

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
March 9, 2021**

**MEETING CALLED TO ORDER: 7:50 PM**

**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 bulletin board showing the time and place of said meeting.*

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

**Also present:** Mayor Greg Schenker, Attorney Angela Costigan (Zoom) and Jen Heller (Vince Poistina & Assoc.)

**APPROVAL OF THE WORKSHOP MEETING MINUTES from February 9, 2021**

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

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

**APPROVAL OF THE REGULAR MEETING MINUTES from February 9, 2021**

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

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

**MEETING OPEN TO PUBLIC:**

**Nancy Luciano** (30 Park Ave.) appeared before Mayor and Council to discuss the flooding issues on her property.

**Catherine DeYoung** (227 E. Collings Drive) had questions for the Clerk and Mayor regarding minutes, the new Business Administrator position, the Clerk's Health Care Stipend, and raises. Catherine stated that she sees children enjoying the new playground equipment while walking in the park. Catherine also stated the new floor in the lunchroom looked nice and she was happy to see that the Veterans' memorial is getting done.

Mayor Schenker announced that Leslie Roberson will be joining the Planning/zoning board next month.

**CLERK'S CORRESPONDENCE:**

Next E-Waste day is March 13, 2021 at the Borough Garage

Free Rabies Clinic will be held on March 20, 2021 from 9:00AM until 11:00AM at the Borough Garage. We will be renewing dog/cat licenses at the Clinic.

**ORDINANCES: (SECOND READING/)**

**BOROUGH OF FOLSOM  
ORDINANCE # 01-2020**

**AN ORDINANCE AMENDING PART II GENERAL LEGISLATION CHAPTER 129,  
MERCANTILE LICENSES OF THE CODE OF THE BOROUGH OF FOLSOM**

**WHEREAS**, the Mayor and Council of the Borough of Folsom have reviewed the existing provisions of Chapter 129, titled Mercantile Licenses, and have determined that it is in the best interests of the residents of the Borough of Folsom to amend the Code; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact ordinances for protection of persons and property and for the preservation of public health, safety and general welfare of the municipality and its residents.

**NOW THEREFORE, BE IT RESOLVED** that Chapter 129 of the Code of the Borough of Folsom be amended as follows:

**SECTION I:**

**§129-7.** All licenses shall be renewed by January 15 following termination.

**§129-9.** An annual fee of \$50.00 shall be paid to the Borough. An additional fee of \$25.00 shall be paid to the Borough for any application submitted after January 31.

**SECTION II:**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION III:**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**SECTION IV:**

This ordinance shall take effect on January 1, 2022, after adoption and final publication as provided by law.

*A motion to approve Ordinance#1-2021 was made by Councilman Blazer and seconded by Councilman Norman*

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

## **BOROUGH OF FOLSOM**

### **ORDINANCE NO. 02-2021**

AN ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the present mortgage foreclosure crisis has serious negative implications for all communities trying to manage the consequences of property vacancies and abandoned real properties; and

**WHEREAS**, the Borough of Folsom (hereinafter referred to as "Municipality") recognizes an increase in the number of vacancies and abandoned properties located throughout the Municipality; and

**WHEREAS**, the Municipality is challenged to identify and locate owners or foreclosing parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

**WHEREAS**, the Municipality finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances and lead to a general decrease in neighborhood and community aesthetics; and

**WHEREAS**, the Municipality has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Municipality desires to amend the Municipality's Code in order to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation that will identify a contact person to address safety and aesthetic concerns to minimize the negative impacts and blighting conditions that occur as a result of the foreclosures; and

**WHEREAS**, the Municipality has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned and vacant properties located within the Municipality; and

**WHEREAS**, upon passage, duly noticed public hearings, as required by law will have been held by the Municipality, at which public hearings all residents and interested persons were given an opportunity to be heard;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FOLSOM that:**

**SECTION 1.** That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

**SECTION 2.** That the Mayor and Council hereby amends the Municipal Code, Chapter 151 by creating Article 11 entitled "Abandoned Real Property," to read as

follows:

## **CHAPTER 151 ARTICLE 11 ABANDONED REAL PROPERTY**

### **SECTION 151-11-A PURPOSE AND INTENT**

It is the purpose and intent of the Municipality to establish a process to address the deterioration and blight of Municipality neighborhoods caused by an increasing amount of abandoned, foreclosed or distressed real property located within the Municipality, and to identify, regulate, limit and reduce the number of abandoned properties located within the Municipality. It is the Municipality's further intent to participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation as a mechanism to protect neighborhoods from becoming blighted due to the lack of adequate maintenance and security of abandoned and foreclosed properties.

### **SECTION 151-11-B- DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Abandoned Real Property* - means any real property located in the Municipality, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new

owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

*Accessible Property/Structure* - means a property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

*Applicable Codes* - means to include, but not be limited to, the Municipality's Zoning Code, the Municipality's Code of Ordinances ("Municipality Code"), and the New Jersey Building Code.

