

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
November 12, 2014**

**MEETING CALLED TO ORDER: 7:30PM**

**SALUTE TO THE FLAG LED BY Mayor Lou DeStefano**

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

**ROLL CALL:** Councilpersons Smith, Gazzara, Pagano, Veneziani and Gummoe

**ABSENT:** Councilman Kemmerer

**Also present:** Mayor Lou DeStefano, Solicitor Keith Bonchi, and Engineer Gary Auer

**APPROVAL OF THE WORKSHOP MINUTES October 8, 2014**

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

There was a roll call vote with ayes all.

**APPROVAL OF THE MINUTES FROM October 8, 2014**

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

There was a roll call vote with ayes all.

**MEETING OPEN TO PUBLIC:**

Councilman Smith announced the winners from Folsom School for the Drug Alliance 2014 Poster Contest. The winners were each presented with a certificate from the Borough.

**Greg Schenker (1447A Backline)** congratulated the Mayor on his victory. Mr. Schenker stated that he is in support of helping the school but wanted to voice his disapproval of the Snow Removal Agreement between the Borough and the School. A discussion ensued with Mayor and Council in which Mr. Schenker was given five (5) minutes to speak. Mr. Schenker handed out information to the public and council.

Inaudible

Councilman Smith requested to move on.

**Dave Cappuccio (1414 Backline Rd.)** stated that since the snow plow agreement is for one year the Borough could review it after the season and make any adjustments for next year.

**Larry Petrone (1307 Memory Lane)** was here to seek help from Council on finalizing the permit application for St. James Church.

Solicitor Bonchi asked Mr. Petrone to get in touch with him and he would try to help him resolve this issue.

Recording is inaudible.

Lt. Babinchock State Police Station Commander updated Mayor and Council on all incidents involving the Borough of Folsom.

### **MEETING CLOSED TO PUBLIC**

**CLERK'S CORRESPONDENCE:** Ms. Gatto reminded residents that Borough Hall offices will be closed on November 27 & 28<sup>th</sup> for Thanksgiving.

The Annual Christmas Tree Lighting will be held on Thursday, December 4, 2014 starting @ 7:00PM.

### **ORDINANCES: (Second Reading/Final Adoption)**

#### **BOROUGH OF FOLSOM ORDINANCE NO. 07-2014**

#### **AN ORDINANCE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 151 ENTITLED "PROPERTY MAINTENANCE" OF THE CODE OF THE BOROUGH OF FOLSOM**

**WHEREAS**, the Township council of the Borough of Folsom ("Folsom") has reviewed recent amendments to Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and responsibilities of foreclosing creditors; and

**WHEREAS**, as a result of such legislations, certain amendments to the Code of the Borough of Folsom are required; and

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the council of the Borough of Folsom that the following provisions of the Code of Borough of Folsom are amended as follows:

**SECTION ONE.** Chapter 151 is amended by the addition of the following new sections:

**§151-17.1 Creditor responsibility.**

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a Summons and Complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the Summons and Complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to the provisions of this Chapter, Chapter 90 of the Code of the Borough of Folsom, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

**§151-17.2 Notice to Creditor; time to correct violations.**

If the public officer, or other authorized municipal official, determines that a Creditor obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation of the provisions of this Chapter or Chapter 151 of this Code, the public officer or other authorized municipal official shall issue a notice of violation to the Creditor that has filed a Summons and Complaint to foreclose on the property in questions. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

**§151-17.3 Designated representative of out-of State Creditor; violation.**

An out-of-state Creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State Creditor found by a Court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

**§151-17.4 Violations and penalties.**

A creditor subject to this ordinance found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to care, maintain, secure or upkeep a property as cited in the notice issued pursuant to the Ordinance shall be subject to a fine of \$1,500.00 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

**AND BE IT FURTHER ORDAINED** that any prior or existing Ordinances which are inconsistent with the provisions 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 decision shall not affect the remaining provisions of this Ordinance;

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective twenty (20) days following final passage and publication as required 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 in the Borough of Folsom, County of Atlantic and State of New Jersey, held on October 8, 2014 and said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on November 12, at 7:00 P.M.

