

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
February 12, 2019**

MEETING CALLED TO ORDER: 7:10PM

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: Conway, Jantz, Arena, Hoffman and Schenker

Also present: Mayor Lou DeStefano, Attorney John Carr and Engineer Vince Polistina

Absent: Councilman Pagano

APPROVAL OF WORKSHOP MEETING MINUTES FROM December 11, 2018

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

APPROVAL OF THE COUNCIL MEETING MINUTES FROM December 11, 2018

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

APPROVAL OF THE SPECIAL COUNCIL MEETING MINUTES FROM December 27, 2018

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

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

APPROVAL OF THE RE-ORGANIZATION MINUTES FROM January 7, 2019

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

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

MEETING OPEN TO PUBLIC: No Comments

CLERK'S CORRESPONDENCE:

Borough Hall Offices will be closed on Monday, February 18, 2019 in observance of Presidents Day.

Next E-Waste Day is March 9, 2019 from 8:00AM to 1:00PM at the Borough Garage

Free Rabies Clinic will be held on March 16, 2019 at Borough Garage from 9:00am until 11:00am.

We will be renewing dog/cat licenses at the Clinic.

Reminder: The Clerk's office is opened until 7:00PM on Monday evenings.

ORDINANCES: (First Reading/Introduction)

**BOROUGH OF FOLSOM
ORDINANCE 01-2019**

CALENDAR YEAR 2019

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Folsom in the County of Atlantic finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$9,482 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Folsom, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Folsom shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$1,127,817 and that the CY 2019 municipal budget for the Borough of Folsom be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council in the Borough of Folsom, County of Atlantic and State of New Jersey, held on February 12, 2019 and said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on March 12, 2019 at 6:00 P.M.

A motion to approve Ordinance#01-2019 was made by Councilman Arena and seconded by Councilman Schenker.

No public comment

There was a roll call vote with ayes all.

(Introduction/First Reading)

ORDINANCE #02-2019

AN ORDINANCE AMENDING CHAPTER 200, ZONING, OF THE CODE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

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

- I. Purpose: The purpose of this Ordinance is to amend Chapter 200, Zoning, of the Code of the Borough of Folsom in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.
- II. Chapter 200, Zoning, Article II, Definitions, §200-6, Definitions, is hereby amended by replacing or adding the following definitions:

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM

An individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

IMMEDIATE FAMILY

Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren,

grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

SOLAR ENERGY FACILITY

A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

III. Chapter 200, Zoning, Article VII, Borough Development Standards, §200-47, Water Quality, is hereby amended by revising subsection B(5) as follows:

- (5) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - (a) (No change.)
 - (b) If the proposed development is non-residential and is located outside of the VR or VI zoning districts, the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.
 - (c) (No change.)

IV. Chapter 200, Zoning, Article VII, Borough Development Standards, §200-47, Water Quality, is hereby amended by revising subsection B(7) as follows:

- (7) Alternate design pilot program treatment systems, provided that:
 - (a)-(i) (No change.)
 - (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be canceled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time; and
 - (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in Subsection B(7)(i) above, and grants access, with reasonable notice, to the local board of health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and

shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system, that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system.

V. Chapter 200, Zoning, Article VII, Administration and Enforcement, §200-64, Pinelands development credits, is hereby amended by replacing subsection E(2) in its entirety with the following:

- (2)** Such deed restriction shall specify the number of Pinelands development credits sold and that the property may only be used in perpetuity for the following uses:
 - (a)** In the Agricultural District: agriculture; forestry; fish and wildlife management; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impermeable surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; airports and heliports accessory to agricultural uses and which are used exclusively for storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; agricultural products processing facilities; and accessory uses.
 - (b)** (No change.)

VI. Chapter 200, Zoning, Article VIII, Administration and Enforcement, §200-66, Development application procedures, is hereby amended by revising subsection A(2) as follows:

- (2)** Except as provided in Subsection A(3) below, the following shall not be subject to the procedures set forth in this chapter:
 - (a)-(f)** (No change.)
 - (g)** The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:

[1] If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and

[2] If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(h)-(j) (No change.)

(k) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

(l) The clearing of land solely for agricultural or horticultural purposes.

(m)-(r) (No change.)

(s) The installation of an accessory solar energy facility on any existing structure or impervious surface.

(t) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

(u) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

(v) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

VII. Chapter 200, Zoning, Article VIII, Administration and Enforcement, §200-66, Development application procedures, is hereby amended by replacing subsection D in its entirety with the following:

D. Notices to the Pinelands Commission.

- (1)** Application submission and modifications. Written notification shall be given by the Borough, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the Borough that an application for development in the Pinelands Area is complete or if a determination is made by the Borough approval agency that the application has been modified. Said notice shall contain:

 - (a)** The name and address of the applicant;
 - (b)** The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c)** A brief description of the proposed development, including uses and intensity of uses proposed;
 - (d)** The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (e)** The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 - (f)** The approval agency with which the application or change thereto was filed;
 - (g)** The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
 - (h)** The nature of the municipal approval or approvals being sought.
- (2)** Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

 - (a)** The name and address of the applicant;
 - (b)** The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (c)** The date, time and location of the meeting, hearing or other formal proceeding;

- (d) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
 - (f) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- (3) Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five days of the approval or denial, give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (d) The date on which the approval or denial was issued by the approval agency;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
 - (f) Any revisions to the application not previously submitted to the Commission; and
 - (g) A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Borough Council in the Borough of Folsom, County of Atlantic and State of New Jersey, held on February 12, 2019 and said Ordinance

was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on March 12, 2019 at 6:00 P.M.

A motion to approve Ordinance#02-2019 was made by Councilman Arena and seconded by Councilman Jantz.

There was a roll call vote with ayes all.

(Introduction/First Reading)

ORDINANCE NO. 03-2019

**AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE
BOROUGH OF FOLSOM**

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

WHEREAS, the Borough Council of the Borough of Folsom is desirous of creating the position of Folsom Borough Social Media Manager; and

WHEREAS, said Social Media Manager will be responsible for developing and administering social media content that is designed to engage users and create an interactive relationship between the Borough of Folsom and its residents and friends; and

WHEREAS, the Social Media Manager will report to the Mayor of the Borough of Folsom and inform the Municipal Clerk of his or her activities so she may report activities to the Council.

SECTION I: Section 41-32 shall be added to the Code of the Borough of Folsom which states as follows:

"41-32. Borough of Folsom Social Media Manager. There is hereby created the position of the Borough of Folsom Social Media Manager. Said Social Media Manager will be responsible for developing and administering social media content that is designed to engage users and create an interactive relationship between the Borough of Folsom and its residents and friends.

SECTION II: Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION III: Severability. If any Section or part of this Ordinance is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from the Ordinance as a whole and the remaining Sections or parts of this Ordinance shall remain in full force and effect.

SECTION IV: Effective Date. This Ordinance shall take effect according to law after final passage and publication.

BY ORDER OF THE BOROUGH COUNCIL OF THE BOROUGH OF FOLSOM

A motion to approve Ordinance#03-2019 was made by Councilman Arena and seconded by Councilman Conway

Conway-Y Jantz-Y Arena-Y Hoffman-N Schenker-N

(Introduction/First reading)

**BOROUGH OF FOLSOM
ORDINANCE 04--2019**

AN ORDINANCE ESTABLISHING AND FIXING SALARIES FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

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

SECTION 1. The annual salaries and compensation for the various Borough officials, officers, and employees of the Borough of Folsom, listed below, shall be as follows for calendar year 2019:

| | | | |
|---|----------|---|----------|
| <u>Salaried Positions</u> | | | |
| Borough Clerk | \$25,000 | - | \$50,000 |
| Chief Financial Officer | \$4,000 | - | \$17,000 |
| Council Member | \$1,700 | - | \$3,000 |
| Code Enforcement | \$1,800 | - | \$5,000 |
| Deputy Emergency Management Coordinator | \$500 | - | \$1,500 |
| Deputy Borough Clerk | \$15,000 | - | \$35,000 |
| Emergency Management Coordinator | \$500 | - | \$1,500 |
| Mayor | \$2,200 | - | \$3,900 |
| Municipal Administrative Assistant | \$15,000 | - | \$50,000 |
| Social Media Manager | \$100 | - | \$500 |
| Tax Assessor | \$6,500 | - | \$17,000 |
| Tax Collector | \$6,500 | - | \$17,000 |
| Zoning Official | \$1,800 | - | \$5,000 |
| | | | |
| <u>Hourly Positions:</u> | | - | |
| Part-time Laborer | \$9.00 | - | \$15.00 |
| Public Works Laborer | \$9.00 | - | \$20.00 |
| Superintendent of Public Works | \$10.00 | - | \$30.00 |

SECTION II. The salaries and wages hereby established shall be on a bi-weekly basis with the exception of Mayor and Council, which shall be quarterly, unless otherwise specified.

SECTION III. The provisions of this Ordinance shall be retroactive to January 1, 2019, and shall apply to employees continually employed since January 1, 2019.

SECTION IV. Any Ordinance or part of an Ordinance inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION V. This Ordinance shall become effective immediately upon final 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 in the Borough of Folsom, County of Atlantic and State of New Jersey, held on February 12, 2019. Said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on March 12, 2019 at 6:00 P.M.

A motion to approve Ordinance#04-2019 was made by Councilman Hoffman and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**RESOLUTION 2019-32
BOROUGH OF FOLSOM**

**A RESOLUTION GRANTING A RAFFLE AND BINGO LICENSE TO FOLSOM
EDUCATIONAL FOUNDATION TO BENEFIT THE SCHOOL**

WHEREAS, the Folsom Educational Foundation has applied for a license to conduct an on premise raffle and Bingo to be held on May 3, 2019

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Folsom, that

1. The following facts are hereby found and determined:
 - a) The Applicant is qualified.
 - b) The members designed to conduct the games are active members.
 - c) The members designated to conduct the games are of good moral character and have never been convicted of a crime.
 - d) The raffle will be conducted according to the Raffle Licensing Law and the Rules of Legalized Games of Chance Control Commission.
 - e) The entire proceeds are to be disposed of for a purpose permitted by the Raffles Licensing Law.

| <u>Block</u> | <u>Lot</u> | <u>Amount</u> |
|--------------|------------|---------------|
| 301 | 10 | \$26.87 |
| 502 | 8 | \$.08 |
| 1001 | 1 | \$37.76 |
| 1502 | 15 | \$3.58 |
| 1602 | 17.01 | \$1.32 |
| 1901 | 6 | \$8.35 |
| 2001 | 5 | \$40.26 |
| 2003 | 3 | \$.34 |
| 2501 | 342 | \$2088.26 |
| 2501 | 343 | \$157.14 |
| 2504 | 238 | \$1.96 |
| 2502 | 606 | \$12.10 |
| 2603 | 607 | \$10.86 |
| 2604 | 684 | \$13.25 |
| 2618 | 183 | \$12.91 |
| 2716 | 823 | \$6.83 |
| 2802 | 680 | \$48.06 |
| 3401 | 52 | \$2.90 |
| 3403 | 8 | \$14.45 |

A motion to approve Resolution #2019-34 made by Councilman Arena and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2019#-35**

**A RESOLUTION AUTHORIZATION AN AGREEMENT FOR THE PROVISION OF BASIC
LIFE SUPPORT EMERGENCY MEDICAL SERVICES (EMS) RESPONSE AND
TRANSPORTATION SYSTEM SERVICES**

WHEREAS, the Agreement between the Borough of Folsom with AtlantiCare Regional Medical Center Emergency Medical Services was heretofore accepted and approved by the Borough Council to provide basic life support (“EMS”) services.