*Blighted Property* - means:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Municipality Code; or
- d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

*Enforcement Officer* - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Municipality to enforce the applicable code(s).

*Owner* - means any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

*Property Management Company* - means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned real property.

*Vacant* - means any building or structure that is not legally occupied.

#### **SECTION 151-11-C- APPLICABILITY**

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Municipality above and beyond any other state, county or local provisions for same.

#### **SECTION 151-11-D- ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section 151-11-E-the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority and administered by Community Champions Corporation cataloging each Abandoned Property within the Municipality, containing the information required by this Article.

## **SECTION 151-11-E- REGISTRATION OF ABANDONED REAL PROPERTY**

- (a) Any mortgagee who holds a mortgage on real property located within the Municipality of Folsom shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.
- (c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.

- (e) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.
- (f) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (g) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- (h) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (i) Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.
- (j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

#### **SECTION 151-11-F-MAINTENANCE REQUIREMENTS**

(a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

(d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

(g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter 151-7 of the Borough of Folsom Code of Ordinances. Pursuant

to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.

(h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s).

### **SECTION 151-11-G- SECURITY REQUIREMENTS**

(a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

(c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

### **SECTION 151-11-H- PUBLIC NUISANCE.**

All abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Municipality.

**SECTION 151-11-I-PENALTIES; SCHEDULE OF CIVIL PENALTIES.**

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapter 151-7 of the Code of the Borough of Folsom and New Jersey Statutes. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$ _1000_____

**SECTION 151-11-J-INSPECTIONS FOR VIOLATIONS**

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the Municipality's Code Enforcement Division within forty-five (45) days for a final courtesy inspection report.

#### **SECTION 151-11-K-ADDITIONAL AUTHORITY**

(a) If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before the Municipality's code enforcement board or code enforcement special magistrate as soon as possible to address the conditions of the property.

(b) The Code Enforcement Board or Hearing Officer/special magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the code enforcement board or special magistrate

may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

(d) If the mortgagee does not reimburse the Municipality for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Municipality sending the mortgagee the invoice then the Municipality may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

**SECTION 151-11-L- OPPOSING, OBSTRUCTING ENFORCMENT OFFICER;  
PENALTY.**

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**SECTION 151-11-M-IMMUNITY OF ENFORCEMENT OFFICER**

Any enforcement officer or any person authorized by the Municipality to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

**SECTION 3. AMENDMENTS.** Registration and Penalty Fees outlined in this article may be modified by a Resolution, passed and adopted of the Mayor and Council of the Borough of Folsom.

**SECTION 4. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,

then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 5. REPEALER.** All ordinances or parts of ordinances in conflict herewith, are and the same are hereby repealed.

**SECTION 6. CODIFICATION.** It is the intention of the Mayor and Council of the Borough of Folsom, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Borough of Folsom Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon adoption and final publication as provided by law.

*A motion to approve Ordinance#2-2021 was made by Councilman Whittaker and seconded by Councilman Porretta*

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

**CALENDAR YEAR 2021  
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 1.0% 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 2021 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 \$9,198.61 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 2021 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 \$952,056 and that the CY 2021 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 09, 2020 and said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on March 09, 2021 at 6:00 P.M.

*A motion to approve Ordinance#3-2021 was made by Councilman Norman and seconded by Councilman Porretta*

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

**(FIRST READING/INTRODUCTION)**

**BOROUGH OF FOLSOM  
Ordinance # 2021-04**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF FOLSOM ENTITLED "RENTAL PROPERTY REGISTRATION" BY CREATING CHAPTER 152 ESTABLISHING A REGISTRATION REQUIREMENT FOR RENTAL PROPERTIES**

**WHEREAS**, municipalities are authorized to regulate buildings used for sleeping, lodging and occupancy purposes, including but not limited to boarding houses, rooming houses and rental housing or living units pursuant to N.J.S.A. 40:52-1, et seq. and

**WHEREAS**, N.J.S.A. 40:48-2.12 (a) authorizes the governing body of any municipality to make, amend, repeal and enforce ordinances to regulate buildings and structures and their use and occupation, to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

**WHEREAS**, the Borough of Folsom has received and continues to receive complaints related to rental properties located with the Borough; and

**WHEREAS**, the Mayor and Council have determined that there exists a wide range of problems otherwise diminishing the quality of life for those residents and business operators in the vicinity of the improperly maintained rental units; and

**WHEREAS**, these problems are exacerbated by absentee landlords who do not properly manage or supervise their rental properties which are considered nuisances in view of their negative effects on nearby properties and the residents or users of those properties act as a barrier to the Borough's continued orderly development and revitalization; and

**WHEREAS**, it is the express intention of the Borough to hold landlords accountable for unsafe conditions for units which experience disturbances, damage, and incur public expense resulting from inadequately supervised rental units; and

**WHEREAS**, conditions such as overcrowding, noise complaints and code violations have caused and continue to cause the Borough to incur disproportionate costs and expend considerable time and expense in its enforcement efforts, including but not limited to an increased number of property inspections; and

**WHEREAS**, the Mayor and Council wish to adopt regulations concerning these issues and provide for appropriate enforcement measures.

