

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
November 13, 2013**

MEETING CALLED TO ORDER: 7:12 PM

SALUTE TO THE FLAG LED BY COUNCILMAN SCHENKER

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 Gazzara, Esposito, Schenker, Gummoe and Smith

ABSENT: Mayor Ballistreri and Councilman Kemmerer

Also present: Solicitor Michael Fitzgerald and Engineer Vince Polistina

APPROVAL OF WORKSHOP MINUTES FROM October 9, 2013

There was a voice vote with ayes all.

APPROVAL OF THE MINUTES FROM October 9, 2013

There was a voice vote with ayes all.

MEETING OPEN TO PUBLIC:

Marie Anastasia (1315 13th St.) thanked Animal Control for picking up a stray cat from her property. Marie also thanked Joyce Kemmerer for all her support and donations to the Veteran's Memorial.

Councilman Greg Schenker asked for a motion to approve the specifications for the 14th Street Reconstruction Project. Councilman Esposito made a motion and Councilman Smith seconded.

CLERK'S CORRESPONDENCE:

Ms. Gatto informed residents that the Annual Christmas Tree Lighting will be held at Borough Hall on December 5, 2013 at 7:00PM.

Borough Hall offices will be closed on November 28th and 29th in observance of Thanksgiving.

**BOROUGH OF FOLSOM
ORDINANCE 06-2013**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM
AMENDING CHAPTER 155 RECYCLING TO ADD AN
ARTICLE IV ELECTRONIC WASTE**

WHEREAS, the Mayor and Council of the Borough of Folsom previously adopted Chapter 155 Recycling which provides for the collection and disposal of recyclable materials throughout the Borough of Folsom; and

WHEREAS, Chapter 155 Recycling in Section 155-4 provides that electronic waste is not collected by the Borough and is the responsibility of the generator of such electronic waste commonly the homeowner; and

WHEREAS, there is a continuing problem in the Borough of Folsom with respect to electronic waste still being placed curbside for collection and with electronic waste being illegally dumped on public and private property throughout the Borough of Folsom; and

WHEREAS, there exists a need to provide stronger and more effective enforcement mechanisms to control the improper disposal of electronic waste.

NOW, THEREFORE, be it ordained by the Borough Council of the Borough of Folsom, Atlantic County, New Jersey that Chapter 155 Recycling is hereby amended as follows:

1. Section 155-2 Definitions, is hereby amended to provide a new definition for “electronic waste” as follows:

Televisions; computers, printers, copier and any other peripheral equipment associated with the operation and or usage of computers, including laptop computers and desktop computers; stereos, radios and boom boxes; DVD and VCR players; fax machines; cathode ray tubes (CRT); any electronic device containing a cathode ray tube; cell phones; any electronic device with a screen that has a video display greater than four (4) inches measured diagonally.

2. Chapter 155 is amended to include an Article IV entitled Electronic Waste as follows:

§155-21. Purpose.

This article is intended to establish effective enforcement provisions to govern the disposal of electronic waste within the Borough of Folsom and to thereby reduce damage to the environment and cost to the Borough.

§155-22. Requirements for Appropriate Disposal.

A. The requirements of Section 155-4C remain in effect. In addition, it is specified that all persons within the Borough of Folsom are required to properly and legally dispose of electronic waste as provided in the New Jersey Electronic Waste Management Act, P.L.2007, c. 347 as amended by P.L. 2008 c. 130 (N.J.S.A. 13:1E-99.94 et seq.). The placement of electronic waste for curbside collection or otherwise at curbside is a violation of this Chapter and is subject to the penalties set forth herein. As set forth in Section 155-3C it is the responsibility of the owner, lessee or occupant of any residence, commercial or institutional establishment to properly dispose of such electronic waste and to obtain and retain for at least ninety (90) days a receipt or other documentation demonstrating legal disposal of the specific unit of electronic waste, such documentation to be provided by a retailer which accepts electronic waste, an authorized organization approved to accept electronic waste or a New Jersey licensed electronic waste disposal facility. Also, if the Borough of Folsom has in place a program for accepting electronic waste from residents and property owners, the Borough itself will provide a receipt. The receipt or other documentation required under this paragraph shall only be deemed acceptable if it specifically and clearly identifies by serial number or other adequate identification, the particular unit of electronic waste.

B. Any item of electronic waste which is found at curbside will be ticketed by the Borough and the owner, lessee or occupant will then be required to obtain adequate documentation proving that the electronic waste item has been appropriately disposed of in accordance with the law at a New Jersey certified electronic waste recycling facility. If such person fails to provide to the Borough such documentation, such person will be subject to the penalties set forth hereafter.

C. Any person that is identified as having illegally disposed of any item of electronic Waste within the Borough of Folsom shall be subject to the penalties set forth thereafter for each such item and, if necessary, for the cost of appropriate disposal of each unit by the Borough of Folsom.

D. Any owner, lessee or occupant of a property within the Borough of Folsom who Knowingly allows or permits in any manner the illegal disposal of electronic waste on such property will be subject to the fines and penalties set forth hereafter. Each day that such illegally disposed of electronic waste remains on the property shall constitute a separate violation and be subject to the appropriate fines and penalties for each day that it remains on the property. In addition, such person shall be required to obtain appropriate documentation demonstrating the disposal of each such item of electronic waste in accordance with the law at a New Jersey certified electronic waste recycling facility. The fines and penalties for each day of violation shall continue until such documentation is provided.

E. Any owner, lessee or occupant of a residence, commercial or institutional establishment within the Borough of Folsom who unknowingly allows the illegal disposal of electronic waste on such property shall be obligated upon notice by the Borough to immediately remove such electronic waste, together with any associated debris, from such property and to provide appropriate documentation that such waste has been appropriately disposed of in accordance with the law at a New Jersey certified electronic waste recycling facility. Each day until such documentation has been provided to the Borough shall constitute an additional violation and be subject to additional fines and penalties.

§155-23. Lien on Property.

If the owner, lessee or occupant of any residential, commercial or institutional establishment within the Borough of Folsom shall fail to remove any illegally disposed of electronic waste from such property, the owner shall be notified by the Borough and upon a failure to have the electronic waste removed and legally disposed of, the Borough shall have the authority to remove such electronic waste and the cost of such removal shall be paid by the owner. If the owner fails to immediately reimburse the Borough for the full cost, the Borough shall place a lien on such property for such cost and be treated as unpaid property taxes and accrue interest at the same rate as delinquent taxes. The failure or inability of the owner to obtain payment or reimbursement from the lessee or occupant or other potentially responsible person shall not be a defense to a claim by the Borough for reimbursement.

§155-24. Removal from Curbside.

It is illegal for anyone other than the owner, lessee or occupant of the specific property or a New Jersey licensed electronic waste recycler to remove any electronic waste which has been placed curbside within the Borough of Folsom. For purposes of this Section, removal shall include the actual physical removal of the electronic waste or any tampering with it, removal of any parts or portions of the unit, any dismantling or separation of parts or components or any damage to or destruction of the unit. Included in this prohibition is any form of scavenging or unauthorized waste collecting.

§155-25. Violations and Penalties.

A. Any person violating any provision of this Article shall, upon conviction, be subject to the following fines and penalties. Any person who is convicted of violating this Article within one (1) year of the date of the previous violation shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall be not less than the minimum or exceed the maximum fine fixed for such violation, but shall be calculated separately from the fine imposed for the new violation.

- i. Section 155-22A: A fine not less than \$100.00 and not more than \$250.00 for each unit. Each unit is a separate violation and each day is a separate violation.
- ii. Section 155-22B: A fine of not less than \$100.00 and not more than \$500.00. Each unit is a separate violation and each day is a separate violation.
- iii. Section 155-24: A fine of \$500.00 and, if applicable, the cost of removal and disposal by the Borough. Each unit is a separate violation and each day is a separate violation.
- iv. Section 155-22C and Section 155-22D: A fine of not less than \$1,000.00 and not more than \$10,000.00. Each unit is a separate violation and each day is a separation violation. If applicable, the cost of removal and disposal by the Borough shall also be reimbursed by the violator.

- v. Section 155-22E: Upon the failure or refusal to immediately remove such electronic waste, together with any associated debris, from such property after notice by the Borough, a fine of not less than \$100.00 and not more than \$500.00. Each unit is a separate violation and each day is a separate violation. Each day is a separate violation until the required documentation is provided to the Borough that such waste has been appropriately disposed of at a New Jersey certified electronic waste recycling facility. The violator shall also be responsible for reimbursement to the Borough, if applicable, for the cost to remove such electronic waste.

B. In addition to the fines set forth above, the Court may impose a sentence of imprisonment in the Atlantic County Jail for any term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

C. Any person who is convicted of violating this Article within one (1) year of the date of a previous violation and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Article, but shall be calculated separately from the fine imposed for the violation.

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 9th day of October, 2013 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 13th day of November, 2013 at 7pm or as soon thereafter as the matter may be reached.

Councilman Schenker explained the Ordinance

PUBLIC COMMENT:

Mr. Edward Malec (2125 14th St.) questioned how the Public would know about the new Ordinance. Councilman Schenker said it will be posted on website and Comcast Channel 9 along with annual newsletter after final adoption.

Marie Anastasia (1315 13th St.) suggested to place an ad in the newspaper.

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

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 2013-80
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 13, 2013

**RESOLUTION 2013-81
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATES BY
ASSIGNMENT**

WHEREAS, Borough of Folsom is the holder of Tax Sale Certificate No. 96-21, acquired under and by virtue of N.J.S.A. 54-5-34; and,

WHEREAS, it is deemed financially beneficial to and in the best interests of the municipality to sell such tax certificates.

