

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
April 13, 2021**

MEETING CALLED TO ORDER: 7:45 PM

SALUTE TO THE FLAG LED BY Council President Greg Conway

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: Attorney Angela Costigan and Jen Heller (Vince Poistina & Assoc.)

Absent: Mayor

APPROVAL OF THE WORKSHOP MEETING MINUTES from March 9, 2021

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

They was a roll call vote with ayes all.

APPROVAL OF THE REGULAR MEETING MINUTES from March 9, 2021

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

There was a roll call vote with ayes all.

MEETING OPEN TO PUBLIC: *No comments*

CLERK'S CORRESPONDENCE:

Next E-Waste drop-off day is scheduled for May 8, 2021 at 1461 Backline Rd from 8:00AM to 1:00PM.

ORDINANCES: *Second Reading*

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

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.

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

SECTION 1: Chapter 152 is created and titled RENTAL PROPERTY REGISTRATION
as follows:

§ 152-1. Definitions

a. **AGENT:** The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner by this Chapter. The term does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as those terms are defined by N.J.S.A. 45:15-3; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if such person is designated by the owner as the owner's agent.

b. **APARTMENT OR DWELLING UNIT:** Any room or rooms or suite or apartment thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designated to be occupied for sleeping and dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof; and which shall include a single family- detached residence designed for use by one family or household unit for living and sleeping purposes.

c. **LANDLORD:** The legal entity listed upon the title as it appears in the public records after the deed is properly recorded.

d. **LANDLORD REGISTRATION CERTIFICATE:** The certificate issued by the Clerk of the Borough of Folsom or designee authorizing the certificate holder to maintain, operate, or otherwise conduct the business of landlord in the Borough of Folsom attesting that the rental unit has been properly registered in accordance with this Chapter.

e. **OWNER:** Any person or group of persons, firm, corporation or officer thereof, partnership, association, or trust who owns, operates, exercises control over or is in charge of a rental facility.

f. **OWNER-OCCUPIED:** A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein.

g. **PERSON:** An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

h. **RENTAL FACILITY:** Every building, group of buildings or a portion thereof which is kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals and is meant to include apartments and apartment complexes.

i. **RENT OR RENTED:** An apartment or dwelling unit occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner received consideration for occupancy, regardless of whether there is a written lease, sublease or oral understanding.

§ 152-2. Landlord Registration Required.

a. Registration Required. No person(s), corporation or business entity shall offer any residential property for rent, lease or let any residential property to any person(s) without first obtaining a Landlord Registration Certificate from the Borough. The Landlord Registration Form, which is required to be completed in order to obtain a Landlord Registration Certificate, may be obtained from the Clerk or designee during normal business hours.

b. The initial registration shall occur within 30 days following the final adoption of this Chapter. The initial term for the Landlord Registration Certificate shall be for a term not to exceed twenty (20) months, or until December 31, 2022. Thereafter, the Landlord Registration Certificate shall be renewed annually and amended, as necessary, within 20 days of each change of ownership or occupancy of any rental unit. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this Chapter. The Landlord Registration Certificate shall not include approval for the use and occupancy of a rental unit. Consistent with §152-7, a Continued Certificate of Occupancy inspection is required for each unit. Such Landlord Registration Certificate shall be granted or denied within ten (10) business days from the day of the application for the same to determine whether or not a Continued Certificate of Occupancy (CCO), certifying that the building and premises are in compliance with all ordinances of the Borough of Folsom, shall first be obtained from the Construction Code Official or the appropriate official as designated by the governing body of the Borough of Folsom.

§152-3. Landlord Registration Form.

a. The owner of every rental property, with the exception of owner occupied properties which contain one or two rental units, in the Borough of Folsom shall file a Landlord Registration Form with the Clerk or designee. When providing a copy of same to any other person or entity requesting same, the Borough Clerk, Construction Code Office and all other Departments of the Borough of Folsom shall redact the names and addresses, age and gender of the tenants.

b. The Landlord Registration Form shall be filed on an annual basis on or before 31st of January of each year.

c. Without in any way intending to infringe upon the requirements of N.J.S.A. 46:8-28, all rental units shall be registered as provided herein. Every owner shall file with the Clerk or designee a Landlord Registration Form for each unit contained within a building or structure which shall include the following information:

1. The name, address and telephone number of the owner or owners of the premises and the record owner or owners of the rental business, if not the same person(s). In the case of a partnership, the names and addresses of all general partners shall be provided, together with the telephone numbers for each individual partner, indicating where such individual may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided together with the telephone number for each such individual, indicating where such individual may be reached both during day and evening hours. If the record owner is an LLC, the name and address of the Managing Member(s) shall be provided, indicating where such member (or its principal officers if a corporation) may be reached both during day and evening hours. All registration addresses shall be physical addresses; post office boxes are insufficient.

2. If the address of the owner of record is not located in the Borough of Folsom, the name, address and telephone number of a person who resides in the Borough of Folsom and who is authorized to accept notices from a tenant and to issue receipts therefrom and to accept service of process on behalf of the owner of record.

3. The name and address of the managing agent of the premises, if any, and the telephone number where such individual may be reached both during day and evening hours.

4. The name and address of the superintendent, janitor, custodian or other individual employed by the owner of record or managing agent to provide regular

maintenance service, if any, and telephone number where such individual may be reached both during day and evening hours.

5. The name, address and telephone number of at least one individual representative of the owner of record or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit of dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith and shall, at all times, have access to a current list of building tenants that shall be made available to emergency personnel as required in the event of an emergency.

6. The names and addresses of all holders of recorded mortgages on the property.

7. The owner shall be obligated to supply the required fuel type or energy utilized by the heating system and maintain said heating system in good operating condition so that it can supply heat as required, notwithstanding any contractual provision seeking to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed for each such rental unit.

8. A description by number or letter and floor of each such rental unit.

9. The square footage of living space within each such rental unit and the number of rooms.

10. Provide a detailed floor plan with the exact number of sleeping rooms contained in each rental unit and the exact number of sleeping accommodations contained in each of the sleeping rooms, identifying each sleeping room specifically by number and location within the apartment or dwelling and by the square footage thereof. This information shall be provided with the initial Landlord Registration Form and shall be updated as part of the annual renewal process should the floor plan change. If no changes to the floor plan were made during the course of the preceding year, then the registrant shall not be required to submit an updated floor plan.

11. Whether such rental unit is equipped with a kitchen.

12. Whether the rental unit is equipped with a fire suppression or fire sprinkler system, a fire extinguisher, a carbon monoxide alarm, a smoke detector alarm, fixed fire escape ladders or systems for emergency egress.

13. The term on the lease and a copy of the current Continued Certificate of Occupancy (CCO).

14. A copy of the most recent valid certificate of inspection issued by the State of New Jersey Bureau of Housing, Department of Community Affairs, if applicable.

15. A certification as to who is paying the Property Taxes and Water/Sewerage Charges.

16. The information referenced in Subsections 1 through 15 hereof may be provided by attaching the landlord registration statement mandated by N.J.S.A. 46:8-28 certifying that the information contained therein remains true and accurate or, in the event of any change, amend said registration certificate accordingly.

17. A copy of the completed Federal Lead Based Paint Disclosure Form, if applicable.

18. Such other information as may be prescribed by the Borough on the appropriate Landlord Registration Form or otherwise by ordinance or resolution.

§ 152-4. Amended Landlord Registration Form

Every person required to file a Landlord Registration Form pursuant to this Chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises has changed.

§152-5. Occupancy of unregistered premises prohibited.

No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough, which is not registered and for which a registration certificate has not been issued in accordance with this article.

§152-6. Issuance of a Landlord Registration Certificate.

1. Upon the filing of a completed Landlord Registration Form, payment of the prescribed fee, and a satisfactory inspection, when required and as necessary, the owner shall be entitled to the issuance of a Certificate commencing on the date of issuance and expiring on December 31st of that calendar year. A Landlord Registration Form shall be required for each rental unit, and a Landlord Registration Certificate shall be issued to the owner for each rental unit, even if more than one rental unit is contained in the property.

2. At the time of the filing of the registration form, the owner or agent of the owner must pay a registration fee as provided in section 152-8. Fees. After the initial registration, there shall be no fee for an amended registration regarding a change of occupancy; the registration fee for a change of ownership is as provided in section 152-8. Fees.

3. Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the Landlord Registration Form required by this chapter. This particular provision shall not apply to any hotel, motel or guesthouse registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This section may be complied with by posting a copy of the Landlord Registration Certificate in a conspicuous place within the rental unit(s).

4. Maximum number of occupants; posting. The maximum number of occupants shall be posted in each rental unit. It shall be unlawful for any person, including the owner, agent, tenant or registered tenant, to allow a greater number of persons than the posted maximum number of occupants to sleep in or occupy overnight the rental unit for a period exceeding 29 days. Any person violating this section shall be subject to the penalty provisions of §152-9 of this article.

5. Only those occupants whose names are on file with the Borough as required in this section may reside in the licensed premises. It shall be unlawful for a non-registered person to reside in said premises and any owner, agent, tenant or registered tenant allowing a non-registered person to reside in said premises and the non-registered person, shall be in violation of this subsection.

§152-7. Inspections.

1. Complaint based inspections, inspection following a finding of non-valid Continued Certificate of Occupancy and/or those inspections required as a result of a finding of no prior Continued Certificate of Occupancy, shall be performed by such person, persons or agency duly authorized and appointed by the Borough pursuant to the direction of the Construction Code Official. Inspections made by persons or an agency other than the duly authorized and appointed person, persons or agency of the Borough shall not be used as a valid substitute.

2. Such inspection shall be for purpose of determining if the property complies with the Uniform Construction Code, the current Township Property Maintenance Code, housing code and/or building code and the Uniform Fire Safety Act. Upon compliance the Construction Code Official shall cause to be issued a Landlord Registration Certificate pursuant to the provisions of this Article.

3. Unsatisfactory inspection. In the event that the inspection(s) of a rental unit indicates the need for maintenance and/or repairs, such property shall not thereafter be registered, and the landlord of the property, or his agent, shall not lease or rent such property, nor shall any tenant occupy the property until the necessary maintenance, repairs and corrections have been made so as to bring the property and rental unit into compliance with the applicable code(s) and the property is thereafter subsequently reinspected, approved, registered and licensed. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 30 days, and if not made within that time period, the owner shall be deemed in violation of this chapter and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of §152-9 of this article.

§ 152-8. Fees

- 1. Landlord Registration Certificate..... \$30.00
- 2. Landlord Registration Certificate Annual Renewal..... \$30.00
- 3. Landlord Registration Certificate-Change in Ownership...\$30.00
- 4. First reinspection.....no fee
- 5. Second reinspection.....\$20.00
- 6. Third reinspection.....\$35.00
- 7. Fourth and all subsequent re-inspections.....\$55.00
- 8. If the owner of a property is a senior citizen of 65 years and older and rents out one or two units of one property.....no fee
- 9. If any fee is not paid with 15 days of its due date, a late fee of \$30.00 shall be imposed.

§152-9. Penalties

Any landlord, owner or agent who shall violate the provisions of this article shall upon conviction be subject to a fine not to exceed \$250.00 for the first offense and fines up to \$750.00 for a subsequent offense.

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 4. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Folsom declares that it would have passed the ordinance and each section and subsection thereof;

irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 5. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

NO PUBLIC COMMENTS

A motion to approve Ordinance#4-2021 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call votes 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.

to (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.

NO PUBLIC COMMENTS

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

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.

(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.

NO PUBLIC COMMENTS

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

There was a roll call vote with ayes all.

LIST OF PROPERTIES AVAILBALE FOR SALE, CONFORMING LOTS

Block	Lot	Location	Minimum Bid
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

Block	Lot	Location	Minimum Bid
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 Blazer and seconded by Councilman Porretta

NO PUBLIC COMMENT

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:

<u>Salaried Positions</u>			
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
<u>Hourly Positions:</u>			
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 12th St., Folsom, NJ on April 13, 2021 at 6:00 P.M.

NO PUBLIC COMMENT

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

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 2021-46 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>	<u>Cash Match</u>
2020-2021 Alliance Grant	\$2,641.01	\$3,301.26	\$660.25

**RESOLUTION 2021-47
BOROUGH OF FOLSOM**

**A RESOLUTION SETTING THE SALARIES OF THE EMPLOYEES AND OFFICIALS
OF THE BOROUGH OF FOLSOM**

WHEREAS, the Council of the Borough of Folsom has adopted a salary ordinance setting salary ranges for the various positions in the Borough; and

WHEREAS, each employee and official of the Borough will receive compensation within that range; and

WHEREAS, it is necessary for the Borough to formally approve the salary rate for each employee and official of the Borough.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that the following employee and official salaries are hereby approved for the year 2021, retroactive to January 1, 2021 for all employees continually employed by the Borough.

Employee

All Members of Council
Schenker, Greg
Cappuccio, Bertha
Carroll, Susan
Gatto, Patricia
Johnson, Bill
Flaherty, Rosemary
Smith, Kyle
Hadulias, Chris
Stollenwerk, Dawn

Salaried Positions

Council Member	\$3,000
Mayor	\$3,900
Tax Collector	\$17,585
Deputy Clerk	\$27,066
Borough Clerk/Administrator	\$52,521
Tax Assessor	\$16,243
Zoning Officer & Code Official	\$5,525
Emergency Mgmt Coordinator	\$800
Deputy Emergency Mgmt Coordinator	\$200
Chief Financial Officer	\$16,979

Hourly Rates

LaPollo, John	Superintendent Public Works	\$27.99
Hadulias, Chris	Public Works Laborer	\$17.69

**RESOLUTION 2021-48
BOROUGH OF FOLSOM
A RESOLUTION REVISING RESOLUTION 2021-27 TO INCLUDE THE FOLLOWING
APPOINTMENTS**

2021 COMMISSION APPOINTMENTS

Planning/Zoning Board	1 Year Leslie Roberson	12/31/2021
Emergency Management (Deputy Coordinator)	3 Year Chris Hadulias	12/31/2023

NOW, THEREFORE BE IT RESOLVED, that the foregoing appointment was adopted at the regular meeting of Mayor and Council on April 13, 2021 in the Borough of Folsom, County of Atlantic, State of New Jersey.

**RESOLUTION 2021-49
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 2021 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.

**RESOLUTION 2020-50
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING A REFUND FOR THE OVERPAYMENT OF 2017
HOMESTEAD REBATE**

WHEREAS, it has come to the attention of the Tax Collector that the property listed below is owned by 100% Disabled Veteran and exempt from paying taxes therefore due a refund of the 2017 Homestead Rebate.

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

BLOCK/LOT	AMOUNT	REFUND TO
2614/460	\$224.68	William Bodine

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.

**RESOLUTION 2021-51
BOROUGH OF FOLSOM**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR FLOORING**

WHEREAS, the Borough of Folsom has a desire to purchase new flooring for Borough Hall as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer/Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, Richland Flooring, Inc. has submitted proposals dated March 16, 2021 indicating they will provide vinyl flooring for the total price of \$18,096.36; and

WHEREAS, Richland Flooring Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Richland Flooring, Inc. has not made any reportable contributions to a political party or candidate for Council in the Borough of Folsom in the previous one year, and that the contract will prohibit Richland Flooring, Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the funds will be encumbered by purchase order on an as needed basis, as required by pursuant to N.J.A.C 5:30-5.4,

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Folsom authorizes the Borough Clerk to enter into a contract with Richland Flooring, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**RESOLUTION 2021-52
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF PROPERTY
TAXES**

WHEREAS, it has come to the attention of the Tax Collector that payment has been made in excess in the following amounts on property taxes listed; and

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>TO</u>
701/31	\$2,175.81	Corelogic

1001/11	\$1,113.42	Corelogic
2508/530	\$867.67	Corelogic

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

**BOROUGH OF FOLSOM
RESOLUTION 2021-53
RESOLUTION AUTHORIZING POLISTINA
& ASSOCIATES, LLC TO APPLY FOR A
GRANT FROM THE NJ DEPARTMENT OF
COMMUNITY AFFAIRS FOR
RECREATIONAL IMPROVEMENTS**

WHEREAS, there is currently a grant available for recreational Improvements; and **NOW THEREFORE, BE IT RESOLVED** that Council of Folsom Borough formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the (Mayor/Council)and Clerk are hereby authorized to submit an electronic grant application identified as 2021-04960-0510 to the New Jersey Department of Community Affairs;

BE IT FURTHER RESOLVED ,that (Mayor/Council) and Clerk are hereby authorized to sign the grant agreement on behalf of Folsom Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

Certified as a true copy of the Resolution adopted by the Council on this 13th day of April, 2021

**Borough of Folsom
RESOLUTION #2021-56**

MUNICIPAL ALLIANCE GRANT APPLICATION Form 1B

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 1, 2021 – June 30, 2022

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities through New Jersey.

WHEREAS, the Borough of Folsom , County of Atlantic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Borough of Folsom further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, The Borough of Folsom has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Atlantic;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Folsom Governing Body does hereby recognizes the following:

1. The Mayor and Council of the Borough of Folsom does hereby authorize submission of a strategic plan for the Borough of Folsom Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$4,767.34
Cash Match	\$1,191.84
In Kind Match	\$3,575.50

Total Alliance Budget: \$9,534.68

2. The Borough of Folsom acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

**BOROUGH OF FOLSOM
RESOLUTION # 2021-57**

**RESOLUTION TO REIMBURSE RESIDENTS FOR DAMAGE TO MAILBOXES
CAUSED BY BOROUGH PUBLIC WORKS CREWS**

WHEREAS, when drivers are plowing roads during a snowstorm the goal is to make streets passable. However, at times, resident mailboxes are damaged either by the drivers and the plows or by the snow itself; and

WHEREAS, if it is determined that a Borough plow struck a box or post, the Borough will reimburse the homeowner for damages to the box or post; and

WHEREAS, before reimbursement, the Borough Public Works Department will inspect the damage; and

WHEREAS, the damage reimbursement is only for a standard box replacement. The Borough will not pay for and is not responsible for the higher cost of ornate replacement boxes or posts. Reimbursement only applies to mailboxes or posts actually struck by plows. If a mailbox is damaged by thrown snow, repairs are the responsibility of the homeowner; and

WHEREAS, it is the responsibility of the homeowner to provide proof of purchase to the Borough Clerk for reimbursement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom that the Borough of Folsom will reimburse residents for damage to mailboxes upon proof of purchase submitted to the Borough Clerk and inspection by the Public Works Department.

A motion to approve Resolutions 2021-46 through 2021-57 (EXCLUDING RESOLUTION 2021-54 AND 2021-55) was made by Councilman Norman and seconded by Councilman Porretta

**RESOLUTION 2021-54
BOROUGH OF FOLSOM**

A RESOLUTION TO AMEND 2021 BUDGET

WHEREAS, the local municipal budget for the year 2021 was approved on the 10th day of March, 2021 and
WHEREAS, the public hearing on said budget has been held as advertised, and
WHEREAS, it is desired to amend said approved budget, now
THEREFORE BE IT RESOLVED, by the Council of the Borough of Folsom, County of
Atlantic that the following amendment to the approved budget of 2020 be made.

Recorded Vote

	((
	((
6 Ayes	(0 Nays
	((
	((
	((
	((

ANTICIPATED REVENUES

- 1. Surplus Anticipated
 - Total Surplus Anticipated

- 3. Miscellaneous Revenues
 - F. Special Items of Revenue: Public and Private Revenues
 - Municipal Alliance Grant

 - Total Section F: Special Items of Revenue: Public and Private Revenues

- 5. Subtotal General Revenues (Items 1,2,3 and 4)

- 6. Amount to be Raised by Taxes for Support of Municipal Budget:
 - a.) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes

 - Total Amount to be Raised by Taxes for Support of Municipal Budget

- 7. Total General Revenues

GENERAL APPROPRIATIONS

- 8. General Appropriations:
 - a) Operations - Excluded From "CAPS"

Public & Private Programs Offset by Revenue

Municipal Alliance Grant
Municipal Alliance Local
Match

Total Operations excluded from "CAPS"

Detail
Salaries and Wages
Other Expenses

(H-2) Total General Appropriations for Municipal Purposes Excluded

l) Subtotal General Appropriations (Items (H-1) and (O))

m) Reserve for Uncollected Taxes

9. Total General Appropriations

BE IT FURTHER RESOLVED, that a copy of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 13th day of April, 2021

A motion to approve Resolution #2021-54 was made by Councilman Norman and seconded by Councilman Porretta.

There was a roll call vote with ayes all.

BUDGET HEARING: NO COMMENTS OR QUESTIONS

RESOLUTION 2021-55 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 held April 13, 2021 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 13th day of April, 2021 at 6:00pm.

A motion to approve Resolution #2021-55 was made by Councilman Blazer and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: Ms. Costigan reported that a Marijuana Committee was approved by Council to discuss the new marijuana law and to decide how Folsom wants to proceed with regards to the growing, buying and selling of marijuana in Folsom Borough.

FIRE CHIEF REPORT: No report

ENGINEER'S REPORT: Jen read report

Mayor Schenker stated that he received a phone call from Atlantic County Dept. of engineering advising that the 8th St. Bridge over Penny Pot Stream will be closed due to repair.

Council had a discussion on speed bumps on Lake Drive and speeding in Folsom.

MAYOR'S REPORT:

Mayor Schenker thanked Council President Conway for running the meeting because he had a class he needed to attend and could not make the 6:00 PM meeting. Greg thanked the residents who came before Council this evening to express their concerns over the speed bumps. Greg thanked Dawn for her work on the Budget with a 1.1 cent increase. Greg reported on the closed bridge. Greg also reported that he reached out to Hammonton Clerk Frank Zuber again to schedule a meeting to discuss the Court.

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: Greg thanked Patti for helping him prepare the meeting, he thanked Dawn for working with the Finance Committee and thanked Council for their diligence on their committees. Greg also reported that the Borough received another \$100.00 from the clothing bins. Greg stated the newsletter will be sent shortly.

Councilman Norman: Al stated that he reached out to Chief Donnelly to see if we can start getting the fire reports again.

Mayor Schenker asked Angela Costigan if she has an update on our contract with Collings Lakes Fire Department. Angela reported that she has reached out to them and is waiting to hear back.

Councilman Porretta: Mike asked Council to review the sign information he handed out. Mike stated that Ms. Costigan is going to look at our Ordinance to make sure it allows for the Borough to have a sign.

Councilman Whittaker: Jim read State Police Folsom incident report for March-April 2021. A discussion ensued over speeding.

Councilman Hoffman: Jim reported that he spoke with John Lapollo and they will be getting the area ready for the Veterans Memorial. (Inaudible)

Councilman Blazer: Jake sent condolences to the Smith family on the passing of their son. Jake stated that the FAA will be holding a fundraiser for his children. Jake reported on the Parks & Rec meeting. Jake stated that they are looking to replace or add an additional swing set. Jake reported that the Community Garden is now open and you can get an application at Borough Hall. Jake informed Mayor and Council that he would like to seek a grant to fix the tennis courts.

PUBLIC COMMENTS: *No Comments*

Greg Conway congratulated Chris Hadulias on his appointment as Deputy Emergency Coordinator. And Leslie Robeson on her appointment to the Planning/Zoning Board.

PAYMENT OF BILLS IN THE AMOUNT OF: \$254,595.45

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

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, May 11, 2021 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:28PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

