

**BOROUGH OF FOLSOM
SPECIAL COUNCIL MEETING
MINUTES
September 19, 2019**

MEETING CALLED TO ORDER: 5:10PM

SALUTE TO THE FLAG LED BY Mayor DeStefano

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this 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: Jantz, Arena, Hoffman

Also present: Mayor Lou DeStefano and Attorney John Carr

Absent: Councilman Pagano, Conway and Schenker

MEETING OPEN TO PUBLIC: No Comments

CLERK'S CORRESPONDENCE: None

ORDINANCES:

BOROUGH OF FOLSOM

ATLANTIC COUNTY, NEW JERSEY

ORDINANCE 2019 - 09

**AN ORDINANCE REGARDING THE FIRST ADDENDUM TO THE AGREEMENT
FOR A JOINT MUNICIPAL COURT FOR THE TOWN OF HAMMONTON AND THE
BOROUGH OF FOLSOM**

BE IT ORDAINED by the Mayor and Council of the Borough of Folsom, County of Atlantic and State of New Jersey as follows:

WHEREAS, it is recognized that the State of New Jersey and taxpayer interests favor the efficiencies of shared services and in that context, the Borough of Folsom and the Town of Hammonton have worked together on its Joint Court first by Folsom Borough Ordinance 2-2018. By this Addendum, the Borough of Folsom shall maintain its Court through the Joint Court Agreement with the Town of Hammonton as such Joint Court is modified in accordance with that Agreement between the Town of Hammonton and the Borough of Folsom in a form as is

annexed as “A” which Agreement is a true and correct copy of the Agreement circulated and agreed to by and between the parties.

Section One. Repealer. All former Ordinances of the Borough of Folsom which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by law.

FIRST ADDENDUM TO THE AGREEMENT FOR A JOINT MUNICIPAL COURT FOR THE MUNICIPALITIES OF THE TOWN OF HAMMONTON AND THE BOROUGH OF FOLSOM

THIS ADDENDUM made by and between the **Town of Hammonton**, a municipal corporation of the State of New Jersey, located in Atlantic County, New Jersey, with an address of 100 Central Avenue, Hammonton, New Jersey 08037 (hereinafter referred to as “Hammonton”); and the **Borough of Folsom**, a municipal corporation of the State of New Jersey, located in Atlantic County, New Jersey, with an address of 1700 Route 54, Folsom, New Jersey 08037 (hereinafter referred to as “Folsom”), collectively known hereinafter as the “Municipalities”, and each a “Municipality”.

WHEREAS, Hammonton on January 22, 2018, adopted Ordinance #2-2018, establishing a single Joint Municipal Court with Folsom; and

WHEREAS, Folsom on February 13, 2018, adopted Ordinance #2-2018, abolishing its municipal court and all related positions for reasons of efficiency and economy; and

WHEREAS, the Hammonton Joint Municipal Court was approved by the State of New Jersey Administrative Director of the Courts and the Assignment Judge of the Superior Court of New Jersey, Atlantic County, and commenced operations on April 9, 2018; and

WHEREAS, in accordance with paragraph 10(a) of the Agreement for a Joint Municipal Court the municipalities desire to amend the Agreement for a Joint Municipal Court in accordance with this First Addendum.

NOW, THEREFORE, the Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and the Borough of Folsom is hereby amended as follows:

1. Paragraph 1 is amended to read as follows:

Establishment of a Joint Municipal Court. Hammonton and Folsom agree to the establishment and administration of a single Joint Municipal Court to serve those

two Municipalities pursuant to N.J.S.A. 2B:12-1(b) and N.J.S.A. 40A:65-1, et. seq.

2. Paragraph 4(f), a second sentence is added which states as follows:
Hammonton shall have sole authority to retain, hire, fire, or discipline it's court administrative personnel.

3. A Paragraph 4(i) is added which states as follows:
Based upon the individual assessments, analysis and negotiations of the Municipalities, Folsom shall pay to Hammonton a flat rate of \$18,000.00 per year in connection with the Joint Municipal Court to be paid in four (4) equal quarterly 2 installments of \$4,500.00. Each quarterly payment shall be due to Hammonton on the first day of each quarter beginning on January 1, 2020. All payments in accordance with this Paragraph 4(i) shall be made by Folsom to the Town of Hammonton Municipal Clerk.

4. A Paragraph 4(j) is added which states as follows:

Folsom's Employment Reconciliation Plan. On or about February 13, 2018, Folsom abolished its Municipal Court and all related positions for reasons of efficiency and economy. In accordance with the establishment of a Joint Municipal Court and this First Addendum, Folsom shall compensate its prior Municipal Court Clerk in the amount of \$19,295.00. Folsom agrees to indemnify and hold Hammonton, its elected and appointed officials, officers, employees, agents and professionals harmless from any and all claims made by or on behalf of Folsom's prior Municipal Court Clerk in any way related to this paragraph 4(j) and/or the establishment of the single Joint Municipal Court between Hammonton and Folsom.

5. Paragraph 5(c) is deleted.

6. Paragraph 10, subparagraph (a), last sentence, the terms "or terminated" are deleted.

7. A Paragraph 10(f) is added which states as follows:
(f) All notices under this Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and the Borough of Folsom shall be in writing and shall be sent certified mail, return receipt requested to the Municipal Clerk of each Municipality at the address indicated above.

8. Each party to this Agreement represents and warrants to the other that all Municipal action necessary for Hammonton and Folsom to enter into and perform all obligations required by this First Addendum have been validly undertaken and that the undersigned are authorized to execute this First Addendum.

All other terms and conditions of the Agreement for a Joint Municipal Court for the

Municipalities of the Town of Hammonton and Borough of Folsom not inconsistent herewith shall remain in full force and effect.

A motion to approve Ordinance#09-2019 was made by Councilman Arena and seconded by Councilman Jantz

There was a roll call vote with ayes all. (Jantz-Arena-Hoffman-DeStefano)

RESOLUTIONS:

OPEN TO THE PUBLIC: NONE

PAYMENT OF BILLS IN THE AMOUNT OF: NO BILLS

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 Tuesday, October 8, 2019 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12th Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 5:14PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

