

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
April 16, 2024**

MEETING CALLED TO ORDER: 6:45 PM

SALUTE TO THE FLAG LED BY MAYOR GLENN SMITH

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, Porretta, Norman, Hoffman and Blazer

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

APPROVAL OF THE WORKSHOP MEETING MINUTES March 12, 2024

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

APPROVAL OF THE COUNCIL MEETING MINUTES March 12, 2024

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

Joe Henry from Hardenbergh Insurance to give Safety Presentation

MEETING OPEN TO THE PUBLIC: *No comments*

CLERK'S CORRESPONDENCE:

Next E-Waste Drop-off Day is May 11, 2024 from 8:00am to 1:00pm.

Memorial Day Service to honor Veterans, Saturday, May 26, 2024 at 9:00am

Borough Hall will be closed on Monday, May 27, 2024 in observance of Memorial Day

ORDINANCES:

(Second Reading/Final Adoption)

**BOROUGH OF FOLSOM
ORDINANCE NO. 03-2024**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE TO
ESTABLISH A NEW CHAPTER 201, TITLED MUNICIPAL
BUILDINGS AND ESTABLISHING AND IDENTIFYING
RESTRICTED AREAS TO SAFEGUARD RECORDS AND
PROPERTY**

WHEREAS, the Borough of Folsom officials and employees are entrusted with the responsibility to maintain and safeguard public records that consist of or contain information deemed confidential pursuant to applicable federal, State or local law; and

WHEREAS, to ensure compliance with such laws, including the New Jersey Open Public Records Act (“OPRA”) set forth at N.J.S.A. 47:1A-1 et seq. and its statutorily defined responsibilities, the maintenance and custody of specific records are required; and

WHEREAS, municipal officials assigned this responsibility include, but are not limited to the Municipal Clerk, Chief Financial Officer, Tax Collector, Tax Assessor, Construction Code Officials, Public Works employees and the Business Administrator; and

WHEREAS, due to this responsibility to maintain and safeguard records, reports, documents and information in municipal offices, records may not be available for immediate public viewing since they may contain personal information, phone numbers, social security numbers, medical data, and other confidential and protected information; and

WHEREAS, securing these records maintains the integrity of this information and when an OPRA request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law; and

WHEREAS, securing and keeping these records confidential will support a safe workplace while balancing the right of public access in Borough Hall.

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

SECTION 1. Part II: General Legislation, of the Code of the Borough of Folsom, is hereby amended to establish Chapter 201 entitled “Municipal Buildings”, to read as follows in its entirety:

Chapter 201 Municipal Buildings

§201-1 Restricted Areas Established to Safeguard Records and Property

A. Purpose. While the general public may be permitted to access Municipal buildings during regular business hours, the intent of this Chapter is to safeguard public records that may contain confidential or protected information or may be exempt from disclosure under the Open Public Records Act or other applicable laws, as well as other City assets, and personal belongings, and to

ensure a safe workplace by restricting access to workstations and work areas where such records, assets and personal belongings are maintained.

B. Restricted Areas. Certain municipal office areas located in Borough Hall and Public Works, located at 1700 Route 54, Folsom, NJ 08037 have been secured and are closed to the public for the purposes set forth in this section, including protecting documents, digital data and other written, copied or printed materials that may contain confidential information that is protected by the federal, State or local laws, as well as other City assets and personal belongings. These areas include, but are not limited to, the following locations:

- Finance Office
- Municipal Clerk's Office
- Construction/Building Department
- Mail & Supply Rooms
- Conference Room
- Council Chambers
- Tax Assessor and Tax Collector Office/Vault
- Storage Areas
- Utility Areas and Closets
- Department of Public Works

§201-2 Signage. The Borough of Folsom shall post signage outside of restricted areas and offices that read, "Authorized Personnel Only" or "Private" or such other language, in the sole and absolute discretion of the Borough of Folsom, as needed to achieve the level of safety and security needed to permit the Borough of Folsom to maintain and safeguard public records or other Borough assets or personal belongings that consist of or contain information deemed confidential or protected pursuant to any federal, State or local law.

§201-3 Violations. Any unauthorized person who violates any provision of this chapter shall be subject to the following:

- First offense- \$100.00
- Second offense\$250.00
- Third and subsequent offenses- \$500.

SECTION 2. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

PUBLIC COMMENT: NONE

A motion to approve Ordinance #03-2024 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 NO. #4- 2024

AN ORDINANCE AMENDING CHAPTER 164, STORMWATER MANAGEMENT, AND CHAPTER 200, ZONING, OF THE CODE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Borough of Folsom implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

WHEREAS, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8; and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023.

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

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

SECTION 1: Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection D. as follows:

D. Tables 1, 2 and 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§164-14N, O, P, and Q**. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found in **Tables 1, 2, and 3** are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater BMP Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the NJDEP shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the NJDEP website at: <https://dep.nj.gov/stormwater/bmp-manual/>.

SECTION 2: Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection O. as follows:

O. Groundwater Recharge Standards

- (1) (No change.)
- (2) For all major development, the total runoff volume generated from the net increase in impervious surfaces by a the current_10-year, 24-hour storm, as defined and determined in **§164-15H**, shall be retained and infiltrated onsite.
- (3) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a the current 10-year, 24-hour storm, as defined and determined in **§164-15H**, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater

management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.

(4)-(5) (No change.)

SECTION 3: Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection Q. as follows:

Q. Stormwater Runoff Quantity Standards

- (1)** In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §164-15., complete one of the following:
 - (a)** Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in **§164-15H and I**, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b)** Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in **§164-15H and I**, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c)** Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in **§164-15H and I**, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

SECTION 4: Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-15, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

§164-15. Calculation of Stormwater Runoff and Groundwater Recharge

- A.** Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service,
- B.** (No change.)
- C.** For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology at **A. above**. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- D. -- G.** (No change.)
- H.** The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items **(1)** and **(2)** below:
- (1)** The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage

area(s) of the site. This data is available at:
https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

- (2) The applicant shall utilize **Table 5: Current Precipitation Adjustment Factors** below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Atlantic</u>	<u>1.01</u>	<u>1.02</u>	<u>1.03</u>
<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>
<u>Gloucester</u>	<u>1.05</u>	<u>1.06</u>	<u>1.06</u>

- I. **Table 6: Future Precipitation Change Factors** provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to **H.(1)** above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>

SECTION 5: Chapter 164, Stormwater Management, Article III, Stormwater Control,

Section 164-16, Sources for Technical Guidance, is hereby amended as follows:

§164-16. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP's website at: <https://dep.nj.gov/stormwater/bmp-manual>.

(1) (No change.)

(2) Additional maintenance guidance is available on the NJDEP's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.

B.

(1) Submissions required for review by the NJDEP should be mailed to:

The Division of Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

(2) (No change.)

SECTION 6: Chapter 200, Zoning, Article II, Definitions, Section 200-6, Definitions, is

hereby amended by adding the following definitions:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 7: Chapter 200, Zoning, Article VII, Borough Development Standards, Section 200-47, Water quality, is hereby amended by repealing and replacing subsection E. as follows:

E. Water Management

- (1)** Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.
- (2)** A diversion within Folsom Borough that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at **(a)** and **(b)** below, or outside of either basin, shall be prohibited.

 - (a)** The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.
 - (b)** The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.
- (3)** A diversion within Folsom Borough involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at **(2)(a)** and **(b)** above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at **(4)** below.
- (4)** Within Folsom Borough a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(4)(c)** through **(f)** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

 - (a)** When evaluating whether the proposed diversion meets the criteria set forth at **(4)(c)** through **(f)** below, all of the applicant's allocations in an HUC-11

watershed, in addition to the proposed diversion, shall be included in the evaluation.

(b) The standards set forth at **(4)(c)** through **(f)** below shall not apply to:

[1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[a] Be approximately the same depth as the existing well;

[b] Divert from the same aquifer as the existing well;

[c] Have the same or lesser pump capacity as the existing well; and

[d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[2] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

(c) A proposed diversion shall be permitted only in the following Pinelands Management Areas: Rural Development Area; Agricultural Production Area; and the Pinelands Village of Folsom.

(d) A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.

(e) A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.

- (f) An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

SECTION 8: Chapter 200, Zoning, Article VII, Borough Development Standards,

Section 200-55, Resource extraction, is hereby amended by revising subsection A. as follows:

- A. Application requirements. Any application filed for approval of resource extraction operations in the Borough shall include at least the following information:

(1) – (17) (No change.)

- (18) If the application includes a proposed diversion from the Kirkwood-Cohansey aquifer, a hydrogeologic report that identifies the volume of the diversion, the volume of water to be returned to the source, a description of the route of return to the source, the methodology used to quantify the volume of water returned to the source and a description of any other existing or proposed water diversions or discharges on or from the parcel. The report shall also include a map that depicts the location of the diversion, the location of the return to source, the location of all existing or proposed resource extraction operations and the location of all wetlands on or within 300 feet of the parcel on which the diversion is proposed.

SECTION 9. 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 10. 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 11. Effective Date

This ordinance shall take effect upon proper publication and in accordance with law.

A motion to approve Ordinance #04-2024 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
ORDINANCE #05- 2024**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FOLSOM,
CHAPTER 151 ADDING SECTION 15 TITLED LAWNS**

WHEREAS, the Council of the Borough of Folsom wishes to address maintenance of properties within the Borough; and

WHEREAS, the Council recognizes the need to have grass upon lawns properly cut and kept; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may amend an ordinance as it deems necessary and proper for good government, order and protection of personal property and for the preservation of public health, safety and welfare of its inhabitants.

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

Section 1-Chapter 151 is amended to add new section 151.15 Titled LAWNS stating that the height of all grass shall be no higher than 6 inches.

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 #05-2024 was made by Councilman Hoffman and seconded by Councilman Norman

There was a roll call vote with ayes all.

BOROUGH OF FOLSOM

ORDINANCE # 06-2024

AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF NON-CONFORMING REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS

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 is without capital improvements; and

WHEREAS, the Borough Council deems it in the best interest of the Borough 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 as an auction limited to contiguous property owners to be held at the Borough Municipal Building, 1700 12th Street Folsom New Jersey 08037 on June 10,2024, at 6 p.m. or such adjourned date as may be determined by the Borough; 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 Council 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 on June 10, 2024 at 6:00 p.m. at the Borough of Folsom Municipal Building, 1700 12th Street, 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 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 Township 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. Successful bidder must merge property purchased with bidder's existing property.

(c) The Borough does not warrant or certify title to the property and in no event shall the Borough be liable for any damages to the 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 clerk 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 \$350 for the legal services incurred by the Borough; (2) the Borough'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 Resolution, 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 Buyer. Additional work performed by the Township 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 Borough 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 owing 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.

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

(n) 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.

(o) 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(1) 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.

(p) 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.

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

(r) 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 Municipal Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

(s) Bidder must 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 regulations.

(t) The sale is subject to all terms and conditions as provided for in the Notice of 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 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, the Borough 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 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 any and all money deposited with the Borough.

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

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

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

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

A motion to approve Ordinance #06-2024 was made by Councilman Norman and seconded by Councilman Blazer

There was a roll call vote with ayes all.

RESOLUTIONS:

RESOLUTION 2024-44 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 2024 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.

A motion to approve Resolution #2024-44 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call vote with ayes all.

BUDGET HEARING:

2024-45 ADOPTION OF THE 2024 MUNICIPAL BUDGET AND READ BY TITLE ONLY

PUBLIC COMMENT: NONE

A motion to approve Resolution #2024-45 was made by Councilman Norman and seconded by Councilman Whittaker

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2024-46**

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT**

BE IT RESOLVED

that **Borough of Folsom** hereby recommends to the New Jersey Department of Transportation that the contract for **_Resurfacing of Erie Road, Cherokee Road, Mohawk Drive & Seneca Lane** in the **Borough of Folsom** County of **Atlantic** be awarded to **Arawak Paving Company, Inc.** whose bid amounted to **\$ 233,900.00** subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and, on its behalf, the contract in the prescribed form for said construction.

A motion to approve Resolution #2024-46 was made by Councilman Norman and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION #2024-47**

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID
AND ECONOMIC DEVELOPMENT
RECOMMENDATION OF AWARD
STATE AID PROJECT**

BE IT RESOLVED

that **Borough of Folsom** hereby recommends to the New Jersey Department of Transportation that the contract for **Resurfacing of Fenimore Drive, Lenape Terrace & Mohawk Drive** in the **Borough of Folsom, County of Atlantic**, be awarded to **Think Pavers Hardscaping, LLC** whose bid amounted to **\$ 201,431.00** subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and, on its behalf, the contract in the prescribed form for said construction.

A motion to approve Resolution #2024-47 was made by Councilman Porretta and seconded by Councilman Norman

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION 2024-48**

**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 2024; 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

A motion to approve Resolution #2024-48 was made by Councilman Hoffman and seconded by Councilman Blazer

There was a roll call vote with ayes all

**RESOLUTION 2024-49
BOROUGH OF FOLSOM**

A RESOLUTION ACCEPTING THE ENGINEER’S PROPOSAL FOR CONSTRUCTION SERVICES FOR THE FY2024 NJDOT MUNICIPAL AID PROJECT

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

WHEREAS, the professional services are as follows:

Total Tasks 1-2 Construction Services \$24,000.00

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

A motion to approve Resolution #2024-49 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call vote with ayes all

**RESOLUTION 2024-50
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>
USDA Boom Lift	\$1,800	1,800	\$0

A motion to approve Resolution #2024-50 was made by Councilman Hoffman and seconded by Councilman Norman

There was a roll call vote with ayes all

FIRE REPORT: Council Norman read fire report.

ENGINEER'S REPORT: CJ read report

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

The Borough received bids for the project on Tuesday, April 2. Three contractors submitted bids and Arawak Paving Co. was the lowest responsive bidder at \$233,900.00. We have recommended awarding the contract to Arawak Paving Co. We anticipate that construction will begin in May or June.

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

The Borough received bids for the project on Tuesday, April 2. Three contractors submitted bids and Think Pavers Hardscaping was the lowest responsive bidder at \$201,431.00. We have recommended awarding the contract to Think Pavers Hardscaping. We anticipate that construction will begin in May or June.

NJDCA FY 2023 Local Recreation Improvement Grant - Field Renovations at Falcon's Nest Park

We have met with Councilman Blazer and the Public Works Department to discuss the scope of work and proposed improvements that they would like to be included in the project. These improvements include regrading and installing sod around the infield perimeter, rebuilding the pitcher's mound and batter's boxes, regrading the infield with a fresh infield topsoil mix, new bases, and installing concrete floors and new benches in the dugouts.

We are seeking Council's agreement to separate the project into two contracts; one for the field work and one for the dugouts. We would prepare specifications and solicit informal quotes for each, which would result in lower, more competitive bids and the opportunity to spend the entire grant allotment amount. We anticipate being able to complete this work over the next few weeks with the goal being to award in June.

NJDCA FY 2024 Local Recreation Improvement Grant Application

We have submitted an application for the New Jersey Department of Community Affairs' FY 2024 Local Recreation Improvement Grant requesting \$60,000 for improvements and renovations at Falcon's Nest Park to continue off of last year's project. The DCA typically announces grant recipients within three months of the application deadline.

ACIA FY 2024 CDBG Application

Applications for the Atlantic County Improvement Authority's Community Development Block Grant are due by May 1. We will submit an application requesting another \$15,000, in addition to last year's funding, to construct an ADA compliant asphalt walkway at the 13th Street Park from the end of the existing walkway to the basketball / pickleball courts.

We would like to advise Council that the ACIA is changing how they administer this Grant, starting this year. CDBG funds will no longer be allocated by formula and will instead be awarded to between three and seven projects per year competitively based on a scoring system. This means that being a Grant recipient is no longer guaranteed, however this allows for larger projects and longer-term planning for municipalities.

CJ reported that we are received complaints of water running off of Evergreen Drive onto property 2208. CJ, Mayor and Council all agreed the best way to alleviate this water issue is to install a 6" curb.

SOLICITOR'S REPORT: *No report*

MAYOR'S REPORT: *No report*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg thanked Stock-Up and Harley Dawn for their support for Arbor Day. Greg reported that the street cleanup day has been reschedule to May 4, 2024 from 9:00Am to 12:00PM on Park Avenue and 14th Street.*

Councilman Norman: *Al stated that he received some complaints about the road department leaving limbs out there for months and leaving debris when chipping.*

Councilman Porretta: *No report.*

Councilman Whittaker: *No stats from State Police.*

Councilman Hoffman: *Jim reported that he is receiving complaints about trash on Park Ave. Jim asked residents to please pick up trash on your own property. Jim discussed the new doors that will enclose the hallways.*

Council agreed to move forward with the doors.

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Councilman Blazer: *Jake updated everyone on Parks and Recreation projects. Jake stated that he received complaints about Port-A-Pots. Clerk Gatto stated that it was being addressed.*

MEETING OPEN TO THE PUBLIC:

PAYMENT OF BILLS IN THE AMOUNT OF: \$569,088.70

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

There was a roll call vote with ayes all

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

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

The next regular meeting of Mayor and Council will be held on Tuesday, **May 14 ,2024** starting with a workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:30PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