WHEREAS, the Borough Council desires to renew and extend such agreement for a term retroactively commencing January 1, 2018 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the attached Agreement with AtlantiCare is hereby approved and authorized for execution by the appropriate Borough Officials, forthwith after the adoption hereof for a term retroactively commencing January 1, 2019 through December 31, 2019.

A motion to approve Resolution #2019-35 made by Councilman Hoffman and seconded by Councilman Conway

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION# 2019-36**

**Resolution of Support from Local Governing Body Authorizing the
TD Bank Green Space Grant Application**

WHEREAS, Borough of Folsom seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Borough of Folsom strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Borough of Folsom is participating in the TD Bank Green Space Grants Program; and

WHEREAS, one of the purposes of the TD Bank Green Space Grant Program is to support green infrastructure development, tree planting, forestry stewardship, and community green space expansion as a way to advance environmental and economic benefits toward a low-carbon economy.

THEREFORE, the Mayor and Council of the Borough of Folsom has determined that Folsom should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that Mayor and Council of the Borough of Folsom, State of New Jersey, authorize the submission of the aforementioned TD Bank Green Space Grant.

A motion to approve Resolution #2019-36 made by Councilman Conway and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2019-37**

**A RESOLUTION OF THE BOROUGH OF FOLSOM
AUTHORIZING THE SALE OF BOROUGH OWNED
LAND**

WHEREAS, the property identified as Block 3101, Lot 4 is owned by the Borough of Folsom and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, it is in the best interest of the Borough to advertise this land for public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13.

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

1. The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the property located at Block 3101 , Lot 4 pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bid for Block 3101, Lot 4 is twelve thousand Dollars (\$12,000.00). No bid less than the minimum amount set forth will be considered.
3. The Borough Clerk is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale. The failure, however, to notify any contiguous owner shall not invalidate the sale. The Borough Clerk is further authorized to notify by letter or telephone any other property owners, real estate developers, builders, real estate brokers and agents, and other potentially interested parties and other potentially interested parties as the Borough Clerk may deem appropriate.
4. The property being offered for public sale hereunder is not necessary for public municipal purposes and the best interest of the public shall be served in selling said property by public sale to the highest bidder at or above the minimum price set forth in paragraph 2 above, with the Township Council reserving the right to accept or reject or otherwise remove the lot from sale. The public sale shall take place on March 25, 2019, at 6:00p.m. at the Folsom Borough Hall, 1700 12th Street (Route 54) Folsom, NJ 08037. Bids shall be received by the Borough Clerk in accordance with procedures to be announced by the Borough Clerk. A deposit by certified check, bank check or money order made payable to the Borough of Folsom in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The Clerk may by the announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interested parties.
5. All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Borough reserves the right to accept the highest bid or to reject any and all bids for any property. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.
6. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$150.00. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Borough of Folsom and provided to the Borough Clerk within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.
7. A bargain and sale deed without covenants shall be delivered at the Office of the Borough Clerk on or before 45 days after the sale. The Mayor and Borough Clerk are hereby authorized to execute said deeds and other conveyance documents and the Borough Attorney is authorized to prepare such deeds and documents.

8. In addition to the terms and conditions set forth herein, the successful bidders agree to the imposition of the following conditions by the Borough:
 - a. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Borough any and all monies deposited with the Borough.
 - b. The Borough does not warrant or certify title to the property and in no event shall the Borough be liable for any damages to the successful bidder if title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages or by way of liens against the Borough, the sole remedy being the right to receive a refund prior to closing a title of the deposit paid and in the event title is found defective or unmarketable. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Borough shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement by the bidder and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.
 - c. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Borough of Folsom, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land and a continued right of maintenance and flow thereof. The Borough shall be without obligation to provide access, public or private, or to provide any improvements.
 - d. The deed will contain a covenant that neither the purchaser nor any future owner or potential developer of the lot may assert a claim against the Borough of Folsom based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.
 - e. The Borough makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.
9. The Borough Clerk, the Mayor and the Borough Attorney are authorized to prepare and execute any and all such documents and to take any and all such actions as may be required to effect the transactions set forth herein.
10. The Borough Clerk shall file with the Director of Local Government Services in the Department of Community Affairs any required affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).
11. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Borough of Folsom.
12. All potential sales are subject to final approval by the Borough Council.

13. The Borough reserves the right to waive any and all defects, informalities and irregularities in any bid. The Borough further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, readvertise the property for sale. No bid shall be considered finally accepted until confirmed by the Borough Council.

BE IT FURTHER RESOLVED, that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Resolution shall be deemed valid and effective; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect following adoption and approval in the time and manner prescribed by law.

A motion to approve Resolution #2019-37 made by Councilman Arena and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**RESOLUTION NO.2019-38
BOROUGH OF FOLSOM**

**RESOLUTION UPDATING THE TERMS OF THE JOINT MUNICIPAL COURT AGREEMENT
WITH THE TOWNSHIP OF HAMMONTON ENTERED INTO IN JANUARY 2018**

WHEREAS, pursuant to N.J.S.A. 2B:12-1B, the Borough of Folsom agreed to participate in a Joint Municipal Court dated December 28, 2017 and executed by the participating governing bodies in January 2018; and

WHEREAS, in the course of negotiations as to the terms of the Agreement, it was the understanding between the parties that certain expenses and proceeds would be shared pursuant to the terms of the Agreement; and

WHEREAS, upon later review of the Agreement, it appears that a salient term was left out of the final version of the Agreement between the Town of Hammonton and the Borough of Folsom;

NOW, THEREFORE, BE IT RESOLVED, it is explicitly agreed by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey as follows:

During the term of the Joint Court Agreement as is specified in Paragraph 5 of the underlying Agreement, it is agreed that Paragraph 4h of the Agreement includes the right of the Town of Hammonton to receive and retain all net revenues generated by all cases in the Municipal Court to include historic fines and penalties which for whatever reason were outstanding at the time of entering into this Agreement but which are paid during the term of this Agreement so along as such sums are paid during the term of this Agreement.

BE IT FURTHER RESOLVED, that it is further agreed by the Borough Council of the Borough of Folsom that any necessary and appropriate document which may be required for purposes of updating and formalizing the underlying Agreement are authorized to be executed and entered into by the Clerk of the Borough of Folsom.

A motion to approve Resolution #2019-38 made by Councilman Arena and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**RESOLUTION 2019-39
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF PROPERTY TAXES

WHEREAS, it has come to the attention of the Borough Council that payment has been made in excess on the 2019 taxes to the property listed; and

WHEREAS, said payments have resulted in overpayment of property taxes in the amounts listed below;

| <u>BLOCK/LOT</u> | <u>AMOUNT</u> | <u>TO</u> |
|-------------------------|----------------------|------------------|
| 2605/705 | \$835.17 | Lereta, LLC |

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the following overpayments be refunded.

A motion to approve Resolution #2019-39 made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**RESOLUTION 2019-40
BOROUGH OF FOLSOM**

A RESOLUTION APPROVING THE 2019 MUNICIPAL AERIAL MOSQUITO CONTROL AGREEMENT

WHEREAS, the Governing Body of the Borough of Folsom have agreed to enter into an agreement for no cost for 2019 Aerial Mosquito Control with Atlantic County Public Works Department for the application of pesticides for mosquito control over certain areas of the Borough of Folsom; and

NOW THEREFORE BE IT RESOLVED, the Governing Body of the Borough of Folsom, approves the agreement and authorizes the Mayor to execute.

A motion to approve Resolution #2019-40 made by Councilman Schenker and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

Council Hoffman made a motion to approve the proposal from Polistina & Associates for the NJDEP Stormwater Compliance Inspection and it was seconded by Councilman Conway. All in favor vote.

