

**BOROUGH OF FOLSOM  
TELECONFERENCE COUNCIL MEETING  
MINUTES  
May 12, 2020**

**MEETING WAS CONDUCTED VIA TELECONFERENCE DUE TO COVID-19  
RESTRICTIONS**

**MEETING CALLED TO ORDER: 6:00PM**

**SALUTE TO THE FLAG LED BY Mayor Greg Schenker**

**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 front door showing the time, place and teleconference instructions of said meeting.

**TELECONFERENCE ROLL CALL:** Councilpersons: Conway, Jantz, Porretta, Arena, Hoffman and Blazer

**Also present teleconference:** Mayor Greg Schenker, Attorney John Carr and Jen Heller (Vince Poistina & Assoc.)

Mayor Schenker asked for a moment of silence on the passing of residents Frank DeCicco and Terry Derstine.

**APPROVAL OF THE COUNCIL MEETING MINUTES FROM April 14, 2020**

A motion to approve the minutes was made by Councilman Blazer and seconded by Councilman Conway

There was a roll call vote with ayes all.

**APPROVAL OF THE EMERGENCY COUNCIL MEETING MINUTES FROM April 22, 2020**

A motion to approve the minutes was made by Councilman Blazer and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**APPROVAL OF THE SPECIAL COUNCIL MEETING MINUTES FROM May 4, 2020**

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

There was a roll call vote with ayes all.

**MEETING OPEN TO PUBLIC: No Comments**

**CLERK’S CORRESPONDENCE:**

We ask that all residents call first before coming to Borough Hall.

Notary services have been suspended until further notice.

**ORDINANCES: (Introduction/First Reading)**

**ATLANTIC COUNTY, NEW JERSEY  
BOROUGH OF FOLSOM  
ORDINANCE 05-2020**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM, CHAPTER 166 STREETS AND SIDEWALKS,  
ARTICLE V STREET VACATION REQUESTS**

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

1. **Request for Street Vacation**

Any person seeking the vacation of a street pursuant to N.J.S.A. 40:67-1 et. seq. shall make such request to the Borough Clerk, in writing. The writing shall include a certified list of property owners within 200 ft. of the portion of the street in question, a list of the reasons for the request and a graphic depiction of the location of the subject street portion. The written request shall also include copies of the appropriate tax map as well as a key map of the surrounding area showing the network and indicating which road portions are open to traffic. The written request shall also include a Tax Collector's certification that the applicant's parcel is current as to Borough taxes. The written request shall be made together with the filing fee and escrow. A consent from all affected adjacent landowner(s) shall be submitted with said request. The consent shall include the adjustment landowner(s) street address, block and lot number.

2. **Agency Review**

Upon receipt of the request and consents, the Borough Clerk shall forward same to the following:

- a. Borough Solicitor
- b. Borough Engineer
- c. Public Works Director
- d. Planning Board Chairman
- e. Planning Department Secretary
- f. Recreation Department

The Clerk shall request that each of the above determine whether the roadway is needed presently or in the future Borough land development plans for any public use to include for example storm drainage, recreational facilities, utility right-of-ways or whether the property

is under the jurisdiction of Green Acres or some similar entity or has ever been used for recreational purposes in the past.

3. **Application Fees/ Escrow**

The applicant shall pay an application fee of \$250.00 and place an escrow of \$250.00 to cover professional fees and costs incurred by the Borough in reviewing and processing the application pursuant to New Jersey municipal development escrow law. In addition, the applicant's escrow shall reimburse the Borough for costs incurred in preparation, review, publication and recordation related to the Vacation Ordinance. Said sums due and owing shall be certified to the Borough Clerk, the Borough Solicitor and Borough Engineer. The Borough Clerk shall further certify the costs of public advertising and recording fees. The total amount due and owing for reimbursement for the legal, engineering, publication and recording fees shall be paid by the applicant prior to the final adoption of the Vacation Ordinance.

4. **Application Consideration**

At the time of the fact finding hearing related to the vacation request before the Planning Board, the applicant shall provide proof of notification to the property owners on the certified property list either by certified mail or personal service at least ten (10) days prior to the hearing on the application. Proof of publication of the notice of hearing at least ten (10) days prior to the hearing shall be provided at the time of the fact finding hearing to the satisfaction of the Planning Board Secretary.