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

There was a roll call vote with ayes all.

**RESOLUTIONS:**

2014-82 (Tabled)      A RESOLUTION RENEWING ALCOHOLIC BEVERAGE LICENSE WITHIN THE BOROUGH OF FOLSOM (**Collings Lakes Food Market, Inc.**)

**RESOLUTION 2014-83  
BOROUGH OF FOLSOM**

**A RESOLUTION APPOINTING A REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, there is a need for the appointment of Registrar of Vital Statistics; and

**WHEREAS**, Patricia Gatto and has indicated a willingness to serve in such position; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom that Patricia Gatto is hereby appointed Registrar of Vital Statistics, in and for the Borough of Folsom, for a one year term commencing November 12, 2014

A motion to approve Resolution 2014-83 was made by Councilman Gazzara and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM  
RESOLUTION 2014-84**

**AUTHORIZE EXECUTION OF RIGHT  
OF WAY AGREEMENT BETWEEN  
BOROUGH OF FOLSOM (“MUNICIPALITY”) AND  
FIBER TECHNOLOGIES NETWORKS, L.L.C.  
TO PERMIT THE INSTALLATION, USE AND  
MAINTENANCE OF TELECOMMUNICATIONS  
FACILITIES WITHIN PUBLIC RIGHTS-OF-WAY  
FOR PURPOSES OF PROVIDING  
TELECOMMUNICATIONS SERVICES**

**WHEREAS**, Fiber Technologies Networks, L.L.C. (“Fibertech”), a New York limited liability company, with offices located at 300 Meridian Centre, Rochester, New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBPU”) in Docket No. TE05080683 dated September 14, 2005; and

**WHEREAS**, Fibertech has requested the consent of the Municipality to occupy public rights-of-way within the Municipality for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

**WHEREAS**, it is deemed to be in the best interest of the Municipality and its citizenry, particularly including the commercial and industrial citizens, for the Municipality to grant municipal consent to Fibertech to occupy the public rights-of-way within the Municipality for this purpose; and

**WHEREAS**, the granting of such consent is and shall be conditional upon Fibertech’s continued compliance with all existing and future ordinances of the Municipality and its entering into a written agreement with the Municipality to, inter alia, indemnify and hold the Municipality

harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
Borough of Folsom

1. That non-exclusive consent is hereby granted to Fibertech to occupy the public rights-of-way within the Municipality for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years.
2. The within granted permission is conditioned upon Fibertech entering into the attached Agreement with the Municipality and providing liability and property damage insurance coverage.
3. The Mayor and Municipal Clerk are hereby authorized to execute the attached Agreement.
4. A copy of this Resolution and the executed Agreement shall be filed in the Office of the Municipal Clerk.
5. Dated: November 12, 2014

A motion to approve Resolution 2014-84 was made by Councilman Smith and seconded by Councilman Pagano

There was a roll call vote with ayes all.

**RESOLUTION 2014-85**  
**BOROUGH OF FOLSOM**

**RESOLUTION AUTHORIZING A CHANGE ORDER TO THE PUBLIC WORKS GARAGE -  
POLE BUILDING, CONTRACT NO.17B**

**WHEREAS**, the Borough of Folsom in accordance with the Local Public Contracts Law, N.J.S.A. 40a:1-1 et seq, previously awarded project with Pioneer Pole Buildings, Inc. for the construction of the new public works garage in the Borough of Folsom; and

**WHEREAS**, it has subsequently been determined by the Borough that it will be in the best interests of the Borough and the Public Work Garage - Pole Building project that the scope of the project be expanded to include several appurtenances to the new structure and that such change order is allowed under N.J.A.C. 5:30-11.3; and

**WHEREAS**, the inclusion in the Public Works Garage - Pole Building project of the appurtenances is to ensure long last life of the structure; and

**WHEREAS**, the inclusion of the appurtenances to the new structure in the project does not substantially change the quality or character of the work to be provided by the Contractor; and

**WHEREAS**, the net increase in the Contract is \$4,870.00 and the execution of a change order will not cause the originally awarded contract price to be exceeded by more than twenty percent (20%); and

**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:

A change order is approved for the Public Works Garage - Pole Building to include several upgrades to the structure at a net increase of \$4,870.00 and for a resulting total Contract amount of \$39,620.00; and

The Mayor and Borough Clerk are hereby authorized to enter into an execute on behalf of the Borough and amendatory contract covering the approved changed order, such amendatory contract to be in a form satisfactory to the Borough Attorney.

