BOROUGH OF FOLSOM COUNCIL MEETING MINUTES July 12, 2022

MEETING CALLED TO ORDER: 6:58PM

SALUTE TO THE FLAG LED BY MAYOR GREG SCHENKER

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this meeting has been advertised in the Hammonton Gazette and Atlantic City Press and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

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

Also present: Solicitor Angela Costigan and CFO Dawn Stollenwerk

Absent: Councilman Conway and Engineer CJ Kaenzig

APPROVAL OF THE WORKSHOP MEETING MINUTES from June 14, 2022

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

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

APPROVAL OF THE REGULAR MEETING MINUTES from June 14, 2022

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

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

MEETING OPEN TO PUBLIC:

Mark O'Toole (3315 S. Pinewood Dr.) came before Mayor and Council to voice his concerns over a possible driveway being installed next to his property.

CLERK'S CORRESPONDENCE:

Clerk Gatto informed residents that the Annual Shred Day will be held on September 17, 2022 from 10:00AM to 1:00PM at Borough Hall.

ORDINANCES: (First reading/introduction)

BOROUGH OF FOLSOM ORDINANCE # 07-2022

AN ORDINANCE AMENDING CHAPTER 151, ARTICLE 11 ABANDONED REAL PROPERTY, REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES: PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF ABANDONED REAL PROPERTY WITHIN THE MUNICIPALITY: PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; and

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

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

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

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

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

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

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

CHAPTER 151 ARTICLE 11 ABANDONED REAL PROPERTY

SECTION 151-11-A PURPOSE AND INTENT

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

SECTION 151-11-B- DEFINITIONS.

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

Abandoned Real Property - means any real property located in the Municipality, whether vacant or occupied, that has had a complaint filing, has had a lis pendens filed against it by the Lender holding a

mortgage on the property, is subject to an ongoing foreclosure action by the Lender, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed, and any default on the mortgage has been cured.

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

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

Blighted Property - means:

a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or

b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or

c) Properties cited for a public nuisance pursuant Municipality Code: or

d) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the Municipality and Zoning Codes.

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

Foreclosure – means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's-length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

Mortgagee - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

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

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

SECTION 151-11-C- APPLICABILITY

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

SECTION 151-11-D- ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section 151-11-E-the Municipality or designee shall participate in the County-wide registration program established by the Atlantic County Improvement Authority which catalogs each Foreclosure Property within the Municipality, containing the information required by this Article.

SECTION 151-11-E- REGISTRATION OF FORECLOSURE REAL PROPERTY

(a) Any mortgagee who holds a mortgage on real property located within the Municipality of Folsom shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing .The mortgagee shall, within ten (10) days of the inspection, register the property with the Division of Code Enforcement, or designee, on forms or website access provided by the Municipality, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

(b) If the property is occupied but remains in foreclosure, it shall be inspected by the mortgagee or his designee monthly and, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Municipality.

(c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile

number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.

(d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration.

(e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration

(f) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the Municipality and/or its authorized designee.

(g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.

(i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

(j) Failure of the Mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement.

(k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Municipality may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

(1) Registration of foreclosure property does not alleviate the Mortgagee from obtaining all required licenses, permits and inspections required by applicable code or State Statutes.

(m) If the mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

(n) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.

SECTION 151-11-F-MAINTENANCE REOUIREMENTS

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

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

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

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

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

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

(g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with Chapter 151-7 of the Borough of Folsom Code of Ordinances. Pursuant to a finding and determination by the Municipality's Code Enforcement Officer/Board, Hearing Officer/Special Magistrate or a court of competent jurisdiction, the Municipality may take the necessary action to ensure compliance with this section.

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

SECTION 151-11-G- SECURITY REQUIREMENTS

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

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

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

SECTION 151-11-H- PUBLIC NUISANCE.

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

SECTION 151-11-1-PENALTIES; SCHEDULE OF CIVIL PENALTIES.

Any person who shall violate the provisions of this article may be cited and fined as provided in Chapter 151-7 of the Code of the Borough of Folsom and New Jersey Statutes. The following table shows violations of these sections, as may be amended from time to time, which may be enforced pursuant to the provisions of this regulation; and the dollar amount of civil penalty for the violation of these sections as it may be amended. The descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the

violations or the subject matter of the Municipality Code sections, except to the extent that different types of violations of the Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of the section may be enforced by the mechanism provided in this section, regardless of whether all activities prescribed or required are described in the "Description of Violation" column. To determine whether a particular activity is prescribed or required by this Code, the relevant Municipality Code section(s) shall be examined.

Description of Violation	Civil Penalty
Failure to register abandoned real property on annual basis and/or any violation of the sections stated within.	\$1000

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

SECTION 151-11-J-INSPECTIONS FOR VIOLATIONS

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

SECTION 151-11-K-ADDITIONAL AUTHORITY

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

(b) The Code Enforcement Board or Hearing Officer/special magistrate shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings,

employment of an on- site security guard or other measures as may be reasonably required to help prevent further decline of the property.

(c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the code enforcement board or special magistrate may direct the Municipality to abate the violations and charge the mortgagee with the cost of the abatement.

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

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

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

SECTION 151-11-M-IMMUNITY OF ENFORCEMENT OFFICER

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

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

SECTION4. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

SECTION 6. CODIFICATION. It is the intention of the Mayor and Council of the Borough of Folsom, New Jersey, that the provisions of this Ordinance shall become and be made a part of the Borough of Folsom Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention,

and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

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

A motion to approve Ordinance#7-2022 was made by Councilman Norman and seconded by Councilman Whittaker

There was a roll call vote with ayes all.

RESOLUTIONS:

Borough of Folsom Resolution #2022-68

Resolution of Support from Local Governing Body Authorizing the Sustainable Communities Grant Application Funded by Atlantic City Electric

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

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

WHEREAS, Borough of Folsom is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they are administering a grant program called the Sustainable Communities Grant Program funded by Atlantic City Electric

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

THEREFORE, BE IT RESOLVED, that Mayor and Council of the Borough of Folsom, State of New Jersey, authorize the submission of the aforementioned Sustainable Communities Grant funded by Atlantic City Electric.

A motion to approve was made by Councilman Blazer and seconded by Councilman Norman. There was a roll call vote with ayes all. **SOLICITOR'S REPORT**: Angela reported that she is working on the parking ordinance with Councilman Conway and the amendment to the cannabis ordinance.

FIRE CHIEF REPORT: Councilman Norman read the fire report for Chief Donnelly.

Councilman Norman expressed his concerns over the newly paved Park Avenue.

ENGINEER'S REPORT: Mayor Schenker read report.

NJDOT FY 2021 - Resurfacing of Park Avenue

The final closeout documents have been reviewed and approved by NJDOT. Circulation for payment to the Borough was dated June 10, 2022, according to SAGE.

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

We have received authorization to advertise from NJDOT, and bids will be received on July 20, 2022. If the bids received are favorable we will award during the August council meeting, and construction could begin later this summer or fall.

NJDOT FY 2023 - State Aid Program

The Municipal Aid and Bikeway grant applications have been submitted to NJDOT for the FY 2023 State Aid programs. We requested \$441,003.38 in the Municipal Aid application to resurface Cherokee Road, Erie Road, Seneca Lane, Mohawk Drive and Lenape Terrace, and we requested \$331,200.00 to construct a bike path along 14th Street from S. River Drive to Back Line Road.

NJDCA Local Recreation Improvement Grant

The Borough has been awarded a grant in the amount of \$40,000 for the resurfacing of the tennis courts. We will prepare and submit a proposal to perform the engineering services required for the work for approval at the August meeting. The exact scope of work (i.e. netting, fencing, resurfacing) should be clarified prior to beginning any work.

Mayor's Report: Mayor Schenker gave an update on the 8^{th} Street Bridge repair. He believes it will open sometime in August. Greg reported that he got notification that the electrician's union will be doing an expansion project. Greg reminded residents to drive slow because the kids are out of school.

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Norman: Councilman Norman stated that he is always checking Borough Roads.

A discussion ensued over speeding in the Borough and using speed limit signs.

Councilman Porretta: Councilman Porretta reported on the neighborhood clean-up.

Councilman Whittaker: Councilman Whittaker thanked everyone for the card and well wishes. Jim stated that he spoke with the State Police regarding the damaged speed signs and asked for them to be

more visible in that area. Jim reported that the Sheriff's office is still waiting for their camera's to be operational before they can start patrolling Mays Landing Rd. Jim also reported that the speed radar will be placed on 14th Street next week. Jim stated to the residents that "we hear you and we're trying everything we can to reduce the speeding".

Councilman Hoffman: Councilman Hoffman reported that he spoke with Atlantic County Commissioner Jim Bertino and hour and a half ago and he informed me that all materials for the bridge repair are in the County yard and they are waiting for the proposals. Jim Bertino stated that bearing any bad weather the temporary bridge opening should be mid-August.

Councilman Blazer: Councilman Blazer asked all residents to call Borough Hall with any complaints instead of posting on Facebook

PUBLIC COMMENTS: None

PAYMENT OF BILLS IN THE AMOUNT OF: \$23,364.47

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

There was a roll call vote with ayes all

Mayor Schenker 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, August 9, 2022 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:37PM.

Respectfully submitted,

Patricia M. Gatto Municipal Clerk