

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
October12, 2011**

MEETING CALLED TO ORDER: 7:43 PM

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, Kemmerer, Esposito and Olive

Also present: Attorney Mike Fitzgerald

APPROVAL OF THE WORKSHOP MINUTES FROM September 14, 2011

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

There was a roll call vote with ayes all

APPROVAL OF THE MINUTES FROM September 14, 2011

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

There was a roll call vote with ayes all

MEETING OPEN TO PUBLIC: There was no public comment

CLERK'S CORRESPONDENCE: Reminder that Halloween is October 31, 2011 and Treat or Treat Hours will be from 6:00PM to 8:00 PM

MEETING CLOSED TO PUBLIC:

ORDINANCES:

ORDINANCE HEARING: (FINAL READING)

**BOROUGH OF FOLSOM
ORDINANCE 09-2011**

**AN ORDINANCE AMENDING CHAPTER 74, ANIMALS,
OF THE CODE OF THE BOROUGH OF FOLSOM**

WHEREAS, Chapter 74 of the Folsom Code dealing with animals, needs to be supplemented to provide standards to ensure the humane treatment of dogs.

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. Chapter 74, of the Folsom Code is hereby amended to include the following additional sections:

Section 74-22.1. Chaining or Tethering of Dogs.

- a. Dogs must be able to freely move when chained or tethered and shall be chained or tethered for a total of no more than nine (9) hours within a twenty four (24) hour period. The size of the tether or chain must be a minimum of fifteen (15) linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. The tether or chain shall be constructed of suitable light weight cable.
- b. No dogs shall be chained or tethered after the hour of 11pm or before 7am.
- c. A dog house shall be accessible to any dog that is chained or tethered. Dog houses shall contain bedding, such as straw or other absorbent material in a clean and sufficient quantity to provide adequate insulation for the house. Bedding shall be maintained in a dry condition and renewed or changed as necessary.
- d. Dogs that are not spayed or neutered shall not be tethered or chained for any period of time and must be in a completely enclosed yard or housed indoors.

Section 74-22.2. Prohibited Activities and Treatment.

- a. No owner, caretaker, guardian or handler shall withhold property shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide an animal with sufficient food and drinkable water on a daily basis. Food and water must be in animal food consumption or water consumption type container, feeder or waterer.
- b. No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse.

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 14th day of September, 2011 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 12th day of October, 2011 at 7pm or as soon thereafter as the matter may be reached.

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

There was a roll call vote with ayes all.

No Public Comment

(First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE 10-2011**

**AN ORDINANCE AMENDING SECTION 90-3 OF THE CODE OF THE
BOROUGH OF FOLSOM, THE CONSTRUCTION FEE SCHEDULE**

WHEREAS, the Borough of Folsom has adopted pursuant to law a construction fee schedule as set forth in Section 90-3 of the Folsom Code;

WHEREAS, the Construction Fee Schedule as previously adopted requires amendment;

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that Section 90-3 of the Folsom Code is hereby amended as follow:

2. Chapter 74, of the Folsom Code is hereby amended to include the following additional sections:

Electrical Fee Schedule

Line #	Description	Basis	Amt
28	Pool Bonding	Per Item	13.00
29	Equipotential Bonding Grid	Per Item	13.00
30	Rain Sensor	Per Item	13.00

Plumbing Fee Schedule

Line #	Description	Basis	Amt
13	Gas Piping	Per Item	83.00

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 12th day of October, 2011 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 9th day of November, 2011 at 7pm or as soon thereafter as the matter may be reached.

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

There was a roll call vote with ayes all.

No Public Comment

(First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE 11-2011**

**AN ORDINANCE AMENDING CHAPTER 26, FIRE DEPARTMENT,
OF THE CODE OF THE BOROUGH OF FOLSOM**

WHEREAS, it is necessary for the health, safety and protection of the residents and property owners of the Borough of Folsom that effective and efficient fire protection services be provided; and

WHEREAS, the Folsom Volunteer Fire Company has historically provided such effective and efficient fire protection services for the residents and property owners of the Borough of Folsom; and

WHEREAS, the Borough of Folsom is authorized pursuant to N.J.S.A. 40A:14-68 to enter into a contract with a volunteer fire company for purposes of extinguishing fires upon such terms and conditions as shall be deemed proper by the Borough and the members of such fire company shall be under the supervision and control of the Borough; and

WHEREAS, the Borough of Folsom intends to ensure that such effective and efficient fire protection services continue to be provided to the residents and property owners of the Borough of Folsom under the supervision and control of the Borough in accordance with the laws of the State of New Jersey applicable to such fire protection.