5. **Preparation and Submission of Documentation**

Prior to preparation of the Vacation Ordinance by the Borough Engineer, the applicant shall prepare or have prepared on its behalf the following:

A. Title search of the area to be vacated and the adjacent landowner's properties for determination on the means in which the Borough acquired its interest in the roadway. Said title searches shall be forwarded to the Borough Solicitor for his review.

B. Survey maps and metes and bounds descriptions of the area to be vacated and the method of division of the vacated property subsequent to adoption of the Ordinance. The survey map shall indicate all existing encumbrances, drainage facilities, utility locations and any other topographical feature pertinent to the area to be vacated. The maps shall depict the portions of the street or right-of-way to be conveyed to each abutting property owner having interest in the title to the centerline of the street to be vacated, unless the title searches disclose that the interest in title is otherwise. In that event, it shall show to the appropriate line required, based upon the chain of title, of the street to be vacated. The description for all of the vacated streets shall be prepared by metes and bounds for the Vacation Ordinance. All maps shall be prepared in accordance with "Subchapter 5. Land Surveyors; Preparation of Land Surveys – 13:40-5.1 and all amendments thereto which was

adopted May 5, 1977.” This document was published in the Roster of Licensed Professional Engineers and Land Surveyors, September 30, 1978, prepared by the State of New Jersey, Department of Law and Public Safety. The ending statement of the vacation description shall include the following wording:

“The above description is and is intended to be all of that portion of as shown on the official tax map of the Borough of Folsom. It is further intended that all rights of the public which may exist are to be vacated within the portion of the right-of-way described, reserving thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated, including but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto. The description has been prepared in accordance with the map entitled \_\_\_\_\_.”

#### 6. **Adoption Process**

Upon certification by the Borough Solicitor and Borough Engineer that all necessary documents are in order, the Borough Solicitor shall prepare a Vacation Ordinance for discussion and introduction by the Borough Council. The Borough Council shall adhere to the procedures set forth in N.J.S.A. 40:67-1 et seq. and N.J.S.A. 40:49-2 with regard to introduction, publication, public hearing and adoption of said Ordinance. In addition, the Borough Clerk, after introduction of said Ordinance, shall notify by certified mail, return receipt requested, all adjacent and adjoining property owners within 200 ft. of the proposed road vacation area, of the introduction of the Ordinance and advise them of the date of public hearing at which they may attend and make their comments known. Upon adoption of the Ordinance, the Borough Clerk shall record same with the County Clerk of the County of Atlantic as required by law. Upon certification from the County Clerk that the Ordinance has been recorded, the necessary tax records shall be revised by the Borough Assessor and the vacation indicated on the tax map of the Borough of Folsom.

#### 7. **Additional Provisions**

The obligation of the Borough with regard to the adopted Vacation Ordinance shall cease with its recording of same with the Borough Clerk’s Office and updating of its tax map. In the event that the applicant or the adjacent property owners who may receive an interest in the vacated area wish to have a Deed prepared evidencing the property vacated, such Deed shall be the obligation of the owner acquiring title to said portion of the roadbed. In the event that any such Deed is prepared, it shall describe, by metes and bounds, the original property, including within the description that portion of the street being incorporated with the owner’s original land holdings. The Deed shall contain a reference to the new tax lot number created and assigned to the combined lot and the road vacation area as determined by the Borough Assessor. It shall also include a reference to the survey map upon which the Deed

description is based and a reference to the Ordinance number by which the portion of the street was vacated. The Deed shall be transferred by the owner to themselves.

