

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
April 12, 2022**

MEETING CALLED TO ORDER: 6:48 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 Atlantic City Press and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.*

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

Also present: Solicitor Angela Costigan and CJ Kaenzig (Vince Polistina & Assoc.)

Late: Councilman Porretta (7:10PM)

APPROVAL OF THE WORKSHOP MEETING MINUTES from March 8, 2022

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

There was a roll call vote with ayes all.

APPROVAL OF THE REGULAR MEETING MINUTES from March 8, 2022

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.

MEETING OPEN TO PUBLIC: NO COMMENTS

Matt Gaeta from AMG Parking gave a presentation on Electric Charging Stations

CLERK’S CORRESPONDENCE:

Borough Hall will be closed on Friday, April 15, 2022 in observance of Good Friday

Next E-Waste Drop-off day is May 14, 2022 from 8:00am to 1:00pm.

Free Tree Seedlings – April 16, 2022 from 9:00am to 12:00pm –Borough Hall Drive-Thru

ORDINANCES: (First Reading/Introduction)

BOROUGH OF FOLSOM

ORDINANCE #05 2022

**AN ORDINANCE OF THE BOROUGH OF FOLSOM IN ATLANTIC COUNTY
AMENDING CHAPTER 173 AND ENACTING ARTICLE III OF THE CODE OF THE
BOROUGH OF FOLSOM**

WHEREAS, Section 40 of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act, N.J.S.A. 24:6I-31 and N.J.S.A. 40:48I-1 authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the six classes of cannabis activity within the municipality; and

WHEREAS, specifically, a municipality may adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality and at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof; and

WHEREAS, since the amount to be raised by this newly created tax is too uncertain to accurately calculate, the Council is not at this time mandating the dedication of the taxes collected, but does wish to memorialize an intention to dedicate a portion of the revenue collected pursuant to the tax to investment in the community; and

WHEREAS, the Council of the Borough of Folsom believes it is in the best interests of the Borough and its residents to enact this Ordinance as permitted by law.

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

Section 1. Chapter 173 of the Code of the Borough of Folsom is hereby amended as follows:

Article III. Cannabis

§ 173-8. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT - Public Law 2021, c. 16, commonly known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act,” codified at N.J.S.A. 24:6I-31 et seq.

CANNABIS - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the Act for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six classes of licenses established under the Act.

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis product” does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

CANNABIS RETAILER - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

CANNABIS TAX - Collectively, the taxes as are established in this Chapter.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, Stores sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

LICENSEE - Any person or entity that holds a license issued under the Act, including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class.

MICROBUSINESS - Any person or entity licensed as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor’s possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

BOROUGH- Borough of Folsom

Any term not defined herein shall have the meaning as established by Section 40 of Public Law 2021-16 (N.J.S.A. 24:6I-33).

§173.9. Intent.

It is the intent of this Chapter to establish the regulatory framework to implement the provisions of the Act, including the imposition of Cannabis Taxes, as permitted by Section 40 of the Act, at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a Cannabis Cultivator; two percent (2%) of the receipts from each sale by a Cannabis Manufacturer; one percent (1%) of the receipts from each sale by a Cannabis Wholesaler; and two percent (2%) of the receipts from each sale by a Cannabis Retailer, which shall be in addition to any other tax or fee imposed pursuant to any other statute or local ordinance or resolution by any governmental entity having regulatory authority over the Cannabis Establishment.

§ 173.10. Permitted Uses.

Cannabis Cultivators, Manufacturers, Wholesalers, Distributors, Retailers, and Delivery Services are only permitted in the Borough in accordance with the standards set forth in Chapter 200, Article XI titled Zoning established by way of Ordinance # 9 -2021 as follows.

A. All Class 5 cannabis retailer businesses shall not be permitted uses in the VR (Village Residential), RD (Rural Development) and Block 3401, Lots 50, 51 52 ad 53 and Block 3407 Lot 12 in the RDC (Rural Development Commercial) Zones. The hours of operation for Class 5 cannabis retailers in all other permitted zones shall be 9am to 9pm Monday-Sunday.