A motion to approve Resolution 2014-85 was made by Councilman Gummoie and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all.

**RESOLUTION 2014-86  
BOROUGH OF FOLSOM**

**Resolution Authorizing an Award of Contract for Natural Gas Supply Services**

**WHEREAS**, the County of Camden on behalf of the South Jersey Power Cooperative (“SJPC”) publicly advertised bids for the purpose of procuring electric energy services (Bid A-71/2014); and

**WHEREAS**, the County received and opened publicly advertised bids on October 16, 2014 for retail natural gas services for the South Jersey Power Cooperative; and

**WHEREAS**, Woodruff Energy is the lowest responsible bidder for natural gas supply services for South Jersey Energy Accounts and submitted a rate of \$6.1280/dekatherm for a two (2) year period beginning December 2014 and ending November 2016.

**WHEREAS**, the Borough is a member of the South Jersey Power Cooperative and wishes to receive its energy services from Woodruff Energy for its three natural gas accounts.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom, County of Atlantic that the Township participates in the South Jersey Energy Cooperative contract.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the SJPC Consultant, Concord Energy Services-520 South Burnt Mill Road, Voorhees, NJ 08043.

A motion to approve Resolution 2014-86 was made by Councilman Gazzara and seconded by Councilman Smith

There was a roll call vote with ayes all.

**RESOLUTION 2014-87  
BOROUGH OF FOLSOM**

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

**WHEREAS**, the Folsom Educational Foundation has applied for a license to conduct an on premise raffle and 50/50 to be held on January 24, 2015

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

1. The following facts are hereby found and determined:

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

A motion to approve Resolution 2014-87 was made by Councilman Gazzara and seconded by Councilman Pagano

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM  
Resolution# 2014-88**

**RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE  
2014 LOCAL MUNICIPAL BUDGET PER N.J.S.A. 40A: 4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 provides that appropriation transfers may be made during the last two months of the year;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the following transfers be made:

<b>Account Description</b>	<b>Account Number</b>	<b>From</b>	<b>To</b>
Clerk - Salaries & Wages	01-20-120-011		500.00
Clerk - Other Expenses	01-20-120-020	4,000.00	
Finance - Other Expenses	01-20-130-020		500.00
Audit - Other Expenses	01-20-135-020	1,000.00	
Tax Assessor - Other Expenses	01-20-150-020		1,500.00
Employee Health Insurance	01-23-220-092	3,000.00	
Unemployment Insurance	01-23-225-000		10,000.00

Public Works - Salaries & Wages	01-26-290-010	15,000.00	
Public Buildings & Grounds - Other Expenses	01-26-310-020		2,000.00
Vehicle Maintenance - Other Expenses	01-26-315-020		2,000.00
Electricity & Natural Gas	01-31-435-000		2,000.00
Telecommunications	01-31-440-076		2,000.00
Petroleum Products	01-31-447-000		2,000.00
DCRP	01-36-477-000		500.00
<b>TOTAL</b>		<b>23,000.00</b>	<b>23,000.00</b>

A motion to approve Resolution 2014-88 was made by Councilman Smith and seconded by Councilman Pagano

There was a roll call vote with ayes all.

**SOLICITOR'S REPORT:** Solicitor Bonchi stated that the first round of In-Reim tax foreclosures is completed and the second batch will be completed shortly.

**FIRE CHIEF'S REPORT:** Councilman Smith read the report for Chief Donnelly. Councilman Smith stated that there were five (5) calls in the month of October. Kyle also reported that various members participated in several Fire Prevention programs at the elementary schools as well as other communities. Councilman Smith announced that the Annual Open House was a huge success.

