

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
October 12, 2016**

MEETING CALLED TO ORDER: 7:14 PM

SALUTE TO THE FLAG LED BY Mayor 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, Jantz, Pagano, Arena, Veneziani and O'Toole

Also present: Mayor Lou DeStefano, Attorney Kris Facenda, and Engineer Gary Auer

Mayor DeStefano asked for a moment of silence for Phyllis DiDonato who passed away this week. Mrs. DiDonato is the mother of Hammonton Mayor Steve DiDonato.

APPROVAL OF THE WORKSHOP MINUTES FROM September 14, 2016

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

There was a roll call vote with ayes all with the exception of Councilwoman O'Toole's abstention.

APPROVAL OF THE MINUTES September 14, 2016

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

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC:

Greg Schenker (1447A Backline Rd.) asked Councilman Smith if he has heard anything about the Collings Lakes litigation maybe being settled by the end of the year and possibly having water in the lakes the following year. Councilman Smith stated that they have not voted on anything yet but there is maybe a possible settlement out there. Kyle said it has not gone out to vote yet.

Mr. Schenker stated that after reviewing the lawsuit and tort claims the Borough was given bad advice from their previous Solicitor and is there any discussions about bringing suit against him for malpractice. Mr. Schenker asked if Council has had any discussions regarding this subject and if you didn't are you going to. Mayor DeStefano responded that there have been no discussions. Council President Pagano stated that he has spoken to our solicitor about this

subject. Mr. Schenker asked the street light committee to use caution when handling street light requests because they can get costly.

CLERK’S CORRESPONDENCE:

Shred Day recorded 3,320 pounds.

Reminder: Clerk’s office is open until 7:00PM on Mondays.

Halloween Trick or Treat Hours will be October 31, 2016 from 6:00PM to 8:00PM

Our next E-Waste day is scheduled for November 12, 2016 from 8:00am to 1:00pm at the Borough Garage.

Borough Hall offices will be closed on Tuesday, November 8, for Election Day and Friday, November 11, 2016 for Veteran’s Day

Voter Registration Deadline for General Election is October 18, 2016

Please remember to vote on Tuesday, November 8, 2016-Polls open from 6:00AM until 8:00PM

RESOLUTIONS:

MAYOR DESTEFANO STATED THAT RESOLUTION 2016-98 IS TABLED FOR THIS MEETING.

Borough of Folsom

RESOLUTION NO. 2016-99

A RESOLUTION OPPOSING CASINO BALLOT QUESTION 1

WHEREAS, Public Question No. 1 proposes a State constitutional amendment to permit casino gambling in two (2) additional counties in this State; and,

WHEREAS, the voters will consider Public Question No 1 on the November 8, 2016; and,

WHEREAS, a history of studies conclude expanding gaming outside of Atlantic City would not increase revenues for the State and , in fact, lead to a net loss of jobs, small businesses, and revenue to the State. Those studies include:

The American Gaming Association found the rate of those who gambled in casinos at least once per year has remained relatively constant for decades.

The Pennsylvania Legislative Budget and Finance Committee confirms that as each new casino opens, it only serves locals as a greater share of its patronage.

Stockton University concluded one casino alone in North Jersey would draw from 41.8% of Atlantic City's existing customer base. This was confirmed by a Deutsche Bank Study which said a North Jersey casino will draw from a forty (40) mile radius, cutting deep into Monmouth County which is critical to Atlantic City's market.

The Greater Atlantic City Chamber estimates there would be 14,500 job losses and the closure of two to four Atlantic City casinos will lose \$500 million in gaming revenue.

The Morowitz Study concludes there will be a loss of up to 30,000 jobs, a loss of up to \$1.4 billion in gaming revenue, and the closure of three to five additional casinos, creating a significant increase in regional unemployment and housing foreclosures.

WHEREAS, the legislative sponsor of Public Question No. 1 testified before the Assembly Judiciary Committee that there were no independent studies supporting North Jersey casinos, and;

WHEREAS, there is no specific tax rate set on the possible North Jersey casinos making it impossible to determine how much if any tax revenue will be generated and, therefore, no guarantee that seniors, the disabled, the horse racing industry, or Atlantic City will receive any funding from North Jersey casinos, and;

WHEREAS, any North Jersey casinos will require substantial infrastructure improvements at their location and there is no additional State funding for those improvement, and;

WHEREAS, unemployment in Atlantic County remains above the state average and Atlantic County's foreclosure rate is still the highest in the nation, and;

WHEREAS, the net loss of casino jobs will hurt the hard working middle class men and women of Atlantic County, who are the very people the casino industry was intended to help; and,

WHEREAS, any further decline in casino property values in Atlantic City will increase property taxes throughout Atlantic County; and

WHEREAS, the legalization of casino gaming in surrounding states has already oversaturated the gaming market, opening casinos in other locations in New Jersey municipalities will only serve to cannibalize our own gaming market.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Folsom opposed Public Question No 1 and strongly urges all of our residents to also oppose Public Question No. 1 on November 8, 2016.