B. All Class 1, Cannabis Cultivation, Class 2, Cannabis Manufacturing, Class 3, Cannabis Wholesale and Class 4, Cannabis Distribution businesses shall not be permitted uses in the RDC (Rural Development Commercial) zone in Block 3401 Lots 50, 51, 52 and 53, Block 3407 Lot 12, Block 3408 Lots 1,2,3,4 and 5, Block 3302 Lots 1 and 6 and Block 3301 Lot 5. Furthermore, these businesses shall not be permitted uses in the F-20(Forest 20 acres), F-30 (Forest 30 acres), AG (Agriculture), VR (Village Residential) or RD (Rural Development) zones. These businesses shall be permitted uses in the VI (Village Industrial), FCS (Forest Commercial Sending), FCR (Forest Commercial Receiving) and in the remainder of the RDC (Rural Development Commercial) zones.

§173.11. License.

A. **Local License Required.** Pursuant to the authority granted by N.J.S.A. 24:6I-

45(c) (2), no person or entity shall operate a Cannabis Business in the Borough without obtaining a license pursuant to this Chapter.

B. Local Licensing Authority. The Borough Council shall constitute the issuing authority for the issuance of a local license, and for the suspension or revocation of any license issued hereunder.

C. Application. In order to obtain a license to operate a Cannabis Business in the Borough, an applicant shall file an application, signed by the applicant, with the Borough Clerk upon a form provided by the Clerk which sets forth all information necessary for a proper consideration of the application. Such application shall be filed contemporaneous to filing an application for a license pursuant to the Act.

D. Fee. At the time the application is made, the applicant shall pay to the Borough a nonrefundable application fee in the amount of \$300.

E. Issuance. Upon approval of an application, the Borough Council shall, by resolution, issue a license to operate a Cannabis Business in the Borough.

F. Suspension or Revocation. Any license required by this chapter may be suspended or revoked for violation of any of the following:

(1) Subsequent knowledge of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.

(2) Any fraud, misrepresentation, or false statements made in conducting the Cannabis Business.

(3) Any violation of the Act, or the rules and regulations of the Cannabis Regulatory Commission.

(4) Subsequent conviction of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the Cannabis Business in a professional, honest and legal manner. Such violations shall include, but are not limited to, violations of Chapter 35 of Title 2C of the New Jersey Statutes, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(5) Violation of any other provision of this chapter.

G. Notice of Hearing. Notice of a hearing to consider the suspension or revocation of a license under the preceding subsection shall be given in writing by the Borough Clerk, setting forth the grounds of the proposed action and the time and place of the hearing. Such notice shall

be personally delivered, or mailed, by certified and regular mail, to the Licensee at the address indicated on the license application, at least ten days prior to the date of the hearing.

H. **Appeal.** Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to a court of competent jurisdiction.

§ 173-12. Prohibitions.

A. Consumption of Cannabis Products in public is prohibited.

B. The sale of Cannabis Products to visibly intoxicated individuals is prohibited.

§ 173-13. Cannabis Tax.

A. **Tax Established.** There is hereby established a local cannabis transfer tax on the sale of Cannabis or Cannabis Products by a Cannabis Establishment located in the Borough. The tax is hereby imposed on the receipts from the sale of Cannabis by a Cannabis Cultivator to another Cannabis Cultivator; receipts from the sale of Cannabis or Cannabis Products from one Cannabis Establishment to another Cannabis Establishment; receipts from the retail sales of Cannabis or Cannabis Products by a Cannabis Retailer to retail consumers who are 21 years of age or older; or any combination thereof. Sales by a Cannabis Establishment located in the Borough are subject to the tax established herein even if the Cannabis or Cannabis Products are delivered to another municipality.

B. **Rate.** The amount of the tax shall be two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer.

C. **User Tax.** In addition to the tax established in paragraph A of this section, a user tax, at the equivalent transfer tax rates, is hereby established on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (N.J.S.A.24:6I-46) and N.J.S.A. 40:48I-1 operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of Cannabis or Cannabis Products not otherwise subject to the transfer tax imposed pursuant to paragraph A of this subsection, from the licensee's establishment that is located in the Borough to any of the other licensee's establishments, whether located in the Borough or another municipality.

D. The Cannabis Tax set forth in this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance on a Cannabis Establishment.

§ 173.14. Collection of Cannabis Tax.

A. The Cannabis Tax imposed by this Chapter shall be collected or paid and remitted to the Borough by the Cannabis Establishment from the Cannabis Establishment purchasing or receiving the Cannabis or Cannabis Product, or from the consumer at the point of sale, on behalf of the Borough by the Cannabis Retailer selling the cannabis item to that consumer. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

B. Every Cannabis Establishment required to collect a Cannabis Tax imposed by this chapter shall be personally liable for the Cannabis Tax imposed, collected, or required to be collected under this chapter. Any Cannabis Establishment shall have the same right with respect to collecting the Cannabis Tax from another Cannabis Establishment or the consumer as if the Cannabis Tax was a part of the sale and payable at the same time, or with respect to non-payment of the Cannabis Tax by the Cannabis Establishment or consumer, as if the Cannabis Tax was a part of the purchase price of the Cannabis or Cannabis Product, or equivalent value of the transfer of the Cannabis or Cannabis Product, and payable at the same time.

C. No Cannabis Establishment required to collect a Cannabis Tax imposed by this chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the Cannabis Tax will not be separately charged and stated to another Cannabis Establishment or the consumer, or that the Cannabis Tax will be refunded to the Cannabis Establishment or the consumer.

D. All Cannabis Tax imposed by this chapter shall be remitted to the Chief Financial Officer of the Borough on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all Cannabis Taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all Cannabis Taxes collected for the immediate prior months of July, August and September.

E. Simultaneous with payment of the Cannabis Tax, the Licensee shall submit an affidavit signed by an individual who is responsible for the Licensee that certifies the total receipts from each sale so that an accurate calculation of the Cannabis Tax due may be determined.

F. The Borough shall enforce the payment of delinquent Cannabis Taxes imposed pursuant to this chapter in the same manner as provided for municipal real property taxes. In the event that the Cannabis Tax imposed by this chapter is not paid as and when due by a Cannabis Establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the

interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. The Borough shall file in the office of the tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent Cannabis Establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

G. Upon written request of the Borough, a Cannabis Establishment shall submit an auditor's report for the preceding fiscal or calendar year, certified by a Certified Public Accountant, to the Borough. The auditor's report shall include, but not be limited to, all receipts generating Cannabis Taxes, and such details as may relate to the financial affairs of the Cannabis Establishment and to its operations and performance, and shall be prepared in a manner consistent with the current standards of the Financial Accounting Standards Board. Said auditor's report shall be submitted to the representatives of the Borough within thirty (30) days of receipt by the Cannabis Establishment of the Borough's request for said auditor's report.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

A motion to approve Ordinance#5-2022 was made by Councilman Norman and seconded by Councilman Blazer

There was a roll call vote with ayes all.

First Reading/Introduction BOROUGH OF FOLSOM

ORDINANCE # 06-2022

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FOLSOM
CHAPTER 151 PROPERTY MAINTENANCE**

WHEREAS, there are a significant number of real properties in the Borough which are not being

maintained which create a significant health and safety hazard to the residents of the Borough; and

WHEREAS, the governing body of the Borough of Folsom wishes to therefore enact an Ordinance enacting violations, penalties and establishing liens on such properties; and

WHEREAS, a municipality may enact ordinances for the health, welfare and safety of its residents pursuant to N.J.S.A. 40:48-2.