*A motion to approve Ordinance#4-2021 was made by Councilman Blazer and seconded by Councilman Conway*

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

**BOROUGH OF FOLSOM**  
Atlantic County, New Jersey

**ORDINANCE # 2021-05**

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE  
OF REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS  
PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

**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 lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements; and

**WHEREAS**, the Council of the Borough of Folsom deems it in the best interests of the residents of the Borough of Folsom to sell the properties to owners of each contiguous property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

**WHEREAS**, the sale shall be conducted at a public auction limited to contiguous property owners to be held at the Borough of Folsom Municipal Building, 1700 Route 54, Folsom ,New Jersey 08037 on May 5, 2021, 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 auction, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the properties listed on Schedule "A" to the contiguous property owners. Schedule "A" also contains the minimum sale price for each property. The sale is limited to contiguous property owners, and the sale is conditioned upon the property being sold merging with the contiguous property owner's existing property. The properties being sold are less than the minimum size required for development under the municipal zoning ordinance and are without any capital improvement and shall be merged with the purchaser's contiguous lot. 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 May 5, 2021 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 sale shall be made after legal advertisement of this Ordinance to the highest bidder who is the owner of a contiguous property, which property shall merge with the property being sold, and become part of the contiguous property owned by the successful bidder.

(c) 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.

(d) 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.

(e) 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.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$500 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.

(g) 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.

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

(i) 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.

(j) 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.

(k) 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.

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

(m) 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.

(n) 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.

(o) 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.

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

(q) The deeded conveyance shall contain a restriction that there shall be no subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. 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.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

*A motion to approve Ordinance#5-2021 was made by Councilman Hoffman and seconded by Councilman Porretta*

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

**BOROUGH OF FOLSOM**  
Atlantic County, New Jersey

**ORDINANCE # 6-2021**

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF REAL PROPERTY  
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 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 May 6, 2021, 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:

5. 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.

6. Upon final passage of this Ordinance, the sale shall take place by public auction on May 6, 2021 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.

7. 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.

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

(b) 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.

(l) 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.

(m) 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.

(n) 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.

(o) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$500 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.

(p) 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.

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

(r) 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.

(s) 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.

(t) 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.

to (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.

(r) 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.

(s) 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.

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

(u) 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.

8. 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.

9. 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.

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

This Ordinance shall take effect upon final adoption of publication as may be required by law.

*A motion to approve Ordinance#6-2021 was made by Councilman Norman and seconded by Councilman Blazer*

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

**LIST OF PROPERTIES AVAILBALE FOR SALE, CONFORMING LOTS**

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<b>Block</b>	<b>Lot</b>	<b>Location</b>	<b>Minimum Bid</b>
1902	6	15th Street	\$ 20,000.00
2805	1	Fifth and Gloucester St.	\$ 40,000.00
3101	2	11th Street	\$ 10,000.00
3101	3	11th Street	\$ 10,000.00
3101	12	10th Street	\$ 10,000.00

**LIST OF PROPERTIES AVAILBALE FOR SALE, NON-CONFORMING LOTS**

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<b>Block</b>	<b>Lot</b>	<b>Location</b>	<b>Minimum Bid</b>
204	1	Third Rd.	\$ 3,000.00
204	2	Third Rd.	\$ 7,000.00
1001	9	2103 14th St.	\$ 5,000.00
1901	1	15th Street	\$ 10,000.00
1901	3	15th Street	\$ 1,000.00
2002	20	14th Street	\$ 1,500.00
2004	4	13th Street	\$ 10,000.00
2005	1	South River Drive	\$ 750.00
2005	2	South River Drive	\$ 750.00
2005	7	South River Drive	\$ 7,500.00
2005	8	South River Drive	\$ 7,500.00

2005	9	13th Street	\$	7,000.00
2005	11	13th Street	\$	7,000.00
2006	9	South River Drive	\$	2,500.00
2006	10	South River Drive	\$	2,500.00
2006	13	South River Drive	\$	2,000.00
2007	1	Black Horse Pike	\$	2,700.00
2007	2	Black Horse Pike	\$	2,700.00
2007	3	Black Horse Pike	\$	2,700.00
2101	6	Black Horse Pike	\$	2,000.00
2101	7	Black Horse Pike	\$	2,000.00
2101	8	Black Horse Pike	\$	2,000.00
2101	9	Black Horse Pike	\$	2,000.00
2101	16	121 E. Park	\$	3,500.00
2102	9	South River Drive	\$	2,800.00
2103	4	South River Drive	\$	2,900.00
2103	19	South River Drive	\$	1,000.00
2103	20	South River Drive	\$	1,000.00
2103	21	South River Drive	\$	1,000.00
2103	22	South River Drive	\$	1,000.00
2105	4	Black Horse Pike	\$	4,750.00
2105	5	Black Horse Pike	\$	4,750.00
2105	6	Black Horse Pike	\$	4,750.00
2105	7	Black Horse Pike	\$	4,750.00
2201	5	Black Horse Pike	\$	4,000.00
2202	1	Black Horse Pike	\$	8,000.00
2203	1	Black Horse Pike	\$	4,000.00
2204	1	Black Horse Pike	\$	3,000.00
2502	101	Cains Mill Rd.	\$	2,500.00
2502	242	3 West Black Horse Pike	\$	4,000.00
2502	243	3 West Black Horse Pike	\$	4,000.00
2502	244	5 West Black Horse Pike	\$	4,500.00
2501	344	Francis Lane	\$	3,000.00
2501	345	Francis Lane	\$	2,500.00