SOLICITOR'S REPORT: Mr. Carr handed Mayor and Council his report.

FIRE CHIEF REPORT: Ken Jantz read the fire report.

The following incident occurred in your community during the month of January 2019
January 24th Alarm System Rt 54 16 Members
Responding

January was another busy month our members continue to mount new equipment on the new engine as it comes in. Hopefully the new truck will be in service by months end and ready to serve the community. We also participated in the "6 ABC Save a Life Program" where we received smoke detectors to give out in the community for those in need. With that anyone needing smoke detectors should contact the fire department or contact your town hall which can forward the information. Again, we in the station every Tuesday night and we encourage folks to stop by and check us out. We also post information on our Facebook page, Twitter and our website clfd123.org.

ENGINEER'S REPORT:

Action Items:

Stormwater Compliance:

The New Jersey Department of Environmental Protection's Southern Bureau of Water Compliance & Enforcement visited the Borough on January 14, 2019 to conduct the annual Compliance Evaluation Inspection. Following the inspection, the department's inspector issued a warning letter noting specific items which they found to be deficient. The DEP is requiring the Borough to submit a corrective action plan for the basin at Borough Hall, a log book for basins not owned by the Borough and to provide an updated Stormwater Pollution Prevention Plan (SPPP). The Borough is required to submit the requested information to the NJDEP by April 15, 2019. We have submitted a proposal for your approval to complete the work necessary to bring the Borough into compliance with the Municipal Stormwater Permit.

In addition, it should be noted that the 2018 Municipal Stormwater Permit Annual and Certification will be due in May 2019.

Current Projects:

NJDOT FY2018 Municipal Aid Project:

The FY2018 Municipal Aid project will continue to be handled by ARH Associates. The project will be advertised for bid this week, with bids being received in early March. It is anticipated that a recommendation to award a contract for the project will be presented at the next Council meeting on March 12, 2019.

FY 2018 Community Development Block Grant (CDBG) Program:

ARH Associates has revised the plans and specifications to incorporate the recommendations of the Borough's Insurance Consultant and expects to have the plans and specifications sent to the ACIA this week for their approval. Once the plans are approved by the ACIA, the project will be out for bid.

8th Street County Bridge Replacement

Our office reached out to the County Engineer's office to obtain an updated schedule for the replacement of the bridge along 8th Street. ARH has submitted preliminary plans to Atlantic County for the replacement bridge and construction is expected in Fall 2019.

MAYOR'S REPORT: Mayor DeStefano thanked the road crew for their work during the storms.

COUNCIL MEMBER'S REPORTS:

Councilman Greg Conway: Greg informed everyone that the Environmental Commission will be holding their first meeting. Greg thanked John and Patti for their help with submitting the grant. Greg reminded everyone to pick up after their dog.

Councilman Ken Jantz: Ken reminded residents to report any light outages to the Borough Clerk or go to the website.

Councilman Pagano: absent

Councilman Arena: Charlie reported that the Green Team met for the first time. Charlie reported that the team added two (2) new members and asked if anyone is interested in joining to please contact the Borough Clerk. Charlie reported that the Green Team will be adding six (6) new plots and will be accepting registrations on February 15. If anyone is interested they should contact Clerk Patti Gatto or Jake Blazer for information.

Councilman Hoffman: Jim reported on the School Board meeting he attended. Jim stated that the School is looking to hire two (2) part-time officers to patrol the school.

Councilman Schenker: Greg reported on the JIF meeting he attended on February 6, at the Savoy Inn. Greg wished everyone a Happy Valentine's Day and reminded residents that daylight savings will be March 10. Greg also asked residents to drive safely.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: NONE

PAYMENT OF BILLS IN THE AMOUNT OF: \$602,140.14

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

There was a roll call vote with ayes all.

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, March 12, 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 7:49PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