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

Section 1. CHAPTER 151-7 is repealed and replaced as follows:

§ 151-7. Violations and penalties.

A. Any person violating the provisions of the Property Maintenance Code of the Borough of Folsom, after having been convicted by any court of competent jurisdiction, shall be subject to the following penalties:

(1) For the first offense, a fine of not more than \$750.

(2) For a subsequent violation, a fine of up to \$1,000 and/or imprisonment up to 90 days.

B. Each day that a violation continues, after due notice has been given, shall be deemed a separate offense.

Section 2. CHAPTER 151 is amended as follows:

§ 151-11. Rights retained by the municipality.

A. Nothing in this chapter shall impair or limit the right, if any, of the Municipal Court to order the violator to make such repairs as are required by the code.

B. Nothing in this chapter shall restrict or limit the right of the Borough to seek such remedies as are necessary in order to effectuate compliance with said code through actions brought in courts of competent jurisdiction by the Borough.

C. Nothing in this chapter shall restrict the rights, where such exist, of the County Board of Health, the Construction Official or the Zoning Officer to cause a premises to be closed and vacated where authorization for such action appears in any ordinance or state law.

D. It shall be unlawful for any person to oppose, obstruct or resist any Borough of Folsom Building Official / Code Enforcement Official in the discharge of his or her duties as provided in this article.

E. Any Borough of Folsom / Code Enforcement Official shall be immune from prosecution, whether civilly or criminally, as the result of any reasonable, good faith trespass upon property while in the discharge of duties imposed by this section.

§ 151-12. Liens.

A. A copy of the request for payment of the cost of abating a violation(s) shall be served on the violator at his or her last known address and the violator shall have 15 days from the receipt of the request within which to pay all costs described in the request. Service of the request for payment may be deemed to be properly served if a copy thereof is:

(1) Served personally.

(2) Sent by certified or first- class mail addressed to the last known address; or

(3) If the notice is returned showing the letter was not delivered, a copy posted in a conspicuous place in or about the property or structure affected by such notice.

B. In the event a violator fails or refuses to pay all costs incurred by the Borough that are associated with terminating or abating a violation, such costs will be imposed as a lien against the subject real property.

Section 3. Inconsistent Ordinance Repealed. Should any provision of this Ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of any inconsistencies.

Section 4. Invalidity. In the event that any provision of this ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Section 5. Captions. Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

ion enacted herein.

Section 6. Effect. This Ordinance shall take effect immediately upon final passage and publication according to law.

A motion to approve Ordinance#6-2022 was made by Councilman Hoffman and seconded by Councilman Blazer

There was a roll call vote with ayes all.

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

RESOLUTIONS:

**RESOLUTION NO. 2022-44
BOROUGH OF FOLSOM**

RESOLUTION ACCEPTING THE RESIGNATION OF TAX ASSESSOR BILL JOHNSON

WHEREAS, the Borough Council of the Borough of Folsom having received notification from Bill Johnson by way of a letter to Mayor and Council as to his intent to resign from the position he currently holds as Tax Assessor on behalf of the Borough of Folsom effective April 11, 2022; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that the resignation from the Tax Assessor position of Bill Johnson (copy attached) is hereby accepted.

THIS RESOLUTION was adopted by the Borough Council of the Borough of Folsom on April 12, 2022.

**BOROUGH OF FOLSOM (revised)
RESOLUTION #2022-45**

**RESOLUTION APPOINTING MICHAEL STOCKLOS TO THE POSITION
OF BOROUGH TAX ASSESSOR AND DEPUTY TAX ASSESSOR**

WHEREAS, the Borough Tax Assessor, William Johnson, heretofore tendered his resignation to the Borough Council that is to be effective April 11, 2022; and

WHEREAS, the Borough Council is desirous of filling the vacancy with the appointment of a Borough Tax Assessor as well as a Deputy Tax Assessor in order to assist the Borough with the duties and functions of the Tax Assessor's Office pursuant to N.J. S.A. 40A:9-146; and

WHEREAS, the Personnel Committee reviewed the resumes submitted, for the position of Borough Tax Assessor and has further recommended the appointment of Michael Stocklos to serve as both the interim Deputy Tax Assessor and Borough Tax Assessor for the Borough of Folsom.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the Borough Council does hereby appoint Michael Stocklos to a four (4) year term as Borough Tax Assessor commencing July 1,2022 pursuant to N.J.S.A. 40A:9-148; and

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Folsom that the annual salary shall be \$16,730.00 and that Michael Stocklos shall be available for a minimum of three hours per week to the public.

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Folsom that Michael Stocklos shall further serve as interim Deputy Tax Assessor forthwith after the adoption hereof until July 1,2022 at which time he shall assume the position of Borough Tax Assessor.

BOROUGH OF FOLSOM (revised)

RESOLUTION NO. 2022-46

AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Folsom, is the owner of certain surplus property which is no longer needed for public use, and;

WHEREAS, the Borough of Folsom is desirous of selling said surplus property in an “as is” condition without express of implied warranties.

WHEREAS, the Borough of Folsom intends to utilize the online auction services of Govdeals, www.govdeals.com; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services’ Local Finance Notice 2019-15,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Folsom in the County of Atlantic, State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated below on an online auction website entitled www.govdeals.com; and be it further

RESOLVED, that the terms and conditions of the agreement entered into between Govdeals and the Borough of Folsom are available at www.govdeals.com and in office of the Borough Clerk

WHEREAS, the list of surplus property to be sold is as follows:

1. Miscellaneous used printer equipment. Items in various states of repair: HP Office JetPro 6978, Brother Business Smart MFC-J4710DW, HP Laser Set 2200D, Cannon Image Runner Copier 3025

2. Sentry Fire Safe
3. Sony-VHS Player-Analog Surveillance Recorder
4. BIAMP-Used working system
5. Adding Machines in various states of repair
6. IBM Wheel writer 12 2 series typewriters
7. Used desks (2) and desk chairs (3)
8. Wooden coat rack
9. Leaf Blower (needs work)
10. 9 Plow shoes
11. Fire Door
12. Little Tykes Playground Equipment-assembly required(missing some parts)
13. 2005 Ford F250 Super Duty Diesel VIN# 1FTSX21P55EB30328
14. 2004 Giant Leaf Vac-25 Cubic Yard 125 Horse Power John Deere Motor
15. Epson FX 2190 Dot Matrix Printer

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that the auction of surplus property at an online auction is authorized and will be advertised in the Hammonton Gazette.

NOW, THEREFORE, BE IT FURTHER RESOLVED, The Borough reserves the right to accept or reject any bid submitted.

BOROUGH OF FOLSOM
Resolution #2022-47

**A RESOLUTION AMENDING THE DESIGNATING BANKS AND SIGNATORIES FOR
THE BOROUGH OF FOLSOM**

WHEREAS, N.J.S.A. 40A:5-14 mandates that the governing body of a municipal corporation shall, by resolution pass by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the state and organized under the laws of the United States or this state;

NOW, THEREFORE, BE IT RESOLVED, on the January 4th 2022, by the Council of the Borough of Folsom, County of Atlantic, and State of New Jersey, that:

Ocean First Bank, Truist Bank, TD Bank, and Wells Fargo Bank

and/or any banking institution licensed to do business in the State of New Jersey or federally be and are hereby designated as depositories for the Borough of Folsom for the year 2022.

Prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Government

Units Deposit Protection Act (R.S. 17:9-41).

BE IT RESOLVED, by the Council of the Borough of Folsom that the following Borough Officials are hereby authorized to sign checks, withdrawal slips and initiate electronic file transfers. The primary governmental accounts require the original signature of the Chief Financial Officer, countersigned by two of the following: the Municipal Clerk, Mayor or Council President. These accounts include the following: Current Account, Community Events Account, Dog License Trust, Escrow Review Trust, Unemployment Trust, Capital Account, and Small Cities Account.

Dawn Stollenwerk, Chief Financial Officer
Patricia M. Gatto, Municipal Clerk
Greg Schenker, Mayor

The Payroll Account requires the signatures of the Chief Financial Officer, Municipal Clerk or Mayor, Laser and electronic signatures are permitted on payroll checks and payroll tax forms.

BE IT FURTHER RESOLVED, the following officials are authorized to initiate transactions on the following trust and operational accounts:

TTL Redemption Account:

Tax Collector, Renee DeSalvo
Chief Financial Officer, Dawn Stollenwerk

BE IT FURTHER RESOLVED, that signature cards with the signatures of the authorized officials be forwarded to all Borough Depositories.

**BOROUGH OF FOLSOM
RESOLUTION 2022-48**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FOLSOM TO
PARTICIPATE IN THE ATLANTIC COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

WHEREAS, the Mayor and Borough Council of the Borough of Folsom have opted to participate in the Atlantic County Community Development Grant (CDBG) Program; and

WHEREAS, as a participant, the Borough of Folsom expects to be allocated \$15,000.00 for Fiscal Year 2022; and

WHEREAS, in order to be allocated CDBG funds, the Borough of Folsom must enter into an interlocal service agreement with the Atlantic County Improvement Authority, which is the Administrator of the Atlantic County CDBG Entitlement Program.

NOW, THEREFORE, BE IT RESOLVED, that the Agreement by and between the Atlantic County Improvement Authority and the Mayor and Borough Council of the Borough of Folsom, which is attached hereto, is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign said agreement.

BOROUGH OF FOLSOM

RESOLUTION #2022-49

RESOLUTION OF SUPPORT FOR SUITABILITY OF A STATE LICENSED CANNABIS BUSINESS BY PINELANDS APOTHECARY LLC

WHEREAS, operators of a proposed cannabis business are required by the Cannabis Regulatory Commission to demonstrate local support for the suitability and appropriateness of its business location from a municipality pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2(4); and

WHEREAS, pursuant to the provisions of N.J.S.A. 17:30-5.1(g), the Borough of Folsom has adopted Ordinance #9 of 2021 amending Chapter 200 of the Code of the Borough of Folsom to license and regulate cannabis businesses in designated zoning districts; and

WHEREAS, the applicant, PINELANDS APOTHECARY, LLC (the “License-Applicant”) has sought local support to apply for a state license to operate a licensed cannabis retail facility at Block 3102, Lot 12, located in the Forest Commercial Receiving Zone in the Borough of Folsom; and

WHEREAS, the Borough has reviewed and considered the request of the License-Applicant to conduct the cannabis business at the location described above; and

WHEREAS, the Borough has determined that it has authorized the type of cannabis business license being sought by the License-Applicant to operate within its jurisdiction; and

WHEREAS the Borough has determined that the proposed location is suitable and appropriate for the proposed activity related to the operations of the proposed cannabis business to be conducted by the License-Applicant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom County of Atlantic, State of New Jersey, that the Mayor and Council hereby support the operation of a state licensed cannabis retail facility by PINELANDS APOTHECARY, LLC within the Borough of Folsom; the intended location is zoned by the municipality for the proposed use.

BOROUGH OF FOLSOM

RESOLUTION NO. 2022-50

A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE BOROUGH OF FOLSOM AND THE STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Whereas, Council of the Borough of Folsom desires to provide outdoor recreation and community resources through the repair and installation of tennis and basketball courts; and

Whereas, the Borough of Folsom has been awarded a Local Recreation Improvement Grant 2021 from the State of New Jersey Department of Community Affairs, Grant Agreement #2021-04960-0463-00, in the amount of \$40,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, Atlantic County, State of New Jersey, accepts said Grant Agreement and hereby authorizes the Mayor, Greg Schenker to execute a Grant Agreement with the State of New Jersey Department of Community Affairs and to seal the Grant Agreement