2501	346	Francis Lane	\$	2,500.00
2505	215 and 216	Walnut	\$	1,000.00
2505	1642	North River Drive	\$	1,000.00
2505	1643	North River Drive	\$	1,000.00
2505	1644	North River Drive	\$	1,000.00
2505	1645	North River Drive	\$	1,000.00
2505	1646	North River Drive	\$	1,000.00
2505	1647	North River Drive	\$	1,000.00
2505	1648	North River Drive	\$	1,000.00
2505	1649	North River Drive	\$	1,000.00
2506	1655	North River Drive	\$	1,000.00
2506	1656	North River Drive	\$	1,000.00
2506	1657	North River Drive	\$	1,000.00
2506	1658	North River Drive	\$	1,000.00
2506	1659	North River Drive	\$	1,000.00
2506	1660	North River Drive	\$	1,000.00
2506	1661	North River Drive	\$	1,000.00
2506	1662	North River Drive	\$	1,000.00
2506	1663	North River Drive	\$	1,000.00
2506	1664	North River Drive	\$	1,000.00
2506	1665	North River Drive	\$	1,000.00
2506	1666	North River Drive	\$	1,000.00
2507	3	Walnut Lane	\$	1,000.00
2507	3.01	Walnut Lane	\$	1,000.00
2507	4	Walnut Lane	\$	1,000.00
2507	4.01	Walnut Lane	\$	1,000.00
2507	208	Park Ave.	\$	1,000.00
2507	209	Park Ave.	\$	1,000.00
2507	212	Park Ave.	\$	1,000.00
2507	213	Park Ave.	\$	1,000.00
2507	214	Park Ave.	\$	1,000.00
2507	1631	North River Drive	\$	1,000.00
2507	1632	North River Drive	\$	1,000.00

2507	1633	North River Drive	\$	1,000.00
2507	1634	North River Drive	\$	1,000.00
2507	1635	North River Drive	\$	1,000.00
2507	1636	North River Drive	\$	1,000.00
2507	1637	North River Drive	\$	1,000.00
2507	1638	North River Drive	\$	1,000.00
2507	1639	North River Drive	\$	1,000.00
2507	1640	North River Drive	\$	1,000.00
2507	1641	North River Drive	\$	1,000.00
2505	1642	North River Drive	\$	1,000.00
2505	1643	North River Drive	\$	1,000.00
2505	1644	North River Drive	\$	1,000.00
2508	1617	River Terrace	\$	1,000.00
2508	1618	River Terrace	\$	1,000.00
2508	1619	River Terrace	\$	1,000.00
2508	1620	River Terrace	\$	1,000.00
2508	1621	River Terrace	\$	1,000.00
2509	112	20 Black Horse Pike	\$	5,750.00
2509	113	20 Black Horse Pike	\$	5,750.00
2509	148	Park Avenue	\$	2,500.00
2509	149	Park Avenue	\$	2,500.00
2509	150	Park Avenue	\$	2,500.00
2509	151	Park Avenue	\$	2,500.00
2509	156	Park Avenue	\$	2,500.00
2509	157	Park Avenue	\$	2,500.00
2509	158	Park Avenue	\$	4,000.00
2509	160	Park Avenue	\$	1,000.00
2509	163	Park Avenue	\$	1,000.00
2509	164	23 E. Park Avenue	\$	3,000.00
2515	34	Kings Lane, E. Collins Dr.	\$	1,000.00
2604	681	Woodlawn Drive	\$	1,000.00
2605	707	Springdale Lane	\$	1,000.00
2605	709	Springdale Lane	\$	1,000.00