**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.

NO PUBLIC COMMENT

A motion to approve Ordinance#5-2020 was made by Councilman Conway and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM  
ORDINANCE #06-2020**

**BOND ORDINANCE APPROPRIATING FOUR HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$459,000) AND AUTHORIZING THE ISSUANCE OF FOUR HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$436,000) IN BONDS OR NOTES FOR VARIOUS CAPITAL IMPROVMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FOLSOM, IN THE COUNTY OF ATLANTIC, NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FOLSOM, IN THE COUNTY OF ATLANTIC, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1. Appropriation for Project-Down Payment.**

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by Borough of Folsom, County of Atlantic, New Jersey (hereinafter referred to as the "Borough"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to FOUR HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$459,000), including the

aggregate sum of TWENTY-THREE THOUSAND DOLLARS (\$23,000) which is hereby appropriated from the Capital Improvement Fund of the Borough as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the Borough for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

**Section 2. Authorization of Bonds.**

For the financing of said improvements or purposes and to meet the part of said FOUR HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$459,000) appropriation not otherwise provided hereunder, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed FOUR HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$436,000) pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Borough in a principal amount not to exceed FOUR HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$436,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**Section 3: Description of Projects.**

The improvements and acquisitions hereby authorized and the purposes of the financing for which said obligations are to be issued, the estimated cost of each purpose and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each purpose, are respectively as follows:

IMPROVEMENT OR PURPOSE	APPROPRIATION AND ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES
(a) Purchases of Various Equipment for Public Works Department.	\$200,000	\$180,500
(b) Various Improvements to Municipal Facilities, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$27,000	\$25,600

<p>(c) Construction of Various Recreation Improvements, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.</p>	\$42,000	\$39,900
<p>(d) Various Municipal Roadway Improvements including, design costs, the construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the Borough Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.</p>	<u>\$200,000</u>	<u>\$190,000</u>
<b>TOTALS:</b>	<u>\$459,000</u>	<u>\$436,000</u>

**Section 4. Authorization of Notes.**

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Borough in a principal amount equal to the said principal of bonds not exceeding FOUR HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$436,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their

dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Borough Council at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law.

The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The signature of the Chief Financial Officer upon said note(s) shall be conclusive evidence of such determination.

### **Section 5. Additional Matters.**

The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of the Local Bond Law and taking into consideration the respective amounts of said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is **12.82 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and an executed copy has been electronically signed and filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by **FOUR HUNDRED THIRTY-SIX THOUSAND DOLLARS (\$436,000)**, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding **SIXTY THOUSAND DOLLARS (\$60,000)** in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the construction or acquisition of the improvements and properties as authorized herein, and other items of expense listed in



and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

**Section 6. Capital Budget.**

The applicable capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and available for public inspection.

**Section 7. Ratification of Prior Actions.**

Any action taken by any officials of the Borough in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

**Section 8. Application of Grants.**

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used

**Section 9. Full Faith and Credit.**

The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

**Section 10. Official Intent to Reimburse Expenditures.**

The Borough reasonably expects to reimburse any expenditure towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or by any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described

in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

**Section 11. Financial Disclosure Requirements.**

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**Section 12. Effective Date.**

This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NO PUBLIC COMMENT

**A motion to approve Ordinance#6-2020 was made by Councilman Conway and seconded by Councilman Blazer.**

**There was a roll call vote with ayes all.**

**SOLICITOR'S REPORT:** John Carr reviewed his solicitor's report with Council.

**FIRE CHIEF REPORT:** Councilman Jantz read report

**ENGINEER'S REPORT:** Jen Heller updated Council on projects.

**MAYOR'S REPORT:** Mayor Schenker reported that there are ten (10) positive cases of the Corona Virus in Folsom. Mayor asked residents to be cautious during this Pandemic.

**COUNCIL MEMBER’S REPORTS:**

**Councilman Conway:** Greg reported that the Environmental Commission will be installing a Pollination Garden alongside the wooded area near the Community Garden. Greg stated that it is a beautification project.

**Councilman Jantz:** no report

**Councilman Porretta:** no report

**Councilman Arena:** no report

**Councilman Hoffman:** Jim asked Council to think about selling some of the Borough owned vacant lots to rid the Borough of the liability and cost of maintaining them.

**Councilman Blazer:** Jake reported on the last Parks & Rec Commission meeting. Jake reported that the Community Garden is now open and to call Borough Hall for an application.

**PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:**

**OPEN TO THE PUBLIC:** NONE

**PAYMENT OF BILLS IN THE AMOUNT OF:** \$382,906.73

A motion to approve payment was made by Councilman Hoffman and seconded by Councilman Porretta.

Mayor Schenker 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, June 9, 2020 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 7:10PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk