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. Chapter 26, Fire Department, Article I, Creation, Section 26-1 is amended to read as follows:

It is hereby created in the Borough of Folsom a department of municipal government known as the Fire Department of the Borough of Folsom. Such Fire Department shall be under the supervision of the Mayor and Borough Council. The Borough Council is authorized to designate by resolution a volunteer fire company or companies to serve as part of the Fire Department of the Borough of Folsom. The volunteer fire company by agreeing to serve as a part of the Fire Department of the Borough of Folsom shall agree and acknowledge that the members of the organization are under the supervision and control of the Borough in accordance with this Chapter and the rule and regulations and the policies and procedures which may from time to time be adopted by the Borough Council. Such resolution and the fire company=s agreement thereto shall constitute the contract between the Borough and the fire company set forth in N.J.S.A. 40A:14-68. The volunteer fire company serving as a part of the Fire Department of the Borough of Folsom shall have all appropriate latitude in the conduct of its internal affairs and in the management of its building, consistent with the purpose for which it was organized and maintained, and consistent with the provisions of this Chapter and the rules and regulations and the policies and procedures adopted by the Borough Council.

2. Chapter 26, Fire Department, Article III, Fire Commissioner, is amended to read as follows:

ARTICLE III, Borough Council

Section 26-17. The Borough Council shall have the full charge and control over the Fire Department, exclusive of the internal affairs of any fire company which is a part of the Fire Department.

Section 26-18. Rule and Regulations. The Borough Council may adopt from time to time and may amend from time to time such rules and regulations governing the operations of the Fire Department and its constituent fire company or companies as may be deemed appropriate. Such rules and regulations may govern, without limitation, matters including reporting and record keeping requirements, financial and fiscal management and the coordination of services pertaining to the Fire Department and any other provider of fire services to the Borough.

Section 26-19. Annual Financial Statement. The fiscal year of any volunteer fire company which is a part of the Fire Department shall be the calendar year. An annual financial statement covering the prior fiscal year, bearing the signatures of the President and Treasurer and attested by the Secretary, shall be provided to the Fire Chief and shall show in detail the sources of all receipts and purposes of all disbursements during the preceding year. The financial statement shall be submitted by the Fire Chief to the Borough Council no later than March 31. An audit may be requested by and at the direction of the Mayor or Council or the Borough=s Chief

Financial Officer. The fire company shall fully cooperate with any such audit. The financial statement shall include details concerning the sources and expenditures of funds received from persons and entities other than the Borough.

Section 26-20. Monthly Reports. It shall be the duty of the Fire Chief to report monthly in writing to the Council at its regular meetings regarding activities of the Fire Department during the preceding month including, but not limited to, the number of alarms, equipment purchased, injuries, training, equipment maintenance, major activities, upcoming activities and such other issues as may be requested by the Mayor or Council. In addition, the Fire Chief or an appropriate designee on his behalf in the event of his unavailability shall attend each regular meeting of Council to present the monthly report and to answer questions or provide additional information.

Section 26-21. Equipment.

- A. The Borough of Folsom shall retain title to all equipment purchased with funds supplied by the Borough. However, nothing shall preclude a fire company from purchasing its own fire equipment or other personal property and retaining title thereto. The fire company shall protect, keep secure, and properly maintain all equipment, including any fire truck or other vehicle, owned by the Borough. No person shall injure or damage and no person shall use any Borough owned equipment for a personal or private use or for any use not approved by the Borough.
- B. With respect to all equipment used by the fire company, including fire trucks and other vehicles, the fire company shall be responsible for obtaining any and all required federal, state or local governmental or regulatory approvals, inspections, certifications, registrations and licenses, including the implementation of all necessary repairs or modifications necessary for compliance. In the event that a fine or penalty is imposed for any violation or non-compliance, the responsibility for payment shall be solely out that of the fire company and not the Borough of Folsom.

Section 26-22. Violations. Upon a fire company=s violation of any of the provisions of this Chapter, or any of the rules and regulations, or any of the policies and procedures, or any directive or instruction from the Mayor or Council, the Borough Council in its discretion may suspend or terminate recognition of such company as a part of the Fire Department of the Borough of Folsom and may take such additional and further action as the Borough Council deems appropriate under the circumstances to ensure effective and efficient fire protection for the residents and property owners of the Borough.