2607	268	E. Collins Dr.	\$	500.00
2607	269	E. Collins Dr.	\$	500.00
2607	616	Fernwood Terrace	\$	1,500.00
2608	627	Fernwood Terrace	\$	3,000.00
2610	384	Fenimore Drive	\$	2,000.00
2611	364	Black Horse Pike	\$	8,000.00
2612	410	Fenimore	\$	3,100.00
2612	414	Lenape Terrace	\$	3,100.00
2612	415	Black Horse Pike	\$	3,100.00
2612	416	Black Horse Pike	\$	3,100.00
2612	419	Black horse pike	\$	3,100.00
2612	420	Black Horse Pike	\$	3,100.00
2612	421	Black Horse Pike	\$	3,100.00
2612	422	Black Horse Pike	\$	3,100.00
2612	423	Black Horse Pike	\$	3,100.00
2612	424	Black Horse Pike	\$	3,100.00
2612	425	Black Horse Pike	\$	3,100.00
2613	429	Lenape Terrace	\$	3,000.00
2613	438	Erie Road	\$	2,000.00
2613	439	Erie Road	\$	2,000.00
2613	440	Erie Road	\$	2,000.00
2614	442	Fenimore Drive	\$	1,500.00
2614	443	Fenimore Drive	\$	1,500.00
2614	455	Lenape Terrace	\$	1,500.00
2615	488	Black Horse Pike	\$	2,000.00
2615	489	Black Horse Pike	\$	2,000.00
2615	490	Black Horse Pike	\$	2,000.00
2617	121	Black Horse Pike	\$	15,000.00
2617	125	Black Horse Pike	\$	2,700.00
2617	126	Black Horse Pike	\$	2,700.00
2617	127	Black Horse Pike	\$	2,700.00
2617	128	Black Horse Pike	\$	2,700.00
2617	129	Black Horse Pike	\$	2,700.00

2617	130	Black Horse Pike	\$	2,700.00
2617	138	Park Ave.	\$	900.00
2617	139	Park Ave.	\$	900.00
2617	140	Park Ave.	\$	900.00
2715	525	Seneca Lane	\$	2,000.00
2716	521	Black Horse Pike	\$	4,000.00
2716	522	Black Horse Pike	\$	4,000.00
2716	818	Black Horse Pike	\$	5,000.00
2716	819	Black Horse Pike	\$	5,000.00
2716	822	Seneca Lane	\$	2,000.00
2716	827	Seneca Lane	\$	2,000.00
2717	491	143 Black Horse Pike	\$	6,000.00
2717	491.01	Black Horse Pike	\$	5,000.00
2717	492	Black Horse Pike	\$	5,000.00
2717	510	Seneca Lane	\$	2,000.00
2717	515	Seneca Lane	\$	1,000.00
2717	516	Seneca Lane	\$	1,000.00
2717	517	Seneca Lane	\$	1,000.00
2810	4	A Street	\$	22,000.00
2810	5	A Street	\$	10,000.00
2901	19	Route 54	\$	7,000.00
2901	20	1901 12th Street	\$	11,000.00
2618	179	Park and Willow	\$	1,000.00
2619	566	South River Drive	\$	2,500.00
2619	567	South River Drive	\$	2,500.00
2619	569	South River Drive	\$	1,000.00
2619	570	South River Drive	\$	1,000.00
2702	717	Jays Avenue	\$	1,000.00
2702	718	Jays Avenue	\$	1,000.00
2703	656	E. Collins Drive	\$	3,000.00
2703	658	E. Collins Drive	\$	2,000.00
2705	741	Glenside Lane	\$	1,000.00
2713	447	Fenimore Drive	\$	2,000.00

2713	448	Fenimore Drive	\$	2,000.00
2713	453	Lenape Terrace	\$	2,000.00
2713	454	Lenape Terrace	\$	2,000.00
2714	479	Seneca Lane	\$	1,250.00
2714	480	Seneca Lane	\$	1,250.00
2714	482	Seneca Lane	\$	3,000.00
3401	7	Lake Drive	\$	1,000.00
3401	38	3317 Evergreen Drive	\$	5,000.00

**BOROUGH OF FOLSOM  
ORDINANCE #07- 2021**

**AN ORDINANCE TO AMEND CHAPTER 41 OF THE GENERAL CODE OF THE BOROUGH OF FOLSOM AND CREATE ARTICLE XIII THE POSITION OF BUSINESS ADMINISTRATOR**

**WHEREAS**, throughout New Jersey, the responsibilities and operations of local government have grown in complexity due to ever increasing rules and regulations established by state and federal bodies; and

**WHEREAS**, in order to provide assistance to elected officials in ensuring the proper administration of the affairs of the Borough as well as providing for the efficient and effective administration and management of the resources of the municipal organization, it is necessary to create the position of Business Administrator; and

**WHEREAS**, the Borough Council may by ordinance delegate all or a portion of the executive responsibility of the municipality to an administrator who shall be appointed pursuant to N.J.S.A. 40A:9-136; and

**WHEREAS**, N.J.S.A. 40A:9-136 et seq. permits municipalities to establish the position of Business Administrator.

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

SECTION 1. Chapter 41 of the General Code of the Borough of Folsom is amended and Article XIII, titled Business Administrator is added as follows:

#### §41 -34. Business Administrator.

There shall be an office of the Business Administrator. The Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. He or she shall be directly supervised by the Mayor and Council.

#### §41-35. Appointment.

The Business Administrator shall be appointed by the Mayor with the advice and consent of Council.

#### § 41-36. Term; Removal; Absence of Business Administrator.

A. Term. The term of office of the Business Administrator shall be at the pleasure of the Mayor and Council. The first six months of any such appointment to the position of Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

B. Removal from office. After the probationary period, the Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. Notwithstanding the previous sentence, Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Business Administrator forthwith any unpaid balance of his or her salary and his or her salary for the next three calendar months following the adoption of the resolution. The Business Administrator shall not obtain or be granted any rights of tenure.

C. Absence or Disability of the Business Administrator. During the absence or disability of the Business Administrator, the Mayor and the Council may, by resolution, appoint an appointed official or employee of the Borough to perform the duties of Business Administrator during such absence or disability. In the event the Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

#### §41-37. Qualifications and Residence

The Business Administrator shall be appointed on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the Borough of Folsom.

#### § 41-38. Compensation of Business Administrator.

The compensation of the Business Administrator shall be as fixed in the Salary Ordinance of the Borough.

#### § 41-39. Duties and Responsibilities of Business Administrator.

The Business Administrator shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Business Administrator's duties and responsibilities shall relate to the management of all the Borough's business, except those duties and responsibilities conferred upon other Borough officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Borough ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. In addition, the Business Administrator shall be responsible for the following enumerated duties:

A. Daily operation. Implement all policies of the Borough necessary to carry out daily operations and activities of the Borough by correspondence, review of minutes and personal contact.

B. Information and complaints. Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.

C. Public information. Edit and compile public information for distribution to the Mayor and Council.

D. Recommendations. Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.

E. Advice. Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.

F. Reports. Prepare and present to the Mayor and Council reports required from time to time on municipal affairs.

G. Attendance. Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Borough.

H. Liaison. Serve as liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough.

I. Labor Relations/Human Resources. Oversee and assist in the administration and resolution of labor relations and human resources issues involving the employees of the Borough.

J. Financial Management. Be responsible for providing oversight of the Borough's daily financial operations, including, but not limited to, providing supervision of the Borough accountant. The Business Administrator shall assist members of the governing body and department heads in preparing their input to the municipal budget. The Business Administrator shall thoroughly review all budget requests and submit recommendations with respect thereto to the Mayor and Council in a timely fashion.

K. Purchasing. Be in charge of reviewing all requisitions from all departments for materials, equipment and supplies and certifying the receipt of the same. He or she shall require the various departments to furnish an adequate inventory of all materials, equipment and supplies in stock and to recommend the sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.

L. Examine and inquire. Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law.

M. Coordination of information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school systems. The Business Administrator shall be responsible for continuously improving communications among the various Borough personnel, departments, commissions, agencies, boards and governing bodies.

N. Recommendation of experts and consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.

O. Supervision of personnel. Subject to law, supervise all personnel of the Borough through the respective department heads and direct the business activities of all Borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget.

P. Safety responsibilities. Develop and implement all necessary safety instructions and training for employees, Borough personnel and Borough officials.

Q. Other duties. The Business Administrator shall perform such additional administrative duties and functions as may be from time to time assigned by the Mayor and Council.

#### § 41-40. Authority of the Mayor and Council.

Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Business Administrator to exercise the power and duties thereof except as authorized.

SECTION 2. 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.

SECTION 3. 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.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

This Ordinance shall take effect upon final adoption of publication as may be required by law.

*A motion to approve Ordinance#7-2021 was made by Councilman Hoffman and seconded by Councilman Porretta*

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

**BOROUGH OF FOLSOM  
ORDINANCE 08-2021**

**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 2021:

<b><u>Salaried Positions</u></b>			
Borough Clerk/Administrator	\$25,000	-	\$55,000
Chief Financial Officer	\$4,000	-	\$17,000
Council Member	\$1,700	-	\$3,000
Code Enforcement	\$1,800	-	\$5,000
Deputy Emergency Management Coordinator	\$300	-	\$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
Tax Assessor	\$6,500	-	\$17,000
Tax Collector	\$6,500	-	\$18,000
Zoning Official	\$1,800	-	\$5,000

<b>Hourly Positions:</b>		-	
Part-time Laborer	\$9.00	-	\$15.00
Public Works Laborer	\$9.00	-	\$20.00
Superintendent of Public Works	\$10.00	-	\$35.00

**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, 2021, and shall apply to employees continually employed since January 1, 2021.

**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 March 9, 2021 Said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on April 13, 2021 at 6:00 P.M.

