

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
December 12, 2023**

MEETING CALLED TO ORDER: 6:23PM

SALUTE TO THE FLAG LED BY MAYOR 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 Atlantic City Press and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.*

ROLL CALL: Councilpersons: Conway, Whittaker, Norman, Hoffman and Blazer

Absent: Councilman Porretta

Also present: Mayor Greg Schenker, Solicitor Angela Costigan, and CJ Kaenzig from Polistina & Assoc.

APPROVAL OF THE WORKSHOP MEETING MINUTES November 14, 2023

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

There was a roll call vote with ayes all with the exception of Councilman Hoffman’s abstention.

APPROVAL OF THE COUNCIL MEETING MINUTES November 14, 2023

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

There was a roll call vote with ayes all with the exception Councilman Hoffman’s abstention.

ACUA to give a budget presentation. (Matt DeNafo)

MEETING OPEN TO THE PUBLIC: *Steve Hudek (2111 14th St.) came before Council to thank the Borough for replacing a few signs that were worn out. Mr. Hudek wanted to ask Council to purchase a few more speeding signs for 14th St.*

CLERK’S CORRESPONDENCE: Borough Hall Offices will be closed on December 22, December 25, 2023, January 1, 2023 in observance of Christmas and New Year’s Day.

ORDINANCES:

(Second Reading/Final Adoption)

BOROUGH OF FOLSOM

ORDINANCE # 10- 2023

AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF NON-CONFORMING REAL PROPERTY TO THE GENERAL PUBLIC PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.

WHEREAS, the Borough of Folsom is the owner of certain real property set forth in Schedule "A", which properties are not needed or required for municipal use; and

WHEREAS, the parcels are less than the minimum size required for development under municipal ordinance and are without capital improvements; and

WHEREAS, the parcels were offered for public sale to contiguous property owners on October 16, 2023 pursuant to N.J. S. A. 40A:12-13 et seq. and there were no bidders; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., authorizes the sale of real property capital improvement, or personal property no longer needed for public use by public sale; and

WHEREAS, the sale shall be conducted at a public auction to be held at the Borough of Folsom Municipal Building, 1700 Route 54, Folsom, New Jersey 08037 on January 4, 2024, at 6:00 p.m. or such adjourned date as may be determined by the Council of the Borough of Folsom; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Folsom as follows:

1. The Borough of Folsom shall offer for sale by public auction, pursuant to the provisions of N.J.S.A. 40A:12-13 and N.J.S.A. 40A:12-1, the properties listed on Schedule "A". Schedule "A" also contains the minimum sale price for each property. The Borough of Folsom reserves the right, in its discretion, to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.

2. Upon final passage of this Ordinance, the sale shall take place by public auction on January 4, 2024 at 6:00 p.m. at the Borough of Folsom Municipal Building, 1700 Route 54, Folsom New Jersey, subject to receiving no higher bid for said parcels, after offering same to the highest bidder, at said time and place.

3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough of Folsom Municipal Building. Notice of adoption of this Ordinance shall be made in the official Borough newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Borough newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

4. The property shall be sold subject to the following terms and conditions:

(a) The property is sold "as is". No representations of any kind are made by the Borough as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present "as is", "where is", with all faults.

(b) The Borough does not warrant or certify title to the property and in no event shall the Borough of Folsom be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(c) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(d) The highest bidder shall deposit with the Borough cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Borough will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(e) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$250 for the legal services incurred by the Borough; (2) the Borough of Folsom's advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); and (3) realty transfer fees, if any. The balance shall be paid by certified funds. In addition, for all properties that are subject to Section 5 (r) of this Ordinance, the Purchaser shall provide the Borough Attorney with a copy of the deed for their existing property and their title insurance policy. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Borough Attorney and, after execution by the Borough Officials, shall be recorded with the Atlantic County Clerk's Office by the Borough Attorney. Additional work performed by the Borough Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Borough Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

(f) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Folsom and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

(g) The property will be sold subject to the current year taxes, prorated from the date of sale.

(h) The Council of the Borough of Folsom reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(i) All bidders currently owning property within the Borough must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(j) This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Borough of Folsom.

(k) No employee, agent or officer of the Borough of Folsom has any authority to waive, modify or amend any of the conditions of sale.

(l) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(m) The failure of the purchaser to close on title within the time provided for in Subsection 5(f) of this Ordinance shall constitute a breach of this Ordinance unless the Borough agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within the dates provided for in Subsection 5(f) or such date as may be extended by the Borough, the deposit paid by the purchaser shall be retained by the Borough as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Subsection 5(c) of this Ordinance.

(n) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

(o) The sale shall be subject to final approval by the Council of the Borough of Folsom.

(p) The successful bidder shall provide a copy of their existing property Deed to the Borough Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

Potential Bidders are advised:

- (1) To conduct all necessary title searches prior to the date of sale.
- (2) No representations of any kind are made by the Borough of Folsom as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".
- (3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
- (4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Borough of Folsom, the Borough of Folsom shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Borough of Folsom not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

- (1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- (2) That the failure to close title as agreed shall forfeit to the Borough of Folsom any and all money deposited with the Borough.

5. Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

6. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

A motion to approve Ordinance #10-2023 was made by Councilman Norman and seconded by Councilman Blazer

There was a roll call vote with ayes all with the exception of Councilman Hoffman's abstention.

RESOLUTIONS:

Consent Agenda: All matters listed under Consent Agenda, are considered to be routine by this Borough Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**BOROUGH OF FOLSOM
RESOLUTION 2023-97**

RESCIND THE LIQUOR LICENSE RENEWAL

WHEREAS, By the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that the applicant listed below for renewal of the liquor license for the 2023-2024 term for:

0110-33-007-010 Sneakers Sports Bar
301 E. Black Horse Pike
Folsom, NJ 08037

renewal of Plenary Retail Consumption and Distribution License in the Borough of Folsom, County of Atlantic, be and the same is hereby rescinded due to Special Ruling 12:39 has not been granted by Division of Alcoholic Beverage Control

BE IT FURTHER RESOLVED, that the Borough Clerk has no authorization to issue said license for the 2023-2024 term.

BOROUGH OF FOLSOM
Resolution# 2023-102

**A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS IN THE
2023 LOCAL MUNICIPAL BUDGET PER N.J.S.A. 40A: 4-58**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom,
County of Atlantic, State of New Jersey that the following transfers be made:

| <u>Account Description</u> | <u>Account Number</u> | <u>From</u> | <u>To</u> |
|-----------------------------------|------------------------------|--------------------|------------------|
| Electricity & Natural Gas | 01-31-435-000 | \$1,000.00 | |
| Telecommunications | 01-31-440-076 | | \$1,000.00 |

**RESOLUTION 2023-103
BOROUGH OF FOLSOM**

**A RESOLUTION ACCEPTING THE ENGINEER'S PROPOSAL FOR DESIGN
SERVICES FOR THE FY2024 NJDOT MUNICIPAL AID PROJECT**

WHEREAS, a proposal for design services for the Resurfacing of Fenimore Dr., etc. has been submitted by Polistina & Associates, LLC for approval of the council.

WHEREAS, the professional services are as follows:

- o Total Tasks 1-6 Design Services \$17,000.00

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that the proposal for design services submitted by Polistina & Associates LLC is accepted and authorization is given for the resurfacing of Fenimore Dr., etc.

A motion to approve Resolutions #2023-97, 2023-102 and 2023-103 was made by Councilman Hoffman and seconded by Councilman Norman.

There was a roll call vote with ayes all.

APPROVAL OF THE PLANS AND SPECS FOR THE 2023 ROAD PROGRAM RESURFACING OF CHEROKEE LANE, ETC.

Roll call vote with ayes all.

SOLICITOR'S REPORT: *Angela discussed the revision on Ordinance #10-2023*

FIRE CHIEF REPORT: *no report*

ENGINEER'S REPORT: *CJ wished everyone a Merry Christmas and a Happy Healthy New Year and thanked Mayor Schenker for all his years of service.*

NJDOT FY 2023 - Resurfacing of Erie Road, Cherokee Road, Mohawk Drive & Seneca Lane

The plans and specs are complete and are on tonight's agenda for approval by Council. We will also submit to NJDOT for their review and approval this month. The Borough received \$261,640.00 in municipal aid, with which we will be able to complete drainage improvements, roadway reconstruction, and resurfacing on Erie Road, Cherokee Road, Seneca Lane, and Mohawk Drive from Cherokee Road to a match line approximately 200' east.

We anticipate going to bid for the FY 2023 Roads with the FY 2024 Roads in March 2024, with the start of construction to follow shortly thereafter.

NJDOT FY 2024 - Resurfacing of Fenimore Drive, Lenape Terrace, & Mohawk Drive

Our proposal for the design services of the FY 2024 Roads is on tonight's agenda for approval by Council. Once we receive authorization, we will complete the survey and design of the roads over the winter. We anticipate submitting the plans and specs for approval by the Borough and NJDOT in February 2024 and going to bid in March 2024 with the FY 2023 Roads.

The Borough received \$245,450.00 in municipal aid, with which we will be able to complete drainage improvements and resurfacing on Lenape Terrace, the remainder of Mohawk Drive, and Fenimore Drive from the Black Horse Pike to Erie Road.

If the Borough is in agreement, our plan is to then apply for municipal aid in FY 2025 to resurface the remainder of Fenimore Drive, as well as Lupin Lane in Penny Pot, to complete roadway improvements in both of these neighborhoods.

MAYOR'S REPORT: *Mayor Schenker gave his final report and thanked the staff for all their help. Greg also thanked all the Councilman. Greg looked back on the Borough's achievements over the past four years as Mayor. Greg wished everyone a Merry Christmas and a Happy New Year.*

Mayor thanked everyone that worked on the Annual Tree Lighting. School, fire department and Folsom Borough Staff.

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg thanked the mayor for having his heart in the right place for the town. Greg also thanked all the Folsom families who donated toys for the drive. Greg reported that the toy drive will be held on December 16. Greg reminded residents that wrapping paper, and frozen food boxes are not recyclable.*

Councilman Norman: *Al thanked the mayor for all his years of service. Al stated that he asked PWD to repair some potholes.*

Councilman Porretta: *absent*

Councilman Whittaker: *Jim thanked the mayor for all his years of service. Jim read the Safety report Jim wished everyone a Merry Christmas and a Happy, Healthy New Year.*

Councilman Hoffman: *Jim wished everyone a Merry Christmas and Happy New Year. Jim thanked Mayor Schenker for all his years of service.*

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Councilman Blazer: *Jake thanked the mayor for his years of service.*

MEETING OPEN TO THE PUBLIC: *No comments*

PAYMENT OF BILLS IN THE AMOUNT OF: \$213,059.68. \$64.00 and \$2,600.00

A motion to approve payment was made by Councilman Norman and seconded by Councilman Whittaker.

There was a roll call vote with ayes all

Mayor Schenker reminded the public that all other monthly reports are on file in the minute book.

Please visit the Borough of Folsom website at folsomborough.com for updated Borough information and the Borough of Folsom Facebook page.

The re-organization meeting of Mayor and Council will be held on Tuesday, January 3, 2024 starting at 6:00 pm and the next regular Council meeting will be held on January 9, 2024 starting a 6:00pm.

With no other discussion the meeting was adjourned at 7:25PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