3. Chapter 26, Fire Department, is amended to add an Article IV, Shared Service Agreement, as follows:

ARTICLE IV SHARED SERVICE AGREEMENT

Section 26-23. Shared Service Agreement. In lieu of the establishment of a Fire Department for the Borough, the Borough may enter into an shared service agreement with a fire district, municipality or other local unit which provides firefighting services to the public and obtain firefighting services for the Borough pursuant to such a shared service agreement. Rather than having a department of municipal government to supervise the providing of firefighting services to the Borough, the provision of such firefighting services shall be fully governed by and shall be provided in accordance with the shared service agreement between the Borough and such entity. Such a shared service agreement shall be for a term not exceeding five (5) years and shall provide for the payment of reasonable compensation for the providing of such service. Such agreement may contain reasonable provisions for termination of the agreement and such other provisions as the Borough Council may deem necessary or appropriate.

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 12th day of October, 2011 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 9th day of November, 2011 at 7pm or as soon thereafter as the matter may be reached.

A motion to approve was made by Councilman Greg Schenker and seconded by Councilman Gary Kemmerer

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2011-74
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING A REFUND FOR THE OVERPAYMENT OF 2011
THIRD QUARTER TAXES**

WHEREAS, it has come to the attention of the Tax Collector that an overpayment of 2011 third quarter taxes was made to the property listed below :

<u>BLOCK/LOT</u>	<u>AMOUNT</u>
2611/374	\$716.87

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, issue a refund in the amount of \$716.87 to Corelogic Real Estate Tax Service.

A motion to approve Resolution 74-2011 was made by Councilman Olive and seconded by Councilman Esposito

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: Mr. Fitzgerald wanted to update Mayor and Council on the Persiano Tax Sale Foreclosure. Mr. Fitzgerald stated that the process should be completed by

next month and we should be able to go to closing on the sale of the lot to William Davis the adjoining property owner.

FIRE CHIEF'S REPORT: No one present from the Fire Company.

ENGINEER'S REPORT: Vince Polistina was not able to attend but left word he had no report for tonight but he would be here next meeting to update Mayor and Council on grant applications.

MAYOR'S REPORT: The Mayor reminded everyone that Election Day is the second Tuesday of November. He urged all residents to please get out and vote.

COUNCIL MEMBER'S REPORTS:

Councilman Ron Eposito: Councilman Eposito updated Mayor and Council on the "Welcome to Folsom" sign. Project should be completed soon.

Councilman Matt Olive: Councilman Olive urged all residents to be careful during Trick or Treat hours. Please drive with caution.

Councilman Gary Kemmerer: Councilman Kemmerer wanted to remind residents about the leaf pickup. He asked all residents to put leaves curbside and not in the road. He also asked to report any illegal dumping to the Borough or Police. Also wished residents a Happy Halloween.

Councilman Greg Schenker: Councilman Schenker asked all residents to use caution this Halloween and to report and streetlights that are out to the Borough. He asked residents to write down the pole number and call Borough Hall.

Councilman Butch Gazzara: Councilman reminded all residents to use caution during trick or treat hours. He also asked residents to vote on November 8, 2011. He reminded residents that flu shots are available.

Councilman George Eckhardt: Councilman Eckhardt wanted to thank Folsom resident Mr. Paul Bodine with helping the Borough adopt Ordinance 09-2011. He also thanked Mr. Bodine for his interest in the health and safety of animals. Councilman Eckhardt reported to Mayor and Council information that he received at the Pineland's Council Meeting regarding the capping of landfills in municipalities.

Mayor Ballistreri announced to residents that the Borough of Folsom's website is now active. The website address is: www.folsomborough.com. He urged residents to please visit the website.

Public Comment on the Council Members Reports: No Public Comment

Meeting closed to Public

PAYMENT OF BILLS IN THE AMOUNT OF \$185,986.80

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

There was a roll call vote with ayes all.

Mayor Ballisteri wished everyone a safe and Happy Halloween and he reminded residents to please go out and vote.

Mayor Ballistreri reminded the public that all other monthly reports are on file in the minute book at Borough Hall.

Meeting adjourned 8:07 PM

The next regular meeting of Mayor and Council will be held on Wednesday, November 9, 2011 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

Respectfully submitted,

Patricia M. Gatto
Acting Municipal Clerk