**RESOLUTION 2022-51
BOROUGH OF FOLSOM**

A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES

WHEREAS, certain Grant Receivable Balances remain on the Balance Sheet; and

WHEREAS, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>
2019 NJ Transportation Trust	\$414,000.00	\$414,400.00

**RESOLUTION 2022-52
BOROUGH OF FOLSOM**

**SELF EXAMINATION OF BUDGET RESOLUTION
(as required by DCA)**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to

the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Folsom has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Folsom that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

BOROUGH OF FOLSOM

RESOLUTION # 2022-54

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY

WHEREAS, the Borough of Folsom owns a parcel of real property on Fenimore Drive, known as Block 2610 Lot 384 on the tax map of the Borough of Folsom ; and

WHEREAS, the Council of the Borough of Folsom has determined that the real property is not needed for public use and that it is in the best interests of the citizens of the Borough of Folsom that the real property be sold; and

WHEREAS, N.J.S.A. 40A:12-13 b (5) authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, there is an offer to purchase the real property located on Block 2610 Lot 384 for \$1500 by John Hehre; and

WHEREAS, Mr. Hehre is the only contiguous property owner to Block 2610, Lot 384 and pursuant to N.J.S.A. 40A: 12-13 b (5), since the parcel has no capital improvement thereupon and is a non-conforming lot. the Borough may sell the real property to Mr. Hehre; and

WHEREAS, furthermore, the public property was placed for public sale by the Borough of Folsom on July 21, 2021 with a minimum bid of \$1500.00 and no bids were made on the real property.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that it authorizes the Borough Clerk and Borough Attorney to prepare and execute all documents necessary to close the sale of the real property located at Fenimore Drive, Block 2610 Lot 284 to John Hehre for \$1500.00

BOROUGH OF FOLSOM

Resolution # 2022-55

RESOLUTION RESCINDING RESOLUTION #2021-82 SUSPENDING THE APPLICATION AND ENFORCEMENT OF THE VACANT AND ABANDONED PROPERTY ORDINANCE IN THE BOROUGH OF FOLSOM

WHEREAS, the Borough of Folsom enacted Ordinance # 2-2021 titled Abandoned Real Property on March 9, 2021; and

WHEREAS, such ordinance was enacted as part of a countywide registry program implemented by the Atlantic County Improvement Authority who entered into a Shared Services Agreement with Pro Champs to track and register the properties for each participating municipality; and

WHEREAS, said Ordinance was enacted to regulate Vacant and Abandoned property and establishing a fee structure for registration of such properties; and

WHEREAS, on New Jersey Legislature passed Assembly Bill #2877 regulating abandoned and vacant properties which bill became effective on January 18, 2022; and

WHEREAS, on or about March 30, 2022, the Atlantic County Improvement Authority recommended that all municipalities immediately resume the application of the program.

AND NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Folsom that the application and enforcement of Ordinance # 2-2021 found in Chapter 151, Article II, titled Abandoned Real Property of Code of the Borough of Folsom be immediately resumed and that Resolution # 2021-82 be rescinded.

A motion was made by Councilman Norman to approve Resolutions #2022-44 thru 2022-52 and 2022-54 to 2022-55 seconded by Councilman Hoffman

There was a roll call vote with ayes all.

A motion was made by Councilman Blazer to open the Budget Hearing and was seconded by Councilman Norman.

There was a roll call vote with ayes all.

No public comments

CFO Dawn Stollenwerk gave an overview of the 2022 Budget.

A motion was made to close the Budget Hearing by Councilman Norman and seconded by Councilman Blazer.

There was a roll call vote with ayes all.

**RESOLUTION 2022-53
BOROUGH OF FOLSOM**

A RESOLUTION TO ADOPT AND READ THE BUDGET BY TITLE ONLY

WHEREAS, the local municipal budget for the year 2022 was approved on the 8th day of March 2022; 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 held April 12, 2022 as advertised; and

NOW, THEREFORE BE IT RESOLVED, this Resolution was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12th St., Folsom, NJ on the 12th day of April, 2022 at 6:00pm.

A motion was made by Councilman Hoffman to approve Resolution #2022-53 and was seconded by Councilman Norman

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: *Ms. Costigan wished everyone a Happy Holidays.*

FIRE CHIEF REPORT: *No report*

ENGINEER'S REPORT:

NJDOT FY 2021 - Resurfacing of Park Avenue

The contractor has addressed all corrective work included on the punch list, and the striping and installation of RPM's has been completed. The centerline striping pattern was revised to solid double yellow lines along the entire length of Park Avenue from Cain's Mill Road to S. River Drive to deter passing. We have conducted the joint final inspection with NJDOT and they did not have any comments or require any corrective actions.

LC Equipment has upgraded the radar feedback signs with additional batteries and with the proper parts needed to access the traffic data on the online cloud system. The radar signs will be re-installed tomorrow, and their locations will be adjusted to move them closer to the entrances off of Cain's Mill Road and 14th Street, respectively. Upon verification of their operability, we can proceed with final payment and closeout.

NJDOT FY 2022 - Resurfacing of South Pinewood Drive, Evergreen Drive, Lake Drive, & Laurel Lane

We have completed the field survey and base mapping of the roads and will be moving into the design phase of the project. We anticipate that the design will be sent to NJDOT for approval in early summer 2022, with the bid opening and start of construction to follow later this summer.

2022 CDBG Project

Applications for the 2022 CDBG grants are due to the ACIA by May 2. This year's project will continue the funding from last year, as we will request another \$15,000 to install ADA accessible bleachers at the fields behind Borough Hall.

Eighth Street Bridge

The bridge is still closed. A full detour for Eighth Street continues to be in effect indefinitely.

Signs - Lake Drive

We coordinated with Public Works and upon our request, LC Equipment has ordered two additional batteries for the radar feedback signs on Lake Drive to help maintain their power supply. LC Equipment also ordered replacement parts and sign panels for the in-street fixed pedestrian crossing signs on Lake Drive.

A discussion ensued over the 8th Street Bridge closure. It was decided that Ms. Costigan will send a letter on behalf of Mayor and Council and the Clerk will send to all Atlantic County Freeholders and Atlantic County Department of Engineering.

Mayor's Report: Mayor Schenker welcomed the new Tax Collector Renee DeSalvo' Knight and the new Tax Assessor Mike Stocklos. Greg thanked our previous Tax Assessor Bill John for his years of service to the Borough. Mayor Schenker read a thank you card from our previous Tax Collector Bert Cappuccio. Greg wished everyone a Happy Easter and Happy Mother's Day.

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg reminded residents that anyone who wants free tree seedlings to come to Boor Hall on Saturday. Greg also reminded everyone at Folsom Green Day is April 20, 2022 at Braddock Lake. Greg discussed the "Last Salute" walk. Greg wished Bill Johnson well. Greg informed residents about the Memorial Day Service here at Borough Hall.*

Councilman Norman: *no report*

Councilman Porretta: *no report*

Councilman Whittaker: *Jim updated Council on the speed trailer. Jim suggested that we look for grants for some permanent signs. Jim stated that the Speed trailer will be move to 14th St.*

Councilman Hoffman: *No report*

Councilman Blazer: *Jake thanked DPW for planting the tree for Joel Spiegel. Jake reported that they are still waiting for the Memorial Park Bench. Jake reported that the County came by and picked up the debris along Mays Landing Rd. No serious criminal incidents reported for Folsom.*

PUBLIC COMMENTS: *None*

PAYMENT OF BILLS IN THE AMOUNT OF: 261,628.58

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

There was a roll call vote with ayes all

Council President Conway 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, May 10, 2022 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:14PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

DRAFT

DRAFT