*A motion to approve Ordinance#8-2021 was made by Councilman Blazer and seconded by Councilman Hoffman*

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

**RESOLUTIONS:**

**BOROUGH OF FOLSOM**

**RESOLUTION # 2021-42**

**RESOLUTION AUTHORIZING THE ADOPT A SPOT PROGRAM IN THE BOROUGH OF FOLSOM**

**WHEREAS**, the Mayor and Council of the Borough of Folsom would like to encourage citizen participation in beautification and litter clean-ups of designated areas in the Borough; and

**WHEREAS**, the Mayor and Council has determined that volunteer individuals, organizations or businesses may agree to keep a designated area, other than a highway, cleared of litter and/or provide beautification for a contract period of either one or two years; and

**WHEREAS**, in return for such service, the Mayor and Council have determined that such volunteers would have a sign bearing their names posted in their designated area, and at the end of their contract, they would receive a special certificate of appreciation and may renew their agreement.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Borough of Folsom that an Adopt a Spot Program shall be established in the Borough as follows:

1. Any individual (18 years or older), community group, special interest, business, civic, church, or other group (hereinafter, a "Participant") may participate in the Program and adopt Public Areas in the Borough.
2. "Public Areas" are considered parks, islands, vacant lots owned by the Borough, parking lots, and other publicly held lands.
3. The Participants hereby commit to cleaning up their adopted Public Area at least once per month for either one or two years. Weekly or bi-weekly cleaning is recommended especially in the spring, summer, and early fall.
4. If a Participant is unable to fulfill their agreement, their signs will be removed from the location and the Participant will no longer be included in the program.
5. Participants are required to track and report on their clean-up activities to the Borough Clerk so that information may be used for various reports and analysis.
6. Any Participant with members less than 16 years of age must be supervised by an adult of at least 21 years of age.
7. Participants are encouraged to separate recyclable materials.
8. A sponsor sign noting the Program name "Adopt-A-Spot" and the Participant's organization name shall be made according to specifications supplied by the Borough. The Participant agrees to pay for the cost of the Participant's Program sign.
9. After each clean-up, Participants will be asked to provide a report. Report forms will be given to each Participant's lead representative. If the lead representative is not expected to be at the clean-up site, this report should be given to their designee. This report will include information such as date, hours worked, number of persons involved in clean-up, number of bags collected, etc. This report should be mailed or emailed to the Clerk within one week after clean-up.
10. The Clerk, along with various Borough employees will monitor the designated areas of adoption for compliance.
11. The Borough is not responsible for any accident or injury that occurs to any member of any Participant arising from their participation in the Program.

12. Participant shall, at Participant's sole cost and expense, comply with all of the requirements of all laws now in force or which may hereafter be in force pertaining to Participant's activities related to the Program. Participant shall indemnify and hold harmless Borough from and against any damage, liability, cost and/or expense which the Borough may suffer by reason of Participant's failure to comply with the laws as aforesaid. In the case of any claims arising out of an act or omission of Participant or any member, invitee, agent, servant, contractor or employee of Participant, Participant shall indemnify and hold the Borough harmless from and against all claims, losses, damages arising out of or in any way related to the Participant's activities under the program and any act or omission of the Participant, its agents, servants, employees, guests and/or invitees.
  
13. All property of Participant utilized in conjunction with the Program shall be utilized at Participant's own risk, and Borough shall not be responsible for any theft of Participant's property or any property of any member, agent, servant, employee, contractor or invitee of Participant, unless the theft is committed by the Borough, and Participant shall indemnify and hold harmless the borough from any claim against the Borough by any agent, servant, employee, contractor or invitee of Participant based upon any allegation of theft for which Borough's liability is disclaimed under this Paragraph.

*A motion to approve Resolution #2021-42 was made by Councilman Conway and seconded by Councilman Norman*

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

**RESOLUTION 2021-43  
BOROUGH OF FOLSOM**

**A RESOLUTION TO ADOPT AND READ THE BUDGET BY TITLE  
ONLY**

**WHEREAS**, the local municipal budget for the year 2021 was approved on the 9th day of March, 2021; and

**WHEREAS**, the it is the desire of the Borough of Folsom governing body to read the budget by title only, and

**WHEREAS**, the public hearing on said budget has been set for April 13, 2021 and will be advertised as such; and

**NOW, THEREFORE BE IT RESOLVED**, this Resolution was approved by the Council of the Borough of Folsom, County of Atlantic, at 1700 12<sup>th</sup> St., Folsom, NJ on the 13th day of April, 2021 at 6:00pm.

*A motion to approve Resolution #2021-43 was made by Councilman Blazer and seconded by Councilman Porretta*

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

**BOROUGH OF FOLSOM  
RESOLUTION NO. 2021-44**

**A RESOLUTION AUTHORIZING A CONTRACT WITH CHERRY  
VALLEY TRACTOR SALES FOR THE PURCHASE OF A LEAF  
MACHINE**

**WHEREAS**, the Borough of Folsom, pursuant to N.J.S.A. 40A:11-11(5) may by resolution and without advertising for bids, purchase any goods or services from any Cooperative Purchasing Program authorized by the New Jersey State Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Folsom is a member of the Educational Services Commission of New Jersey Cooperating Pricing System #65MCESCCPS; and

**WHEREAS**, the Borough of Folsom intends to enter into ESCNJ 18/19-25 with Cherry Valley Tractor Sales through this resolution and properly executed contract, which shall be subject to all the condition applicable to the current cooperative contract; and

**WHEREAS**, that pursuant to N.J.A.C 5:30-5.5(b), the certification of available funds has been received by the Chief Financial Officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Folsom that a contract for the purchase of a Tarco Hurricane 4030 Leaf Machine in the amount of \$93,799.50 be awarded to Cherry Valley Tractor Sales, 35 Route 70 West, Marlton, NJ 08053-3099.

