

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
August 8, 2023**

MEETING CALLED TO ORDER: 7:06PM

SALUTE TO THE FLAG LED BY MAYOR SCHENKER

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

ROLL CALL: Councilpersons: Conway, Whittaker, Porretta, Hoffman and Councilman Norman

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

Absent: Councilman Blazer

APPROVAL OF THE WORKSHOP MEETING MINUTES July 11, 2023

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

APPROVAL OF THE COUNCIL MEETING MINUTES July 11, 2023

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

There was a roll call vote with ayes all

MEETING OPEN TO THE PUBLIC:

Diane Eby (1213 Mays Landing Rd) and Frank Calletta from Disabled American Veterans gave a certificate of appreciation from the Knights of Columbus #6342 in support of the Flags for Forgotten Soldiers Program to Mayor Schenker and Councilman Greg Conway.

CLERK'S CORRESPONDENCE:

Borough Hall Offices will be closed on Monday, September 4, 2023 in observance of Labor Day

Next E-Waste Day is September 9, 2023 from 8:00AM to 1:00PM at the Borough Garage

Annual Shred Day is schedule for September 16, 2023 – 10:00am -1:00pm

ORDINANCES: (Introduction/First Reading)

BOROUGH OF FOLSOM
Atlantic County, New Jersey

ORDINANCE # 2023-08

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE
OF REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS
PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

WHEREAS, the Borough of Folsom is the owner of certain real property set forth in Schedule "A", which properties are not needed or required for municipal use; and

WHEREAS, the lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements; and

WHEREAS, the Council of the Borough of Folsom deems it in the best interests of the residents of the Borough of Folsom to sell the properties to owners of each contiguous property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

WHEREAS, the sale shall be conducted at a public auction limited to contiguous property owners to be held at the Borough of Folsom Municipal Building, 1700 Route 54, Folsom, New Jersey 08037 on October 16, 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 16, 2023 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 \$250.00 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.

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

A motion to approve Ordinance #08-2023 was made by Councilman Norman and seconded by Councilman Conway

Councilman Conway suggested we give a copy of the tree preservation ordinance to the people who purchase these lots so they're aware of these restrictions.

There was a roll call vote with ayes all.

RESOLUTIONS:

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.

**RESOLUTION 2023-75
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO EXTEND THE THIRD
QUARTER 2023 GRACE PERIOD**

WHEREAS, there was a delay in receiving the certification of the 2023 tax rate from the Atlantic County Board of Taxation and, therefore, the Borough of Folsom will need to extend the grace period of the third quarter 2023 tax installment; and,

WHEREAS, N.J.S.A. 54:4-66.4 allows for an extension of the interest free period for the third quarter installment of taxes that being twenty -five days after mailing of the last tax bill, after which interest will accrue from August 1, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the Tax Collector is hereby authorized to extend the grace period for the third quarter 2023 due to the delay in the certification of the tax rate.

BOROUGH OF FOLSOM

RESOLUTION # 2023-78

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY

WHEREAS, the Borough of Folsom owns a parcel of real property Jays Avenue, known as Block 2702 Lots 717 ad 718 on the tax map of the Borough of Folsom; and

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

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

WHEREAS, there is an offer to purchase the real property located on Block 2702 Lot 717 for \$1,000.00 and Lot 718 for \$1,000.00 by August Roderick; and

WHEREAS, Mr. Roderick is a contiguous property owner to Block 2702, Lots, 717 and 718 and pursuant to N.J.S.A. 40A: 12-13 b (5), since the parcel has no capital improvement thereupon and is a non-conforming lot. the Borough may sell the real property to Mr. Roderick; and

WHEREAS, furthermore, the public property was placed for public sale by the Borough of Folsom on July 21,2021 with a minimum bid of \$1,000.00 for lots 717 and \$1,000.00 for Lot 718 and no bids were made on the real property.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that it authorizes the Borough Clerk and Borough Attorney to prepare and execute all documents necessary to close the sale of the real property located at Jays Avenue, Block 2702 Lots 717 and 718 to August Roderick for \$1,000.00 for lots 717 and \$1,000.00 for 718.

BOROUGH OF FOLSOM

RESOLUTION # 2023-79

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY

WHEREAS, the Borough of Folsom owns a parcel of real property Park Avenue, known as Block 2505 Lots 215-216 on the tax map of the Borough of Folsom; and

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

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

WHEREAS, there is an offer to purchase the real property located on Block 2505 Lots 215-216 for \$1,000.00 by Charles Weinberger; and

WHEREAS, Mr. Weinberger is a contiguous property owner to Block 2505, Lots, 216-216 and pursuant to N.J.S.A. 40A: 12-13 b (5), since the parcel has no capital improvement thereupon and is a non-conforming lot. the Borough may sell the real property to Mr. Weinberger; and

WHEREAS, furthermore, the public property was placed for public sale by the Borough of Folsom on July 21,2021 with a minimum bid of \$1,000.00 for lots 215-216 and no bids were made on the real property.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that it authorizes the Borough Clerk and Borough Attorney to prepare and execute all documents necessary to close the sale of the real property located at Park Avenue, Block 2505 Lots 215-216 to Charles Weinberger for \$1,000.00.