A motion to approve Resolution #2016-99 was made by Council President Pagano and seconded by Councilwoman Veneziani

There was a roll call vote with ayes all.

Council President Pagano thanked Chris Brown for sending the resolution to the Borough so we can support the County. Mayor DeStefano agreed and stated that Chris Brown has been a great supporter of this cause.

**RESOLUTION 2016-100
BOROUGH OF FOLSOM**

A RESOLUTION TO WAIVE PLANNING/ ZONING BOARD APPLICATION FEES FOR SET BACK VARIANCE FOR SOLAR PANELS AT THE FOLSOM SCHOOL

WHEREAS, all Planning/Zoning Board Applications fees for the Folsom School Solar Project be waived with the exception of the required escrow fees.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that it hereby authorizes to waive all Planning/Zoning Application fees for Folsom School Solar Project

A motion to approve Resolution #2016-100 was made by Councilwoman Veneziani and seconded by Councilman Arena.

There was a roll call vote with ayes all with the exception of Councilwoman O’Toole’s abstention.

**RESOLUTION #2016-101
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN RFQ FOR PROFESSIONAL REALTOR SERVICES FOR THE SALE OF PROPERTY OWNED BY THE BOROUGH OF FOLSOM KNOW AS BLOCK 301 LOTS 16, 17, 18 COMMONLY KNOWN AS THE OLD FIREHOUSE

A motion to approve Resolution #2016-101 was made by Councilman Arena and seconded by Council President Pagano

There was a roll call vote with ayes all.

FIRE CHIEF REPORT: Councilman Smith read report.

The following incidents occurred in your community during the month of September 2016

Sept. 1 st	Alarm System	Oak Lane	17	Members Responding
Sept. 3 rd	Vehicle Crash	8 th St./ Rt 322	22	Members Responding
Sept. 7 th	Alarm System	Rt 54	19	Members Responding

Sept. 7 th	Alarm System	Oak Lane	16	Members Responding
Sept. 18 th	Alarm System	Rt322/ Cains Mill	23	Members Responding
Sept. 21 st	Vehicle Crash	8 th St/ Rt 322	19	Members Responding
Sept 22 nd	Vehicle Crash	14 th St/ Rt 322	20	Members Responding

During September training continued. Members also began the process of giving the engine bay a face lift, by replacing the dated paneling and drop ceiling with sheet rock per the State Fire Code. There will be a Hoagie Sale this Saturday at the Firehouse starting at 10am hoagies will be \$5.00. Free delivery is available. Smoke detectors are also available to anyone who needs them. Again every Tuesday night members are in station starting at 7pm anyone interested is certainly welcome to stop by or follow us on Facebook and Twitter

ENGINEER’S REPORT:

2014 Community Development Block Grant Funding - ADA Access Project

The Borough received the partial payment of \$15,000.00 earlier this month. The ACIA informed our office that the remaining balance will be sent out later this week.

ADA Improvements - Penny Pot Park

Our office received and prepared the final payment request from Kline Construction to finalize the billing for the project.

14th Street - Conrail Crossing

I contacted Consolidated Rail Corporation and discussed the coming resurfacing of 14th Street and the large settled area along the rail crossing in the southbound lane. I was informed a crew would address the settled area today.

SOLICITOR’S REPORT: NONE

MAYOR’S REPORT: Mayor DeStefano thanked Clerk Patti Gatto and Superintendent John LaPollo for their help with Community Day and getting the Shred Truck there. Mayor DeStefano also thanked the school for all their work. Mayor DeStefano felt attendance at Community Day was good this year. Mayor DeStefano reminded everyone to drive safe on Halloween. Mayor DeStefano asked residents to please consider voting no to question no 1 on the ballot.

COUNCIL MEMBER’S REPORTS:

Councilman Kyle Smith: reported that it was fire prevention week at Folsom School and the fire company met with grades Pre-K thru Third.. They went classroom to classroom, watched video and showed the kids the fire truck. Councilman Smith thanked residents for attending the fire prevention at the firehouse this week.

Mayor DeStefano reported that the New Jersey Housing and Financing will be holding a foreclosure meeting on Tuesday October 18, 2016. Mayor told residents to call Borough Hall for more information.

Councilman Kyle Jantz: wished our Jewish residents a Happy Yom Kippur. Councilman Jantz reported that he found no street lights out this month when riding around town. Ken asked residents to visit our website or call Borough Hall to report any outages.

Council President Pagano: reported that a Dunkin Donuts and a Dollar General will be coming to Folsom. Councilman Pagano reported that Will Pauls was recognized at the last freeholder meeting. Council President reminded all residents to come out and vote on November 8, 2016.

Councilwoman Veneziani: read the quarterly Atlanticare report. Councilwoman thanked Atlanticare for coming out to Community Day. Mimi reported that Community Day was a success and suggested that next year maybe the Borough could do more. Councilwoman Veneziani reminded residents to be safe on Halloween and Mimi wished everyone a Happy Halloween.

Councilman Charlie Arena: reported on the Parks and Rec meeting last night. Charlie stated that the replacement swing set has been completed however someone has added an infant swing to the set and Public Works had to remove it. Councilman Arena asked residents not to alter the equipment for safety reasons. Councilman Arena reported that the Student Chapter at Rowan University of Civil Engineers would like to send some students sometime in November to do a street or park cleanup.

Councilwoman Lisa O'Toole: had no report but stated that she attended Community Day and thought it was a nice turnout and hopes that it can get back to the turnout it used to be.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

Greg Schenker-(1447a Backline Road)Mr. Schenker asked our engineer if the gas tax is going to affect asphalt prices on our road projects. Engineer Gary Auer stated that he was not aware. Mr. Schenker thanked the road crew for picking up trash on 8th Street and commended them for what a great job they do. Mr. Schenker asked if the Dunkin Donuts and the Dollar General went through Pinelands yet. The Mayor stated they are hoping to break ground in March of 2017.. Mr. Schenker stated that if you haven't registered to vote you can up until October 18, 2016 by going on the Atlantic County Elections website. Mr. Schenker reminded Council that when deciding for a realtor for the sale of the firehouse that there are many local realtors here in Folsom.

PAYMENT OF BILLS IN THE AMOUNT OF: \$192,704.72

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

There was a roll call vote with ayes all.

The Mayor stated that we are going to ask everyone to leave because we are going into an executive session.

RESOLUTION:

**RESOLUTION 2016-89
BOROUGH OF FOLSOM**

AN OPEN PUBLIC MEETINGS ACT - EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the New Jersey Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Folsom has determined that such circumstances presently exist and that Council is authorized to enter into an executive session from which the public will be excluded;

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

1. The public shall be excluded from discussion of the subject matter set forth herein; and
2. The general nature of the subject matter to be discussed is possible litigation involving Collings Lakes Food Market, Inc.
3. It is anticipated at this time that the above matter will only be made public upon a specific request to the Folsom Council and a determination by the Council that matter no longer need remain confidential; and
4. Upon the conclusion of the closed session Council will return to the public session and action may be taken at such time; and
5. This Resolution shall take effect immediately.

A motion to approve Resolution #2016-89 was made by Councilman Smith and seconded by Councilman Jantz.

There was a roll call vote with ayes all.

Solicitor Kris Facenda stated just for the record in work session he had given his opinion to Councilman Arena on the conflict with Collings Lakes Food Market Liquor License. Since Mr. Arena had a conflict with the underlying application that conflict continues because the subject of the executive session is in fact that same application. Kris also stated that he has had conversations with other council people regarding conflicts of interest. Kris Facenda stated that he wants to advise Council as to what may or may not be a conflict of interest. Kris stated that it is a very difficult determination to make. Kris read to Council the four (4) types of conflicts to Council. Kris stated that Councilwoman O'Toole came up to him before the Council meeting to ask him about the resolution for the school and should she recuse herself from voting and Kris

said yes and she did. Kris stated that if you think it is a conflict then it probably is. Kris encouraged Council to reach out to him if anyone thinks there is a conflict or has any questions. Councilwoman Veneziani stated that she does. Councilwoman Veneziani stated the Mr. Pagano has his election signs on someone's property that is currently suing us and who we are going to talk about in executive session. Mimi stated that Mr. Pagano has several signs in front of the property that we are going to talk about tonight. Councilwoman Veneziani also stated that Mr. Pagano has been seen riding around town with the person that is suing us putting up his signs. Councilwoman Veneziani stated the residents have called her regarding the article that is going around town with incorrect information. Councilwoman Veneziani said residents have called her asking why Councilman Pagano has signs on the property of the people that are suing us. Council President Pagano denied being in any vehicle and asked Councilwoman Veneziani to tell him who told her that and Councilwoman Veneziani stated that we will drop that because it's hearsay. Councilwoman Veneziani asked Council President Pagano if the signs are on their property and are they giving out your literature. Council President Pagano stated absolutely they are. Kris Facenda asked Council President Pagano to make a decision. Kris asked Council President Pagano if you think you can be impartial in this matter. Council President Pagano said he can be impartial. Kris stated that his recommendation is to step down. Council President Pagano stated that he has no involvement and this person came to him asking for signs. Councilman Smith asked why Council President Pagano abstained from the first vote. A discussion ensued as to why Council President Pagano abstained and should recuse himself from the meeting. Council President Pagano stated that he will follow advice of Council. For the record Councilman Arena and Council President Pagano will be stepping down.

Kris Facenda read the Open Public Meeting Act Statement.

At 7:54 Council entered into executive session

At 8:41PM Council returned from executive session

Kris Facenda Open Public Meeting Act Statement

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 along with the Folsom Borough Facebook Page.

The next regular meeting of Mayor and Council will be held on Wednesday, November 9, 2016 starting with an hour workshop meeting starting at 6:00 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 8:42 PM with ayes all.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

