

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
October 9, 2013**

MEETING CALLED TO ORDER: 7:17 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.

Moment of Silence for Harold Parker

ROLL CALL: Councilpersons Gazzara, Esposito, Kemmerer, Schenker, Gummoe and Smith

Also present: Solicitor Michael Malinsky and Engineer Vince Polistina

APPROVAL OF WORKSHOP MINUTES FROM September 11, 2013

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

There was a roll call vote with ayes all.

APPROVAL OF THE MINUTES FROM September 11, 2013

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

There was a roll call vote with ayes all.

CLERK'S CORRESPONDENCE:

Reminders: Borough Hall Offices will be closed the following days: October 14, in observance of Columbus Day, November 5, 2013 for Election Day and November 11, 2013 in observance of Veterans' Day

Halloween Trick or Treat Hours will be October 31, 2013 from 6:00PM to 8:00PM

Please remember to vote on Wednesday, October 16 and Tuesday, November 5, 2013-Polls open from 6:00AM until 8:00PM

MEETING OPEN TO PUBLIC:

No Comment

**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.

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

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2013-71
BOROUGH OF FOLSOM**

A RESOLUTION TO CANCEL 2013 PROPERTY TAXES

WHEREAS, it has come to the attention of the Tax Collector that the properties listed below are owned by 100% Disabled Veterans and as such are tax exempt:

<u>NAME</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>
Harry & Karen Petry	1001/7	\$3,456.03

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the 2013 in the amount of \$3,456.03 taxes be cancelled.

**RESOLUTION 2013-72
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF HOMESTEAD REBATE

WHEREAS, it has come to the attention of the Tax Collector that a Homestead Credit has been made to the property listed below and that said resident has been declared a Disabled Veteran and is 100% exempt from property taxes and a refund will be given to:

<u>NAME</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>
Harry & Karen Petry	1001/7	\$259.40
Mary & Charles Rambo	2713/451	\$203.76
Charles & Theresa Ballin	2616/910	\$266.60

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that because said resident has been declared a Disabled Veteran and is 100% exempt from all property taxes the Homestead Credit will be refunded.

**BOROUGH OF FOLSOM
RESOLUTION 2013-73**

**A RESOLUTION DESIGNATING BANKS AND SIGNATORIES FOR THE BOROUGH
OF FOLSOM**

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution pass by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

NOW, THEREFORE, BE IT RESOLVED, on the October 9th, 2013, by the Council of the

Borough of Folsom, County of Atlantic, and State of New Jersey, that:

Sun Bank, TD Bank, Ocean City Home Bank, Susquehanna Bank

and/or any banking institution licensed to do business in the State of New Jersey or federally be and are hereby designated as depositories for the Borough of Folsom for the year 2013.

Prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government Units Deposit Protection Act (R.S. 17:9-41).

BE IT RESOLVED, by the Council of the Borough of Folsom that the following Borough Officials are hereby authorized to sign checks, withdrawal slips and initiate electronic file transfers. The primary governmental accounts require the original signature of the Chief Financial Officer, countersigned by one of the following: the Municipal Clerk or Mayor. These accounts include the following: Current Account, Community Events Account, Dog License Trust, Escrow Review Trust, Unemployment Trust, Capital Account, and Small Cities Account.

Dawn Stollenwerk, Chief Financial Officer
Patricia M. Gatto, Acting Municipal Clerk
Thomas Ballistreri, Mayor

The Payroll Account requires the signatures of the Chief Financial Officer and Municipal Clerk. Laser and electronic signatures are permitted on payroll checks and payroll tax forms.

BE IT FURTHER RESOLVED, the following officials are authorized to initiate transactions on the following trust and operational accounts:

TTL Redemption Account:	Tax Collector, Bertha Cappuccio Chief Financial Officer, Dawn Stollenwerk
Court Account & Court Bail Account:	Catherine DeYoung, Court Administrator Frank Raso, Municipal Judge

BE IT FURTHER RESOLVED, that signature cards with the signatures of the authorized officials be forwarded to all Township Depositories.

**RESOLUTION 2013-74
BOROUGH OF FOLSOM**

**A RESOLUTION ADOPTING THE CASH MANAGEMENT PLAN FOR THE
BOROUGH OF FOLSOM**

WHEREAS, it is the desire of the Council of the Borough of Folsom to adopt a cash management plan in accordance with N.J.S.A. 40A: 5-14; and

WHEREAS, the Borough is authorized to invest idle funds in accordance with N.J.S.A.5: 15-1, as well as the following Governmental Unit Depository Protection Act (GUDPA) approved banks;

WHEREAS, the Chief Financial Officer will provide the Governing Body with a monthly report that summarizes:

1. All investments made or redeemed over the past month
2. Each Organization holding local unit funds
3. The amount of securities purchased, book value, earned income, fees incurred, and market value of all investments as of the report date and;
4. Other information that the governing body may request

WHEREAS, provided that local unit funds are deposited or invested as designated or authorized by this cash management plan, the Chief Financial Officer is relieved of any liability for any loss of such monies due to the insolvency of closing of any depository designed by or for the decrease in value of any investment authorized by the cash management plan;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that Sun Bank, TD Bank, Ocean City Home Bank, Susquehanna Bank and Wachovia Bank be and the same are hereby designated the official Depositories of the Borough of Folsom; and

BE IT RESOLVED, that the above cash management plan be adopted by the Borough of Folsom, County of Atlantic, State of New Jersey effective for the 2013 calendar year.

**RESOLUTION 2013-75
BOROUGH OF FOLSOM**

TAX SALE CERTIFICATE

WHEREAS, a request was made to hold a sale on the following Tax Sale Certificate 96-21.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, authorizes Bert Cappuccio, Tax Collector, to hold a private sale of Tax Sale Certificate 96-21 covering Block 2611 Lot 378 for the full amount of the certificate and subsequent liens amounting to \$5,119.55 plus all costs involved to Nelly E. Woulfe.

BE IT FURTHER RESOLVED, that the sale is to be held on November 12, 2013 at 7:30PM at Folsom Borough Hall located at 1700 12th St., Folsom, NJ 08037.

**RESOLUTION 2013-76
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING THE HIRING OF A PART TIME TEMPORARY
LABORER IN THE DEPARTMENT OF PUBLIC WORKS.**

WHEREAS, the Director of the Department of Public Works has the need for a part time laborer on a temporary basis while a current full time employee is on medical leave; and

WHEREAS, the Director of the Department of Public Works John LaPollo has interviewed and

recommended the hiring of Shawn Thompson at an hourly rate of \$10.00; and

WHEREAS, the Borough Council Public Works Committee has approved the recommendation; and

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Folsom, County of Atlantic and State of New Jersey that:

1. Shawn Thompson is hereby hired effective September 23, 2013, as a temporary part time laborer in the Department of Public Works at an hourly rate of \$10.00.
2. This position is temporary and part time and may not be converted to a permanent or full time position without authorization by Council.

**RESOLUTION 2013-77
BOROUGH OF FOLSOM**

**A RESOLUTION HIRING AN ADMINISTRATIVE ASSISTANT TO THE
CONSTRUCTION OFFICIAL, TAX ASSESSOR, AND THE PLANNING /ZONING
BOARD**

WHEREAS; there is a vacancy in the construction office, and

WHEREAS; the position being filled for the Part-Time Administrative Assistant will be working with the construction official, tax assessor, and the planning/zoning board, and

NOW, THEREFORE, BE IT RESOLVED, that Susan Carroll has shown an interest in the position of Administrative Assistant and has been considered, effective September 23, 2013 , with the said amount of compensation to be set forth by the Borough Salary Ordinance.

**RESOLUTION 2013-78
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING THE FORECLOSURE OF AN ELIGIBLE TAX
SALE CERTIFICATES**

WHEREAS, N.J.S.A.54:5-109.29 et.seq. as amended, permits a municipal government to foreclosure In-Rem certain Tax Sale Certificates held by the municipality; and

WHEREAS, the Borough of Folsom hold Tax Sale Certificates which are eligible for In- Rem tax foreclosure; and

WHEREAS, it is to the benefit of the Borough of Folsom to foreclose such Tax Sale Certificates; and

WHEREAS, funds have been provided for the expense of said foreclosures;

NOW THEREFORE BE IT RESOLVED, that the adoption of and the execution of this Resolution shall authorize Council, Michael Fitzgerald, Esq., to foreclose Tax Sale Certificates held by the Borough of Folsom, said Certificates are particularly described according to the In-Rem Tax Foreclosure List attached hereto.

Borough of Folsom
Resolution #-2013-79

RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT FOR
RECYCLING OF E WASTE WITH THE TOWN OF HAMMONTON
AND THE BOROUGH OF FOLSOM

WHEREAS, the Town of Hammonton is statutorily authorized by N.J.S.A. 40A:65-4 to enter into an Interlocal Services Agreement with State, County and Local Governments; and

WHEREAS, the Borough of Folsom has requested the Town of Hammonton's assistance in providing recycling collection of e waste at the Town of Hammonton Transfer Station located on 8th Street; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Town of Hammonton in the County of Atlantic and State of New Jersey as follows:

1. The Agreement which is annexed hereto and made a part hereof with the Borough of Folsom is approved.
2. That the Mayor and Town Clerk are hereby authorized to execute the Agreement between the Town of Hammonton and the Borough of Folsom.

A motion to approve Resolutions 2013-71 through 2013-79 was made by Councilman Kemmerer and seconded by Councilman Gazzara

There was a roll call vote with ayes all.

There was a motion made by Councilman Gazzara and seconded by Councilman Kemmerer for the approval to have the Clerk send a letter to Pinelands Commission for an access/egress on 11th Street subject to Planning/Zoning Board Approval.

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: No Report

FIRE CHIEF'S REPORT: No Report this month. Will have update for next month.

ENGINEER'S REPORT: Vince Polistina updated Mayor and Council on the following:

IBEW-They have been working on completing the storm water areas and landscaping for the site. Most of the improvements have been completed.

Reconstruction of 14th St.-Advertising for project on October 17 with a receipt of bids prior to the next Council Meeting.

PW Building- Still working on specifications for the new public works building and are hoping to receive bids for the project at the next Council Meeting.

MAYOR'S REPORT: No Report

COUNCIL MEMBER'S REPORTS:

Councilman Byron Gummoë: Condolences to Harold Parker's family. Councilman Gummoë reminded residents not to place TV's at curb side and to please report any illegal dumping. Councilman Gummoë also reminded residents not to leave empty trash cans out near road. Many have been blowing around in the roadway.

Councilman Gary Kemmerer: offered Condolences to the Parker family. Councilman Kemmerer stated he was a great man. Gary also wished residents a Happy Halloween.

Councilman Ron Esposito: Offered condolences to the Parker Family. Councilman Esposito stated that Community Day was very nice and that the Open House and the Fire Company was a success. Councilman Esposito stated that Parks and Rec held a meeting last night and wanted to inform residents to visit the website.

Councilman Greg Schenker: stated that Community Day was a great success. Councilman Schenker offered condolences to the Parker family. Greg also wished residents a safe Halloween.

Councilman Butch Gazzara: Offered condolences to the Parker family. Councilman Gazzara stated that Harold Parker was a good man. Butch also wished residents a safe Halloween.

Councilman Kyle Smith: stated that the Fire Company Open House was a great success. Councilman Smith offered condolences to the Parker family.

PAYMENT OF BILLS IN THE AMOUNT OF \$191,076.80

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, November 13,2013 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 7:39 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Acting Municipal Clerk