WHEREAS, the Tax Collector has fulfilled the requirements whereby notice of potential assignment has been mailed to the owner at the address as appearing on the tax duplicate; and

WHEREAS, notice of assignment has been posted in three (3) public places within the Borough of Folsom

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey on the 13th day of November, 2013, hereby authorize the sale of assignment of the Tax Sale Certificates No. 96-21 in the amount Five Thousand One hundred Nineteen Dollars and Fifty-Five Cents (\$5,119.55) and as shown on the scheduled annexed hereto, to:

Nelly E. Woulfe
21 Fenimore Avenue
Williamstown, NJ 08094

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under NJSA 54:5-113,

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and are hereby authorized and empowered to make, execute and deliver any and all assignment forms or other legal documents which may be necessary or desired to effectuate the various sales permitted by this Resolution.

**BOROUGH OF FOLSOM
RESOLUTION 2013-82**

**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>
CDBG 2007-2013	\$90,000.00	\$90,000.00

**RESOLUTION 2013-83
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 25, 2014

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 designated 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.

**BOROUGH OF FOLSOM
Resolution# 2013-84**

**RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE
2013 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:

<u>Account Description</u>	<u>Account Number</u>	<u>From</u>	<u>To</u>
Clerk - Salaries & Wages	01-20-120-011		
Clerk - Other Expenses	01-20-120-020		
Finance - Other Expenses	01-20-130-020	1,000.00	
Audit - Other Expenses	01-20-135-020	400.00	
Engineering Services - Other Expenses	01-20-165-020		9,000.00
Planning Board - Other Expenses	01-20-180-020	5,500.00	
General Liability Insurance	01-23-210-094	2,000.00	
Unemployment Insurance	01-23-225-000	700.00	
Public Works - Salaries & Wages	01-26-290-010	12,000.00	
Solid Waste Collections - Other Expenses	01-26-305-020		4,000.00
Public Buildings & Grounds - Other Expenses	01-26-310-020		2,000.00
Vehicle Maintenance - Other Expenses	01-26-315-020		900.00
Electricity & Natural Gas	01-31-435-000		9,000.00
Telecommunications	01-31-440-076	2,000.00	
Social Security	01-32-472-000	1,500.00	
DCRP	01-36-477-000		200.00
Municipal Court - Salaries & Wages	01-43-490-010		
		25,100.00	25,100.00

**BOROUGH OF FOLSOM
RESOLUTION 2013-85**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO AWARD THE
BID FOR THE RECONSTRUCTION OF 14th STREET
CONTRACT NO. 16**

WHEREAS, bids were accepted on November 7, 2013 at 10:00 AM at the Borough Hall in the Borough of Folsom; and

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

WHEREAS, the apparent lowest responsible Bidder, as determined by the Borough Engineer, is Arawak Paving; and

WHEREAS, the amount of the Bid submitted by **Arawak Paving**, is \$98,900.00; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that Arawak Paving is hereby awarded the contract for the Reconstruction of 14th Street, Contract No. 16 for the amount of \$98,900.00.

Award of this contract is subject to the certification of availability of funds
Approval of the New Jersey Department of Transportation Bureau of Local Aid

- The duration of the contract is sixty days from the contractor's receipt of the written notice to proceed.

A motion to approve Resolutions 2013-80 through 2013-85 was made by Councilman Smith 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 report for Chief Donnelly. Councilman Esposito stated that there were seven (7) incidents in the months of September and October that the department responded too. The Collings Lakes Fire Department participated in the Folsom Day event, Fire Prevention at the Folsom School, Annual Open House and the NJ State Firemen's Convention where the department did very well winning a few trophies along with the one for being the best appearing department in Atlantic County. During one of their drill nights the members also did a walk-through of one of the newer establishments just opening so that they can become familiar in the event of a fire.

ENGINEER'S REPORT: Mr. Polistina updated Council the award of the 14th Street Reconstruction to Arawak Paving.

MAYOR'S REPORT: Absent

COUNCIL MEMBER'S REPORTS:

Councilman Byron Gummo: No report

Councilman Gary Kemmerer: absent

Councilman Ron Esposito: thanked voters for their write-in votes.

Councilman Greg Schenker: thanked voters who supported him. Councilman Schenker also reminded residents of the Annual Christmas Tree Lighting held on December 5, 2013 at Borough Hall at 7:00PM.

Councilman Butch Gazzara: thanked Marie for her nice words. Wished Veterans' a happy belated Veteran's Day. Councilman Gazzara also thanked the Public Works for their repair of a pothole.

Councilman Kyle Smith: informed residents that there will be a detour of 14th Street once the projects starts next month. Councilman Smith reminded residents to check their smoke detectors and if they are in need of a smoke detector please contact Borough Hall or the Fire Department. Kyle also congratulated Skip DeStefano and Mimi Veneziani on winning the Election and also thanked Greg and Ron for all their work over the years.

PAYMENT OF BILLS IN THE AMOUNT OF \$518,794.15

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

There was a roll call vote with ayes all.

The next regular meeting of Mayor and Council will be held on Wednesday, December 11, 2013 starting with a half hour workshop meeting at 6:30 pm and continuing with the regular meeting at 7:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:49 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Acting Municipal Clerk