BOROUGH OF FOLSOM

RESOLUTION # 2023-80

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY

WHEREAS, the Borough of Folsom owns a parcel of real property Park Avenue, known as Block 2509 Lot 160 on the tax map of the Borough of Folsom; and

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

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

WHEREAS, there is an offer to purchase the real property located on Block 2509 Lot 160 for \$1,000.00 by Michael and Jennifer Sutts; and

WHEREAS, Michael and Jennifer is a contiguous property owner to Block 2509, Lot 160 and pursuant to N.J.S.A. 40A: 12-13 b (5), since the parcel has no capital improvement thereupon and is a non-conforming lot. the Borough may sell the real property to Michael and Jennifer Sutts; and

WHEREAS, furthermore, the public property was placed for public sale by the Borough of Folsom on July 21,2021 with a minimum bid of \$1,000.00 for Block 2509 lot 160 and no bids were made on the real property.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Folsom that it authorizes the Borough Clerk and Borough Attorney to prepare and execute all documents necessary to close the sale of the real property located at Park Avenue, Block 2509 Lots 160 to Michael and Jennifer Sutts for \$1,000.00.

A motion to approve Resolutions #2023-75 thru #2023-80 excluding 2023-76 & 77 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call vote with ayes all.

**RESOLUTION 2023-76
BOROUGH OF FOLSOM**

AN OPEN PUBLIC MEETINGS ACT - EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the New Jersey Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Folsom has determined that such circumstances presently exist and that Council is authorized to enter into an executive session from which the public will be excluded;

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

1. The public shall be excluded from discussion of the subject matter set forth herein; and
2. The general nature of the subject matter to be discussed is a possible litigation.
3. It is anticipated at this time that the above matter will only be made public upon a specific request to the Folsom Council and a determination by the Council that matter no longer need remain confidential; and
4. Upon the conclusion of the closed session Council will return to the public session and action may be taken at such time; and
5. This Resolution shall take effect immediately.

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

There was a roll call vote with ayes all.

**RESOLUTION 2023-77
BOROUGH OF FOLSOM**

AN OPEN PUBLIC MEETINGS ACT - EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, the New Jersey Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Council of the Borough of Folsom has determined that such circumstances presently exist and that Council is authorized to enter into an executive session from which the public will be excluded;

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

6. The public shall be excluded from discussion of the subject matter set forth herein; and
7. The general nature of the subject matter to be discussed is a possible litigation.
8. It is anticipated at this time that the above matter will only be made public upon a specific request to the Folsom Council and a determination by the Council that matter no longer need remain confidential; and
9. Upon the conclusion of the closed session Council will return to the public session and action may be taken at such time; and
10. This Resolution shall take effect immediately.

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

There was a roll call vote with ayes all.

At 6:55PM Mayor and Council entered Executive Session.

At 7:08PM Council returned from Executive Session

SOLICITOR'S REPORT: *No report*

FIRE CHIEF REPORT: *No report*

ENGINEER'S REPORT:

ACIA FY 2020 CDBG Project

Automated Access Systems has provided submittals for review and approval. The door operators will be installed at the end of August or early September.

NJDOT FY 2023 - Resurfacing of Cherokee Rd, Erie Rd, Seneca Lane, Mohawk Dr, & Lenape Terrace

We are currently in the design process for the roads. We would like to meet with the Roads Committee once the design is completed to review the plans. We anticipate submitting the plans and specs to the Borough and NJDOT for approval in October. Once we receive authorization, we will advertise and receive bids. We can award the contract at the November or December meeting. For construction, it is recommended that the drainage work be completed in the winter, and paving should be done in the spring when the temperatures are ideal.

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

The grant application for the New Jersey Department of Transportation's Fiscal Year 2024 State Aid program is complete and submitted. We requested \$551,704.13 to resurface Fenimore Drive, Lenape Terrace, and Mohawk Drive. Grant recipients are typically announced in November.

MAYOR'S REPORT: *Greg wished everyone a Happy Labor Day and enjoy the rest of your summer. Use caution when driving around the neighborhoods the kids are still out playing.*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg thanked Diane Eby and Knights of Columbus for all their help with recognizing the Veterans. Greg also thanked Atlantic City Electric and Electri-Tech for their support at the Community Garden. Greg thanked South Jersey Industries for their donation of Trees.*

Councilman Norman: *Al stated that he asked John to move the speed signs to 14th Street and Park Ave.*

Councilman Porretta: *No report.*

Councilman Whittaker: *Jim read State Trooper report. Jim stated that he is looking into the panic button response. Councilman Hoffman asked Jim if he could ask the State Police to patrol the Penny Pot Park a little more due to some late-night incidents.*

Mike Sutts (3313 S. Pinewood Drive) *stated he doesn't allow his kids to go to the park unless there is a group of them. Mike also stated that his wife went to the park this week and cleaned up two bags of trash from there. Mike does agree that there is a problem at the park and stated that he does see the police patrolling the area more.*

John Lapollo (Public Works Superintendent) *reported that the people who donated the park bench will be replacing the stolen board from the bench.*

Councilman Hoffman: *No report*

:

Councilman Blazer: *No report*

MEETING OPEN TO THE PUBLIC: *No comments*

PAYMENT OF BILLS IN THE AMOUNT OF: \$479,723.43 and \$708.75

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

There was a roll call vote with ayes all

Mayor 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, September 12, 2023 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:34PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