**ENGINEER'S REPORT:**

**Public Works Building**

All work involving the building structure and electrical work has been fully completed. The concrete contractor is scheduled to complete the concrete work later this week.

A change order in the amount of \$4,870.00 is on tonight's agenda for approval. The work was for the addition of gutters, snow guards and a ridge vent.

**2014 Community Development Block Grant Funding**

We are still waiting for the Atlantic County Improvement Authority to approve the plan to improve several existing walkways at the 13<sup>th</sup> Street recreation complex, public works facility and South River Drive Park.

**FY15 State Aid Project - 8<sup>th</sup> Street**

The Application for the reconstruction of 8th Street from the end of Phase I up to 3rd Road at the municipal border was submitted last month. We expected to hear whether funding will be provided in May of 2015.

**NJDOT Route 54 / 322**

We received an update on the DOT bridge replacement project at the Routes 54 /322 intersection. The project is ahead of schedule by approximately 3 to 4 months and anticipated to be fully completed by the

spring of 2016. The portion of the work over Route 322 will be completed by next May allowing the reopening of the two lanes in each direction.

The DOT maintenance staff will be responsible for maintaining the bridges and roadway, and providing snow removal during the winter months.

### **IBEW**

The contractor is still in the process of completing the remaining items.

### **Laborers Union Hall**

The construction of the building addition is slowly continuing.

**MAYOR'S REPORT:** Mayor DeStefano thanked Council for joining him in “No Shave November”. Lou thanked the voters and congratulated new council members Ken Jantz and Charles Arena. Mayor DeStefano wished everything a Happy Thanksgiving.

### **COUNCIL MEMBER'S REPORTS:**

**Councilman Kyle Smith:** thanked the residents who voted. Councilman Smith reported that they are bringing back the Citizen of the Year award. He asked if anyone has any residents they would like to nominate to contact the Clerk. Kyle thanked the poster winners. Kyle also asked residents to pay attention to the traffic patterns. Kyle reported that he attended the Folsom School Meeting and that they received a grant to purchase a 3D printer. Kyle wished everyone a Happy Thanksgiving.

**Councilman Butch Gazzara:** wished everyone a Happy Thanksgiving and asked everyone to be cautious on Rt 54 and Rt 322. Butch congratulated the Mayor and newly elected council

**Councilman Ben Pagano:** thanked all voters who came out to the polls. Ben congratulated the Mayor, Ken Jantz and Charles Arena. Ben also thanked Greg Schenker on his campaign. Ben thanked the poster winners along with their parents. Councilman Pagano informed residents that there will be multiple sobriety checks conducted by the Sherriff's department throughout Atlantic County.

**Councilman Gary Kemmerer:** Absent

**Councilwoman Veneziani:** reported that the Parks and Rec meeting was cancelled and that volunteers are needed and please contact the Clerk if interested. Mimi stated that she attended the Atlantic County Municipal Joint Insurance seminar along with Byron, Kyle and Ben. Councilwoman Veneziani thanked the poster winners and wished everyone a Happy Thanksgiving.

**Councilman Gummoe:** reported that he attended the JIF retreat in Ocean City for two days. Byron also stated that he attended the Shade Tree Conference. Byron asked residents to dispose of the ewaste properly because the Borough is experiencing more ewaste being left at the curb.

Councilman Gummoe also asked residents to bring their trash cans in by 8:00PM for safety reasons. Byron stated that residents will be receiving letters if they continue to leave the cans out.

**PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY**

**MEETING OPEN TO PUBLIC:**

**PAYMENT OF BILLS IN THE AMOUNT OF \$526,370.74**

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

There was a roll call vote with ayes all.

Mayor DeStefano reminded the public that all other monthly reports are on file in the minute book and to please visit the Borough website with updated information.

The next regular meeting of Mayor and Council will be held on Wednesday, November 12, 2014 starting with a half hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:00 pm in Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ

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

With no other discussion the meeting was adjourned at 8:51 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk