

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
August 10, 2021**

MEETING CALLED TO ORDER: 7:16 PM

SALUTE TO THE FLAG LED BY MAYOR GREG SCHENKER

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

ROLL CALL: Councilpersons: Conway, Whittaker and Norman

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

Absent: Councilman Porretta, Hoffman and Blazer

Mayor Schenker wished everyone well with the new resurgence of Covid-19. Please stay safe.

APPROVAL OF THE WORKSHOP MEETING MINUTES from July 13, 2021

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

They was a roll call vote with ayes all. (Mayor votes)

APPROVAL OF THE REGULAR MEETING MINUTES from July 13, 2021

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

There was a roll call vote with ayes all. (Mayor votes)

Mayor Schenker discussed the Zoom Presentation from ProChamps.

MEETING OPEN TO PUBLIC: *No comments*

Borough Hall will be closed on Monday, September 6, 2021 in observance of Labor Day.

Next E-Waste drop-off day is schedule for September 11, 2021 at the Borough Garage from 8:00am to 1:00pm.

Reminder: Clerk's Office is open on Monday's until 7:00PM.

Annual Shred Day is schedule for September 18, 2020 from 10:00am to 2:00pm

ORDINANCES:

(Final Adoption/Second Reading)

**BOROUGH OF FOLSOM
Ordinance # 11-2021**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC AND
STATE OF NEW JERSEY APPROVING A JOINT MUNICIPAL COURT SHARED
SERVICES AGREEMENT FOR THE OPERATION OF THE JOINT MUNICIPAL
COURT WITH THE TOWN OF HAMMONTON**

WHEREAS, N.J.S.A. 2B:12-1(b) authorizes the formation of a single Joint Municipal Court provided that an Agreement is entered into by the Town of Hammonton and the Borough of Folsom and provided that the Agreement is filed with the State of New Jersey Administrative Director of the Courts and the Assignment Judge of the Superior Court of New Jersey, Atlantic County; and

WHEREAS, the Borough Council of the Borough of Folsom entered into a prior agreement for a joint municipal court with the Town of Hammonton on December 28, 2017, and a First Amendment to the Agreement executed on December 3, 2019;and

WHEREAS, the Borough of Folsom now desires to enter into a new agreement to form a Joint Municipal Court with the Town of Hammonton; and

WHEREAS, the Borough of Folsom deems it in the best interest of the Borough to establish a Joint Municipal Court with the Town of Hammonton for reasons of efficiency and economy.

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

Section 1. Approval of Agreement. The Borough of Folsom hereby approves the terms and conditions of the Agreement for a Joint Municipal Court for the Municipalities of the Town of Hammonton and the Borough of Folsom to establish the “Joint Municipal Court of the Town of Hammonton” such Agreement attached hereto and incorporated herein by reference as Exhibit A dated June 28, 2021. The Mayor and Clerk of the Borough of Folsom are hereby expressly authorized to execute the aforesaid Agreement on behalf of the Borough.

Section 2. Jurisdiction. The jurisdiction of the Joint Municipal Court of the Town of Hammonton shall be coextensive with the municipal territory of the Participating Municipalities.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the

section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

Section 4.Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

Section 5. Effect. This Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed at first reading at a meeting of Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey held on July 13, 2021, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at Council Chambers located at 1700 Route 54 Folsom, New Jersey 08037, on August 10, 2021 at 7:00 p.m. or as soon thereafter as the matter may be reached.

A motion to approve Ordinance 11-2021 was made by Councilman Conway and seconded by Councilman Whittaker

There was a roll call vote with ayes all. (Mayor Votes)

(Introduction/First Reading)

BOROUGH OF FOLSOM
Atlantic County, New Jersey

ORDINANCE #12- 2021

**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 located on 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 October 27, 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 October 27, 2021 at 6:00 p.m. at the Borough of Folsom Municipal Building, 1700 Route 54, Folsom, New Jersey, subject to receiving no higher bid for said parcels, after offering same to the highest bidder, at said time and place.

3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough of Folsom Municipal Building. Notice of adoption of this Ordinance shall be made in the official Borough newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Borough newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

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

(a) The property is sold "as is". No representations of any kind are made by the Borough as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present "as is", "where is", with all faults.

(b) The sale shall be made after legal advertisement of this Ordinance to the highest bidder who is the owner of a contiguous property, which property shall merge with the property being sold, and become part of the contiguous property owned by the successful bidder.

(c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Folsom be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable.

It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The highest bidder shall deposit with the Borough cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Borough will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$500 for the legal services incurred by the Borough; (2) the Borough of Folsom's advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); and (3) realty transfer fees, if any. The balance shall be paid by certified funds. In addition, for all properties that are subject to Section 5 (r) of this Ordinance, the Purchaser shall provide the Borough Attorney with a copy of the deed for their existing property and their title insurance policy. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Borough Attorney and, after execution by the Borough Officials, shall be recorded with the Atlantic County Clerk's Office by the Borough Attorney. Additional work performed by the Borough Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Borough Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

(g) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Folsom and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

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

(i) The Council of the Borough of Folsom reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(j) All bidders currently owning property within the Borough must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder.

In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(k) This same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Borough of Folsom.

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

(m) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(n) The failure of the purchaser to close on title within the time provided for in Subsection 5(f) of this Ordinance shall constitute a breach of this Ordinance unless the Borough agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within the dates provided for in Subsection 5(f) or such date as may be extended by the Borough, the deposit paid by the purchaser shall be retained by the Borough as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Subsection 5(c) of this Ordinance.

(o) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

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

(q) The deeded conveyance shall contain a restriction that there shall be no subdivision of the merged lot or lots created by this sale and no structure or improvements shall be built on or under such property. The successful bidder shall provide a copy of their existing property Deed to the Borough Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

Potential Bidders are advised:

- (1) To conduct all necessary title searches prior to the date of sale.
- (2) No representations of any kind are made by the Borough of Folsom as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".

- (3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
- (4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Borough of Folsom, the Borough of Folsom shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Borough of Folsom not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

- (1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- (2) That the failure to close title as agreed shall forfeit to the Borough of Folsom any and all money deposited with the Borough.

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

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

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

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 August 10, 2021 and 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 September 14, 2021 at 6:00 P.M.

LIST OF PROPERTIES AVAILABLE FOR SALE, NON-CONFORMING LOTS

Block	Lot	Location	Minimum Bid
3406	7	3310 S. Pinewood Drive	\$1700
3406	8	3310 S. Pinewood Drive	\$1700
3406	9	3310 S. Pinewood Drive	\$1700

A motion to approve Ordinance# 12-2021 was made by Councilman Whittaker and seconded by Councilman Norman

There was a roll call vote with ayes all. (Mayor Votes)

Mayor Schenker asked Council if anyone would like to remove a resolution from Consent Agenda.

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 2021-79
BOROUGH OF FOLSOM**

A RESOLUTION AMENDING THE 2021 MUNICIPAL BUDGET

WHEREAS, N.J.S.A.40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Folsom in the County of Atlantic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$17,000.00, which is now available from the USRDA Community Facilities Program.

BE IT FURTHER RESOLVED that the like sum of \$17,000 is hereby appropriated under the caption USRDA Community Facilities Program Grant.

BOROUGH OF FOLSOM
Atlantic County, New Jersey

RESOLUTION # 80- 2021

**A RESOLUTION ACCEPTING BIDS FROM THE PUBLIC SALE OF NON-CONFORMING
LOTS**

WHEREAS, the Borough of Folsom is the owner of certain real property located on Block 2509 Lot 151 and Block 2006 Lot 13 which properties were 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, a public sale was held on July 21, 2021 pursuant to N.J.S.A. 40A:12-13; and

WHEREAS, Block 2509 Lot 151 and Block 2006 Lot 13 lots were bid; and

WHEREAS, the Council of the Borough of Folsom deems it in the best interests of the residents of the Borough of Folsom to accept the bids and sell the properties in accordance with the provisions of N.J.S.A. 40A:12-13.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Folsom that the bids for Block 2509 Lot 151 and Block 2006 Lot 13 are accepted and that the properties be sold.

BE IT FURTHER RESOLVED that the Clerk and the Mayor are authorized to execute any and all Closing Documents to Effectuate the Sales.

A motion was made by Councilman Norman to approve Resolutions 2021-79 and 2021-80 and seconded by Councilman Whittaker

There was a roll call vote with ayes all. (Mayor Votes)

SOLICITOR'S REPORT: Ms. Costigan reported on the Landsale that was held on July 21, 2021 and also stated that the Borough will be holding a Non-Conforming property landsale on October 27, 2021. Angela also discussed the Tieri offer that Council has declined. Angela reported that she will prepare the agreement and resolution for the Fire Company for next meeting.

FIRE CHIEF REPORT: No report

ENGINEER'S REPORT:

NJDOT FY2020 - Resurfacing of Lake Drive

The project is currently being closed out.

NJDOT FY2021 - Resurfacing of Park Avenue

The contractor will begin the drainage work on Park Avenue on or around August 30th. Paving will follow after the 30 day minimum settlement period. The project is anticipated to be completed by the end of November.

Local Recreation Grant

The applications for the recreation grant were submitted to the DCA in May. Due to the high number of applications submitted, the DCA is still reviewing applications and have not made any announcements regarding grant awards.

Eighth Street Bridge

The bridge is still closed. The County has indicated that the project is in the design phase and permitting with the NJDEP. The entire bridge will be replaced with a concrete bridge which has an expected life span of 75 years. A full detour for Eighth Street is still in effect indefinitely.

MAYOR'S REPORT: *Greg reported on a letter he received from the NJDOT regarding repair work on Rt 322. Greg reminded residents that the kids will be back to school so use caution when driving around the school and bus stops. Greg reported that Public Works began using the new equipment this week trimming trees along the roadsides.*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg read the DPW report. Greg reported that the new DPW equipment arrived. Greg congratulated all the residents that purchased land from the Borough. Greg thanked Jake for helping find a landscaping company for the Adopt-A-Spot Program. Greg wished everyone a Happy Labor Day.*

Mayor Schenker asked if anyone would like to volunteer for roadside cleanups to contact Borough Hall.

Councilman Norman: *Al reported that he is receiving a lot of complaints about cars that seem abandoned. Al also reported that properties are in need of repairs and maintenance. A discussion ensued over property maintenance.*

Councilman Porretta: *Absent*

Councilman Whittaker: *Jim reported that the State Police changed to a new system for reporting incidents that happen in Municipalities. Hopes to have the Folsom data soon. Jim did read the report from the speed stalker that was placed on Mays Landing Rd. It was determined that 93% of vehicles were*

over the speed limit. A discussion ensued. Jim discussed the speed radar data from Lake & Pinewood Drive. Jim will sent information to State Police.

Councilman Hoffman: *Absent*

Councilman Blazer: *Absent*

PUBLIC COMMENTS: *NO COMMENTS*

PAYMENT OF BILLS IN THE AMOUNT OF: *\$40,585.16*

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

There was a roll call vote with ayes all.

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

The next regular meeting of Mayor and Council will be held on Tuesday, September 14, 2021 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:20PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

