wasn't notified until February 6, 2012. A discussion ensued between Mayor Ballistreri, Lou DeStefano and **Mimi Veneziani (2421 4th Rd.)** regarding an Emergency Management Plan. Ms. Veneziani stated she will contact Mr. Garguilo and make sure that he contacts the Borough regarding this plan so the Borough can get a copy of said plan. Mr. DeStefano asked the Governing Body about the public comment portion at last month's meeting after the Resolutions were read. Lou wanted to know why the format was changed.

Cheryl Leggeadrini (214 Mohawk Dr.)requested that the Workshop meetings be televised. Ms. Leggeadrini expressed her concern over the noise level at American Galvanizing. Ms. Leggeadrini asked the Mayor was he wasn't aware of the Folsom School Emergency Plan.

Mayor Ballistreri informed residents that the Council Meetings will also be televised on Channel 8.

Larry Smith (121 Fenimore Dr.) expressed his approval of the Workshop meetings being televised. Mr. Smith voiced his disapproval over taxpayer dollars being spent on litigation with the Firehouse.

Mayor Ballistreri explained the ligation with the Firehouse. Mayor Ballistreri stated that the Borough had no intentions of suing the Firefighters as some people stated but the Borough is in ligation with the Fire Company to stop the sale or transfer of the Firehouse to an outside entity and that Mayor and Council are trying to protect the interests of the residents of Folsom. Mr. Smith stated that the Fire Company intends to keep the Firehouse in hopes to reopen again in the future.

Cheryl Leggeadrini (214 Mohawk Dr.) asked the Governing to drop the ligation over the Firehouse since neither party intends to sell the Firehouse.

Christine Parker (1404 Backline Rd.) wanted to discuss the situation regarding the Whitmeyer property on 15th Street. Ms. Parker also gave Mayor and Council pictures of the dirt and

damaged road due to the heavy trucks. Ms. Parker also stated that the noise starts at 5:00 AM. Ms. Parker felt that the expanded facility was getting out of control with noise, dirt and traffic.

Larry Delfico (1208 Mays Landing Road) thanked the Firefighters for all their efforts. He expressed his opinion that he felt Mayor and Council did the right thing for the Borough of Folsom. He suggested that everyone should move on and let Council do their job.

Lou DeStefano (3124 Pinewood Dr.) asked Mayor and Council what the procedure is to schedule a meeting at Borough Hall.

Dave Weinberger (2 S. River Dr) questioned why the Borough would spend tax dollars to fix up the Firehouse for the Community Center but didn't have the money for the Fire Company. A discussion between Mr. Weinberger, Councilman Olive and Councilman Schenker ensued over funding and grants for Firehouse repairs. Mr. Weinberger asked if Grants could have been used for the Firehouse. Councilman Eckhardt noted that they were in the process of applying for the Grant and needed to have the Fire Company sign a lease on the building. Councilman Eckhardt stated that he found out the lease had been torn up at a meeting.

Christine Parker (1404 Backline Road) asked if the Borough does acquire the Firehouse couldn't the Borough possibly keep the Firehouse as is and add additional space for the Borough equipment.

Larry Smith (121 Fenimore Dr) disputed that the lease was ripped up at a meeting and they were unwilling to sign the lease at \$500.00 per month.

Mary Jane Kaiser (303 E. Collings Dr) expressed her opinion that the Governing Body did not do what was best for the Community. Ms. Kaiser also stated that she felt that no one was getting any answers tonight.

ORDINANCES: (Second Reading/Final Adoption)

**BOROUGH OF FOLSOM
ORDINANCE 01-2012**

**ORDINANCE AUTHORIZING THE SALE OF
CERTAIN LAND OWNED BY THE BOROUGH OF FOLSOM**

WHEREAS, the property known as Lot 13 of Block 2103, is owned by the Borough of Folsom and is not needed for public purposes;

WHEREAS, the land is less than the minimum size required for development under the

municipal zoning ordinance and are without any capital improvements thereon;

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et. seq., said land may be sold to the highest bidder from among the owners of real property contiguous to the property being sold.

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

1. Lot 13 of Block 2103 shall be offered for sale pursuant to the requirements and procedures set forth in the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et. seq., as property which is less than the minimum size required for development under the municipal zoning ordinance and without any capital improvements thereon.

2. The Borough Clerk shall notify the contiguous owners that the property is available for sale to the highest bidder among such contiguous owners at an amount not less than the fair market value. For purposes of this sale, the fair market value of the property is determined to be \$5,200.22.

3. Bids by the contiguous owners shall be received by the Borough Clerk at the Borough Clerk's office on a date and time to be established by the Borough Clerk and in the manner of an auction in accordance with procedures to be announced by the Borough Clerk.

4. All bids shall be referred to the Mayor and Council for review and final approval. The Borough reserves the right to accept the highest bid or to reject any and all bids and shall make its decision known by resolution within 45 days after bids are received.

5. Bidders shall make payment as follows:

Certified or Bank Check to accompany bid (10%)

Certified or Bank check for the balance as adjusted, at a closing to be held within 45 days of review and approval by the Borough Mayor and Council.

6. Upon the close of bidding the highest qualified bidder, as designated by the Borough Clerk shall immediately execute an offer to purchase at the bid price which offer shall include the terms and conditions specified herein.

7. Title shall be conveyed by the Borough by Bargain and Sale Deed with final payment to be made at a closing to be arranged between the purchaser and the Borough. The purchaser shall pay all closing costs.

8. The property conveyed by the Borough is subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, and such facts as an accurate survey would

reveal. The property is conveyed fully "As Is." The property shall be consolidated with the purchaser's contiguous property.

The above Ordinance was introduced and passed on its first reading at a regular meeting of the Council of the Borough of Folsom, New Jersey held on 8th day of February 2012, and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held on the 14th day of March, 2012 in Council Chambers, Folsom, New Jersey.

A motion to approve was made by Councilman Olive and seconded by Councilman Kemmerer

There was a roll call vote with ayes all.

NO PUBLIC COMMENT

**BOROUGH OF FOLSOM
ORDINANCE 02-2012**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM
AUTHORIZING THE SALE OF BOROUGH OWNED
LAND - CONFORMING LOT SIZES**

WHEREAS, the various properties identified by block and lot number on the attached list are owned by the Borough of Folsom and are not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such lands to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, it is in the best interest of the Borough to advertise these lands for public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13.

NOW, THEREFORE, be it ordained 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 each of the lots set forth on the attached Schedule A pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bid for each lot is set forth on attached Schedule A. 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 a particular lot or lots 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 set forth on Schedule A 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 on Schedule A with the Township Council reserving the right to accept or reject or otherwise remove any lot from sale. The public sale shall take place on Wednesday, April 18, 2012, at 4p.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, either in whole or in part, 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 deeds 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 ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey held on the 8th day of February, 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 14th day of March, 2012 at 7pm or as soon thereafter as the matter may be reached.

LIST OF PROPERTIES AVAILABLE FOR SALE
SCHEDULE A - CONFORMING LOT SIZES

Block	Lot	Location	Minimum Price
1502	10	1226 11 th Street	\$120,000.00
801	18	3 rd Road	\$24,000.00

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

There was a roll call vote with ayes all.

NO PUBLIC COMMENT

**BOROUGH OF FOLSOM
ORDINANCE 03-2012**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM
AUTHORIZING THE SALE OF BOROUGH OWNED
LAND - UNDERSIZED LOTS**

WHEREAS, the various properties identified by block and lot number on the attached list are owned by the Borough of Folsom and are not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such lands to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, N.J.S.A. 40A:12-13.2 provides in pertinent part that whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, the municipality must accord contiguous property owners of right of first refusal to purchase such land; and

WHEREAS, the Borough proposes to offer such right to all contiguous owners and to sell such lands to the highest bidders among the contiguous owners as authorized by N.J.S.A. 40A:12-13; and

WHEREAS, if no contiguous owner offers to purchase such property, then the property shall be opened to full public bidding.

NOW, THEREFORE, be it ordained 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 each of the lots set forth on the attached Schedule A pursuant to the provisions of N.J.S.A. 40A:12-13.

2. The minimum bid for each lot is set forth on attached Schedule A. 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 a particular lot being offered for sale that such contiguous owner may bid for such lot in accordance with the terms and conditions set forth herein. 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 as the Borough Clerk may deem appropriate. The Clerk is further directed to advertise the sale in a newspaper circulating in the Borough by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication to be not earlier than seven (7) days prior to the date of the public sale.
4. The property set forth on Schedule A 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 on Schedule A with the Township Council reserving the right to accept or reject or otherwise remove any lot from sale. The public sale shall take place on Wednesday, April 18, 2012, at 4p.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, either in whole or in part, to another date and time and such announcement shall be deemed adequate notice to all interested parties.
5. Each lot set forth on Schedule A shall be first offered to the contiguous property owner at the minimum price appearing in Schedule A. If there be more than one (1) contiguous owner, then the property shall be sold to the highest bidder from among the adjoining property owners. If no adjoining property owner bids on the property, then it shall be open to full public bidding.
6. 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.
7. 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.

8. 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.
9. 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 deeds 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 lands being conveyed are undersized lots and, if sold to a contiguous owner may not be developed separately for residential or other purposes and must be merged with the contiguous land owned by the bidder. The deed of conveyance shall contain a restriction governing the subject property that neither it nor the property with which it is consolidated shall thereafter be subdivided. If sold to a successful bidder other than a contiguous owner, the successful bidder acknowledges that the property is undersized and does not conform to zoning lot size and other requirements and the conveyance will be subject to a covenant

restricting use of the lot for building purposes until such time as the purchaser causes the lot to conform to current zoning, either through an appropriate variance action or by meeting lot size and other zoning requirements. The deed will also contain a further 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.
10. 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.
 11. The Borough Clerk shall file with the Director of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).
 12. Bidding may be made by an individual, corporation or other entity. Bids may also be submitted by a prospective purchaser's attorney, real estate agent or broker or other duly authorized representative. However, no commission shall be paid by the Borough of Folsom to any real estate agent or broker or other representative in connection with any sale.
 13. 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.
 14. All potential sales are subject to final approval by the Borough Council. This includes the right of the Borough Council to remove a property from the sale list at any time and to terminate any sale up to the time of the issuance of a deed to the purchaser. If terminated, any monies paid by a successful bidder will be refunded.
 15. 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 ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey held on the 8th day of February, 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 14th day of March, 2012 at 7pm or as soon thereafter as the matter may be reached.

LIST OF PROPERTIES AVAILABLE FOR SALE
SCHEDULE A - UNDERSIZED LOTS

Block	Lot	Location	Minimum Price
204	3	1402 14 th Street	\$10,000.00
601	4	15 th Street	\$11,000.00
901	1	4 th & 15 th Streets	\$11,000.00
901	2	15 th Street	\$5,600.00
901	3	15 th Street	\$5,600.00
1401	3	4 th Street	\$5,600.00
1701	18	2952 8 th Street	\$11,000.00
1901	2	15 th Street	\$1,000.00
1901	4	15 th Street	\$11,000.00
1901	5	15 th Street	\$11,000.00
1902	5	15 th Street	\$11,000.00
1902	6	15 th Street	\$22,000.00
2005	2	South River Drive	\$4,400.00
2006	10	South River Drive	\$8,500.00

2102	9	Collings Lakes	\$3,700.00
2201	2	13 th Street	\$10,900.00
2505	1642	Collings Lakes	\$4,700.00
2505	1646	Collings Lakes	\$2,100.00
2505	1647	Collings Lakes	\$2,800.00
2505	1648	Collings Lakes	\$1,900.00
2507	3	Park Avenue	\$2,600.00
2507	208	Park Avenue	\$3,700.00
2507	209	Park Avenue	\$3,700.00
2507	212	Park Avenue	\$3,800.00
2507	213	Park Avenue	\$6,600.00
2507	1640	Walnut Lane	\$2,900.00
2507	1641	Walnut Lane	\$3,800.00
2508	1617	River Terrace	\$1,800.00
2508	1618	River Terrace	\$2,700.00
2509	148	Park Avenue	\$3,800.00
2509	156	Park Avenue	\$3,800.00
2509	112	20 Black Horse Pike	\$11,600.00
2604	698	Springdale Lane	\$5,100.00
2605	707	Springdale Lane	\$5,300.00
2605	709	Springdale Lane	\$5,300.00
2607	268	East Collings Drive	\$5,300.00
2607	269	Collings Lakes	\$5,300.00
2607	616	Fernwood Terrace	\$5,200.00
2612	414	Lenape Terrace	\$5,300.00
2612	423	Black Horse Pike	\$12,500.00
2612	425	Black Horse Pike	\$17,500.00
2613	429	Lenape Terrace	\$6,900.00
2613	438	105 Erie Road	\$5,300.00

2613	439	103 Erie Road	\$5,300.00
2613	440	101 Erie Road	\$5,300.00
2614	443	Fenimore Drive	\$3,900.00
2617	121	Black Horse Pike	\$15,400.00
2617	128	Black Horse Pike	\$16,400.00
2617	138	Park Avenue	\$3,700.00
2617	139	Park Avenue	\$3,700.00
2618	179	Park and Willow	\$3,700.00
2619	569	South River Drive	\$3,900.00
2619	570	South River Drive	\$3,900.00
2702	717	Jays Avenue	\$5,300.00
2702	718	Jays Avenue	\$5,300.00
2703	656	East Collings Drive	\$8,500.00
2705	741	Glenside Lane	\$5,300.00
2713	453	Lenape Terrace	\$8,900.00
2714	479	Seneca Lane	\$5,200.00
2714	480	Seneca Lane	\$5,700.00
2714	482	Seneca Lane	\$7,000.00
2715	525	Seneca Lane	\$7,200.00
2716	818	Black Horse Pike	\$12,500.00
2716	827	Seneca Lane	\$5,300.00
2717	510	Seneca Lane	\$5,300.00
2717	515	Seneca Lane	\$5,300.00
2717	517	Seneca Lane	\$5,300.00
2804	679	East Collings Drive	\$6,300.00
3101	1	11 th Street	\$20,000.00
3101	12	10 th Street	\$20,000.00
3101	14	10 th Street	\$20,000.00
3102	9	1122 Black Horse Pike	\$5,000.00

3201	1	10 th Street	\$22,000.00
3201	7	9 th Street	\$22,000.00

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

There was a roll call vote with ayes all.

NO PUBLIC COMMENT

ORDINANCES: (First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE 04-2012**

**AN ORDINANCE ESTABLISHING AND FIXING SALARIES FOR VARIOUS
OFFICIALS AND EMPLOYEES OF THE BOROUGH OF FOLSOM, COUNTY OF
ATLANTIC, STATE OF NEW JERSEY**

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

Section 1. The annual salaries of the officials, officers, and employees of the Borough of Folsom listed below shall be as follows:

Salaried Positions

Borough Clerk	\$25,000 -	\$39,988
Building Sub-Code Official	\$1,000 -	\$3,751
Chief Financial Officer	\$4,000 -	\$12,240
Construction Official	\$2,500 -	\$3,590
Council Member	\$1,700 -	\$2,500
Court Administrator	\$20,000 -	\$41,536
Deputy Emergency Management Coordinator	\$500 -	\$1,500
Electrical Sub-Code Official	\$1,000 -	\$3,751
Emergency Management Coordinator	\$500 -	\$1,500
Fire Safety Officer	\$1,000 -	\$1,664
Fire Sub-Code Official	\$1,000 -	\$3,751
Judge (based on 24 sessions annually)	\$1.00 -	\$9,184
Additional sessions (maximum 4)	\$350 per	session
Mayor	\$2,200 -	\$3,300
Plumbing Sub-Code Official	\$1,000 -	\$3,751
Public Defender	\$1.00 -	\$3,215
Tax Assessor	\$6,500 -	\$13,201
Tax Collector	\$6,500 -	\$14,572
Zoning Officer	\$1,800 -	\$4,080

Hourly Positions:

Clerical Assistant	\$ 7.00 -	\$11.00
Deputy Clerk	\$10.00 -	\$13.95
Deputy Court Administrator	\$8.50 -	\$13.95

Municipal Administrative Asst	\$25.00	-	\$75.00 per session
Part-time Laborer	\$7.00	-	\$10.00
Public Works Laborer	\$7.50	-	\$17.35
Supervisor Public Works	\$10.00	-	\$23.18
UCC Technical Asst/Planning & Zoning	\$10.00	-	\$13.50
Secretary			
Interpreter	\$25.00	-	\$50.00 per session

Section 2. The salaries and wages hereby established shall be on a bi-weekly basis with the exception of Mayor and Council, EMC, Deputy EMC and Fire Inspector, which shall be quarterly.

Section 3. The provision of this Ordinance shall be retroactive to January 1, 2012.

Section 4. Any Ordinance or part of Ordinance inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall become effective immediately upon final 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 in the Borough of Folsom, County of Atlantic and State of New Jersey, held on March 14, 2012. 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 April 11, 2012 at 7:30 P.M.

PUBLIC COMMENT: Linda Slater (219 Fenimore Dr) asked to have this Ordinance explained.

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

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
ORDINANCE 05-2012**

**CALENDAR YEAR 2012
AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Folsom in the County of Atlantic finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$8,768.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Folsom, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Folsom shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$621,384.00, and that the CY 2012 municipal budget for the Borough of Folsom be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 March 14, 2012 and 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 April 11, 2012 at 7:30 P.M.

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

There was a roll call vote with ayes all.

RESOLUTIONS:

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.

**RESOLUTION 2012-28
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING THE LOSAP AWARD FOR 2011

WHEREAS, the Fire Chief of the Borough of Folsom attached a certified list of eligible volunteers for the 2011 plan year, and

WHEREAS, the Mayor and Council of the Borough of Folsom is required to accept the certified list submitted by the Fire Chief.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that the certified list submitted by the Fire Chief be accepted.

BE IT FURTHER RESOLVED, that this resolution be forwarded to the Fire Chief and the approved certified list be posted at the Fire House for a period of 30 days.

**RESOLUTION 2012-29
Borough of Folsom**

**A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES IN THE
CURRENT FUND BALANCE**

WHEREAS, certain Grant Receivable Balances remain on the Current Fund Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

AND WHEREAS, it is also necessary to formally cancel the Borough's matching portion of the grant balance and credit said balances to the Current Fund Balance;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>
Municipal Alliance	\$1367.10	\$1367.10

**RESOLUTION 2012-30
BOROUGH OF FOLSOM**

INTRODUCTION OF THE 2012 MUNICIPAL BUDGET

RESOLUTION #2012-31

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

RESOLUTION AUTHORIZING THE SALE OF A FIRE TRUCK

WHEREAS, the Borough of Folsom is the owner of a 1989 Ford C8000 Fire Truck Vehicle Identification Number 1FDYD 80U4K VA287 51; and

WHEREAS, pursuant to N.J.S.A. 40A:11-36 the Borough may by Resolution of its governing body authorize the sale of such fire truck to Unicorn Enterprises, Inc. through govdeals.com; and

WHEREAS, the Borough of Folsom has received a winning bid from Unicorn Enterprises, Inc. to purchase the above fire truck for a price of ten thousand dollars (\$10,000.00) which is a fair and reasonable price.

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

1. The sale of the 1989 Ford C8000 Fire Truck Vehicle Identification Number 1FDYD 80U4K VA287 51 to the Unicorn Enterprises, Inc. for a sales price of ten thousand dollars (\$10,000.00) is hereby approved and is duly authorized by the Borough Council.
2. Such sale is made “as-is, where is,” without any representations or warranties on the part of the Borough of Folsom, except that the Borough warrants that the title to the fire truck is free from all encumbrances and that the Borough has the right to sell the fire truck.

The Mayor and the Borough Acting Clerk are authorized to execute a Bill of Sale, the Title to the fire truck and any and all other necessary documents in order to effectuate the transfer of the fire truck to Unicorn Enterprises, Inc. in accordance with this Resolution.

RESOLUTION #2012-32

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

A RESOLUTION APPROVING FIFTH ROAD EXTENSION

WHEREAS, American Galvanizing Co., Inc. (hereinafter “American Galvanizing”), a citizen of the Borough of Folsom, has made application to Borough Council for a permit to

improve a 930 linear foot (more or less) portion of Fifth Road, a dedicated public right-of-way; and

WHEREAS, the Borough Engineer has reviewed the application, including a Roadway Improvement Plan, submitted by American Galvanizing and, has issued a report to Borough Council in connection with such review; and

WHEREAS, the Borough Engineer, in his report to Borough Council, has offered certain technical recommendations with respect to the Roadway Improvement Plan submitted by American Galvanizing and has concluded that implementation of the recommendations by American Galvanizing would be protective of the public interest and would not impair in any material fashion the Street Plan of the Borough or the future of street development within the Borough; and

WHEREAS, American Galvanizing has agreed to accept and implement the technical recommendations proposed by the Borough Engineer, as set forth in the Review Report, and has otherwise agreed to comply with certain conditions of approval.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Folsom that American Galvanizing's application to improve 930 linear feet of Fifth Road be and is hereby approved, and the Clerk/Municipal Administrator of the Borough is hereby directed to issue a permit for the street improvements, subject to the implementation of the technical recommendations set forth in the Borough Engineer's report and upon satisfaction, by American Galvanizing, of the following conditions.

1. American Galvanizing shall grant an easement, in form satisfactory to the Borough Engineer and Borough Solicitor in favor of the Borough of Folsom for stormwater facility inspections and maintenance, as specified in the Maintenance Agreement proposed by American Galvanizing.

2. American Galvanizing shall post appropriate performance guarantees and inspection escrow, as required by Borough Ordinance.

3. American Galvanizing shall dedicate to the Borough of Folsom a portion of its property officially designated as Lot 1 of Block 2810 for the cul-de-sac portion of the proposed road improvements.

4. American Galvanizing shall grant an easement for the stormwater management system proposed to be located on American Galvanizing's property, again designated as Lot 1 of Block 2810.

5. American Galvanizing shall obtain approvals of all other agencies having jurisdiction with respect to the proposed improvement of Fifth Road, namely the New Jersey Pinelands Commission and the Township of Buena Vista.

**RESOLUTION 2012-33
SHARED SERVICES AGREEMENT BETWEEN
ATLANTIC COUNTY UTILITIES AUTHORITY
AND
BOROUGH OF FOLSOM
FOR CERTIFIED RECYCLING PROFESSIONAL SERVICES**

This agreement made this 15th day of March 2012 by and between the **Borough of Folsom**, a municipal corporation of the State of New Jersey with principal offices located at 1700 Twelfth Street, Folsom, New Jersey 08037 (hereafter the **BOROUGH**) and the **Atlantic County Utilities Authority**, with offices located at 6700 Delilah Road, Egg Harbor Township, New Jersey, 08234 and a mailing address of PO Box 996, Pleasantville, New Jersey 08232-0996 (hereafter the **AUTHORITY**).

WHEREAS, N.J.S.A 40A:65-4a (1) provides that any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units; and

WHEREAS, the **BOROUGH**, by ordinance, has duly enacted a recycling plan for all recyclable materials as designated by the Atlantic County Solid Waste Management Plan and amendments thereto and:

WHEREAS, the **BOROUGH** and the **AUTHORITY**, by resolutions duly adopted by their respective governing bodies, wish to enter an agreement pursuant to which the **AUTHORITY** will provide Certified Recycling Professional (hereafter CRP) services for the recycling program of the **BOROUGH**.

NOW, THEREFORE, in consideration of the covenants contained in this Agreement, the parties agree as follows:

1. The **BOROUGH** shall retain the services of the **AUTHORITY** for a CRP that will be responsible for coordinating certain municipal recycling requirements as provided in the Atlantic County Solid Waste Management Plan, and with the State of New Jersey Department of Environmental Protection (NJDEP) for mandatory annual municipal recycling tonnage report documentation.
2. If applicable, the **BOROUGH** and the **AUTHORITY** shall act jointly as an informational source for municipal residents, businesses and officials regarding recycling requirements and/or recycling collection operations.
3. The **BOROUGH** shall notify all solid waste/recycling generators of the **BOROUGH** of their source separation responsibilities at least twice annually and provide documentation regarding same to the **AUTHORITY**. Such notifications will include all recyclable materials, as are designated in the Atlantic County Solid Waste Management Plan and such other recyclable materials as the County may designate from time to time, within the **BOROUGH** (hereafter recyclable materials).
4. The **BOROUGH** shall notify all occupants of residential, commercial and institutional properties of the **BOROUGH** of the recycling requirements as outlined by the municipal recycling ordinance, and in conjunction with the Atlantic County education program concerning recyclables, provide quarterly publicity regarding collection schedules, holidays, material preparation requirements and program accomplishments to all residential households within the **BOROUGH**.
5. The **BOROUGH** shall provide any person applying for a construction/demolition permit with the reporting requirements for generators of construction and/or

demolition waste materials and provide a list of such generators to the **AUTHORITY**.

6. The **BOROUGH** shall have the Municipal Recycling Coordinator report to the Atlantic County Director of Solid Waste a list of non-residential generators, which have been issued a source separation exemption.
7. The **BOROUGH** shall enforce anti-scavenging and anti-dumping ordinances, and mandatory source separation requirements as outlined in the Atlantic County Solid Waste Management Plan Amendment and the Municipal Ordinance related to recycling.
8. The **BOROUGH** shall provide the **AUTHORITY** with any changes in definition of the Municipal Recycling Coordinator's position.
9. The **BOROUGH** reserves the right to reasonably amend the specifications of the Agreement by giving a ninety (90) day written notification to the **AUTHORITY** of any changes thereto.
10. This agreement shall commence on March 1, 2012 and end upon thirty (30) days written notice by either party.
11. This agreement represents the entire agreement of the parties and supersedes any verbal or written representations made prior hereto. No modifications to the Agreement shall be valid unless in writing and adopted by resolution of the respective governing bodies of the **BOROUGH** and the **AUTHORITY**.
12. The **BOROUGH** will pay the **AUTHORITY** an annual fee of \$200.00 for these services.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year set forth above.

A motion to approve the Vacation of Roads "B & C" from Burlington St. to Gloucester

All in favor

A motion to approve Resolutions 2012-28 through 2012-33 was made by Councilman Kemmerer and seconded by Councilman Schenker

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: Mr. Fitzgerald updated Mayor and Council with the new land sale date which is April 18, 2012. Discussed procedures for the land sale.

FIRE CHIEF'S REPORT: Councilman Esposito read the report for Chief Donnlley who could not attend because he was teaching a class. Councilman Esposito read the list of calls the fire department responded to in the month February. The Fire Department was happy to announce that three (3) new members have joined from Folsom, Ryan Scheff, Darrell Mapp and Kyle Smith. Twelve (12) new sets of Turnout gear have arrived and placed into service. For updated Fire Department information please visit www.CLFD23.org.

ENGINEER'S REPORT: See Mr. Polinstina's report from Workshop meeting.

MAYOR'S REPORT: Mayor Ballistreri wanted to thank the Budget Committee, Council and CFO Dawn Stollenwork for their hard work on preparing the 2012 Budget. Mayor Ballistreri introduced the 2012 Budget with a zero tax increase and no cuts to services that residents have been accustomed to.

PAYMENT OF BILLS IN THE AMOUNT OF \$248,039.25

A motion to approve payment was made by Councilman Kemmerer and seconded by Councilman Olive.

There was a roll call vote with ayes all.

COUNCIL MEMBER'S REPORTS:

Councilman Ron Esposito sends his condolences to the DeYoung family. Councilman Esposito stated that he respects everyone's opinion however as an elected official he will continue to make decisions based on what is best for the Borough. Councilman Esposito noted that he is still researching the electronic recycling program.

Councilman Matt Olive noted that baseball teams have begun to use the field's .Councilman Olive stated that he will continue to make the best possible decisions for Folsom. Councilman Olive sends his condolences to the DeYoung family and asked for everyone to say a prayer for them.

Councilman Gary Kemmerer thanked everyone for attending and speaking at the meeting this evening. Councilman Kemmerer noted that that by residents attending meetings and speaking helps Council to understand how the residents feel and vice versa. Councilman Kemmerer noted that much more can be accomplished if there is good communication between Council and residents. Councilman Kemmerer sends his condolences to Catherine DeYoung and her family.

Councilman Greg Schenker: state that he was in attendance at the Drug Alliance Basketball clinic and wanted to thank everyone involved. Councilman Schenker noted that he understands that people are upset about the Fire Department however Council does need to move on and conduct current and future business. Councilman Schenker extended his condolences to the DeYoung family for their tragic loss.

Councilman Butch Gazzara: also extended his condolences to the DeYoung family. Councilman Gazzara stated for the record that as an elected Official that he will continue to make decisions that are in the best interests of the Borough of Folsom.

Councilman George Eckhardt: No report this month. Councilman Eckhardt extended his condolences to the DeYoung family who recently lost their son.

Mayor Ballistreri informed everyone that Catherine DeYoung the Borough's Court Administrator's son was tragically killed last week and for everyone to keep Catherine and her family in their prayers.

Public Comment on the Council Members Reports: No Public Comment

Mamie Gummo (125 E. Park Ave.) asked that the monthly agenda be posted on the website prior to the meeting.

Lou DeStefano (3124 Pinewood Dr) stated that he has sat up there on the Board and understands how much work it takes. Mr. DeStefano stated that some decisions are bigger than just one small group and the Fire House should have been put on a referendum. He extended his condolences to Catherine and her family.

Mayor Ballistreri 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, April 11, 2012 starting with a 1 hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:30 pm in Borough Hall, 1700 12th Street, Folsom, NJ

Meeting Adjourned at 9:41 PM

Respectfully submitted,

Patricia M. Gatto
Acting Municipal Clerk