**BE IT FURTHER RESOLVED** that the governing body off the Borough of Folsom authorizes the Purchasing Agent/Chief Financial Officer to enter into a contract with Cherry Valley Tractor Sales pursuant to all the conditions of Bid #ESCNJ 18/19-25, and to sign the necessary agreements as the representative of the Borough of Folsom.

*A motion to approve Resolution #2021-44 was made by Councilman Hoffman and seconded by Councilman Blazer*

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

**RESOLUTION 2021-45  
BOROUGH OF FOLSOM**

**A RESOLUTION HIRING A FULL TIME LABORER FOR THE PUBLIC WORKS  
DEPARTMENT**

**WHEREAS**, there is a need for the hiring of a full time laborer due and;

**WHEREAS**, the position was advertised in the local newspaper and posted on the Borough Website and;

**WHEREAS**, the personnel committee approved the hiring of Zachary Christy at a rate of \$15.25 per hour and;

**WHEREAS**, such employment is effective March 29, 2021, with probationary period of (60) sixty days.

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom that Zachary Christy is hereby hired as a full time laborer for the Public Works Department.

*A motion to approve Resolution #2021-45 was made by Councilman Porretta and seconded by Councilman Norman*

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

Councilman Norman (inaudible)

Mayor Schenker asked for a motion to vote to opt in or out of the new Marijuana Law. Solicitor Costigan discussed the new law with Mayor and Council and what this vote means to the Borough. Councilman Norman made a motion to vote and was seconded by Councilman Porretta.

All were in favor to opt out.

Mayor Schenker discussed forming a Committee of Council members and Planning/Zoning members.

**SOLICITOR'S REPORT:** *Report reviewed in Workshop*

**FIRE CHIEF REPORT:** No report

**ENGINEER'S REPORT:** Jen Heller read report.

**NJDOT FY2020 - Resurfacing of Lake Drive**

The Contractor, Arawak Paving Company, will begin construction on the Resurfacing of Lake Drive project on Monday, March 15th, weather permitting. The drainage improvements will be installed along North Pinewood Drive at Lupine and Laurel Avenues. Construction is expected to take about two weeks. After the 30-day minimum settlement period, the roadway will be milled and paved.

### **2021 CDBG Project**

The ACIA should be announcing the date for the submission of the applications for the 2021

CDBG grants later this month. For the next meeting in April, we will need to have a project for the Borough's anticipated funds. Last year, Council chose to install door closers for the court room doors and the Braille signage using the grant funding. Plans and specifications will be prepared and forwarded for Council's approval this spring.

**MAYOR'S REPORT:** Mayor Schenker discussed the moving of the Veterans' Memorial. Greg reported on the 2020-21 accomplishments by Mayor and Council and some future projects and purchases. Greg stated that Folsom resident Al Valentino is now the New Jersey State Forrest Fire Warden for our area. Greg discussed controlled burning in Folsom. Greg wished everyone a Happy St. Patrick's and Easter Day.

#### **COUNCIL MEMBER'S COMMITTEE REPORTS:**

**Councilman Conway: (inaudible)** Greg reviewed the mailbox policy with Council. A discussion ensued. Greg will have a resolution for next month. Greg thanked CFO Dawn for her work on the Budget.

**Councilman Norman:** Al discussed the hiring of the new Laborer Zach Christy. Al stated he's looking forward to the construction on Park Avenue to help with the speeding.

**Councilman Porretta:** no report

**Councilman Whittaker:** Jim stated he will contact State Police to add extra patrols on Park Avenue to help reduce the speeding. (Inaudible)

**Councilman Hoffman:** Jim asked people to stop littering and stated maybe Borough could look into Adopt-A-Street. Jim reminded residents to remove the caps from water bottles before recycling, Jim thanked Patti and Jen for helping with the Chrome books.

**Councilman Blazer:** Jake updated Mayor and Council on Parks & Rec.

Mayor Schenker CFO Dawn Stollenwerk for her work in the 2021 Budget.

**PUBLIC COMMENTS: Leslie Roberson** (1458 Backline Rd) stated that you could use the value of the mailbox for reimbursement. (Inaudible)

**PAYMENT OF BILLS IN THE AMOUNT OF:** \$231,226.29 and \$24,741.01

*A motion to approve payment was made by Councilman Porretta and seconded by Councilman Conway*

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

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

The next regular meeting of Mayor and Council will be held on Tuesday, April 13, 2021 starting at 6:00 pm in Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:35PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk



