

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 12, 2023**

MEETING CALLED TO ORDER: 6:18PM

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, Porretta, Hoffman, Norman and Councilman Blazer

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

Absent: Councilman Whittaker

APPROVAL OF THE WORKSHOP MEETING MINUTES August 8, 2023

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

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

APPROVAL OF THE COUNCIL MEETING MINUTES August 8, 2023

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

There was a roll call vote with ayes all with the exception Councilman Blazer’s abstention.

MEETING OPEN TO THE PUBLIC: NO COMMENTS

CLERK’S CORRESPONDENCE:

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

Borough Hall will be closed on Monday, October 9, 2023 in observance of Columbus Day

ORDINANCES: (Final Adoption/Second 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 Hoffman

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

(Introduction/First Reading)

BOROUGH OF FOLSOM

ORDINANCE 09-2023

AMENDING THE SALARY ORDINANCE TO INCLUDE THE CONFLICT ZONING OFFICER POSITION OF THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

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

SECTION 1. The annual salaries and compensation for the various Borough officials, officers, and employees of the Borough of Folsom, listed below, shall be as follows for calendar year 2023:

Salaried Positions			
Borough Clerk/Administrator	\$25,000	-	\$ 75,000
Chief Financial Officer	\$4,000	-	\$75,000
Council Member	\$1,700	-	\$3,000
Code Enforcement	\$1,800	-	\$15,000

Deputy Emergency Management Coordinator	\$300	-	\$5,000
Deputy Borough Clerk	\$15,000	-	\$45,000
Emergency Management Coordinator	\$500	-	\$6,000
Mayor	\$2,200	-	\$3,900
Municipal Administrative Assistant	\$15,000	-	\$40,000
Tax Assessor	\$6,500	-	\$35,000
Tax Collector	\$6,500	-	\$35,000
Zoning Official	\$1,800	-	\$15,000
Hourly Positions:		-	
Conflict Zoning Official	\$15.00		\$50.00
Part-time Laborer	\$15.00	-	\$35.00
Public Works Laborer	\$15.00	-	\$35.00
Superintendent of Public Works	\$15.00	-	\$45.00

SECTION II. The salaries and wages hereby established shall be on a bi-weekly basis with the exception of Mayor and Council, which shall be quarterly, unless otherwise specified.

SECTION III. Any Ordinance or part of an Ordinance inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall become effective immediately upon final passage and publication according to law.

A motion to approve Ordinance #09-2023 was made by Councilman Porretta and seconded by Councilman Blazer

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 2023-81
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND AND CANCEL OF PROPERTY TAXES

WHEREAS, it has come to the attention of Mayor and Council that Block 2607 Lot 266, owner Armond Viola has been declared to be 100% permanently and totally disabled due to a wartime service-connected disability and as such is exempt from paying property taxes;

WHEREAS, the 2023 taxes in the amount of \$2,303.59 shall be canceled and;

WHEREAS, the 2023 2nd quarter taxes were overpaid in the amount of \$353.49, this amount shall be refunded to the mortgage company, Corelogic.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the 2023 taxes are cancelled in the amount of \$2,303.59 and 2nd quarter taxes paid in the amount of \$353.49 be refunded.

**RESOLUTION 2023-82
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING CANCELLATION OF PROPERTY TAXES

WHEREAS, it has come to the attention of Mayor and Council that Block 2605 Lot 706, owner Michael Simons has been declared to be 100% permanently and totally disabled due to a wartime service-connected disability and as such is exempt from paying property taxes;

WHEREAS, the 2023 taxes in the amount of \$ 3,266.62 shall be canceled and;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey that the 2023 taxes are cancelled in the amount of \$ 3,266.62 on the above- mentioned Block and Lot.

**RESOLUTION 2023-83
BOROUGH OF FOLSOM**

**A RESOLUTION GRANTING A RAFFLE LICENSE TO COLLINGS LAKES
CIVICASSOCIATION TO IMPROVE COMMUNITY BEACHES**

WHEREAS, the Collings Lakes Civic Association has applied for a license to conduct an on premise raffle to be held on October 8, 2023.

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

1. The following facts are hereby found and determined:
 - a) The Applicant is qualified.
 - b) The members designed to conduct the games are active members.
 - c) The members designated to conduct the games are of good moral character and have never been convicted of a crime.
 - d) The raffle will be conducted according to the Raffle Licensing Law and the Rules of Legalized Games of Chance Control Commission.
 - e) The entire proceeds are to be disposed of for a purpose permitted by the Raffles Licensing Law.

- f) There is satisfactory proof that no payment will be made for conducting the raffle or assisting therein except to the extent allowed by the law.
 - g) There is satisfactory proof that the prizes are of the nature and amount allowed by the Raffles Licensing Law.
 - h) The rental to be paid for equipment does conform to the schedule of authorized rental prescribed by the Rules of the Control Commission.
2. The Council is hereby authorized and directed to execute and deliver the proper certificates of the aforesaid Findings and Determinations in the Form prescribed and specified by the Legalized Games of Chance Control Commission.

RESOLUTION #2023-84

RESOLUTION OF SUPPORT FOR SUITABILITY OF A STATE LICENSED CANNABIS BUSINESS BY EAST COAST DOUBLE DOSE

WHEREAS, operators of a proposed cannabis business are required by the Cannabis Regulatory Commission to demonstrate local support for the suitability and appropriateness of its business location from a municipality pursuant to N.J.A.C. 17:30-5.1(g) and/or pursuant to the provisions of N.J.S.A. 24:6I-7.2(4); and

WHEREAS, pursuant to the provisions of N.J.S.A. 17:30-5.1(g), the Borough of Folsom has adopted Ordinance #9 of 2021 amending Chapter 200 of the Code of the Borough of Folsom to license and regulate cannabis businesses in designated zoning districts; and

WHEREAS, the applicant, EAST COAST DOUBLE DOSE (the “License-Applicant”) has sought local support to apply for a state license to operate a licensed cannabis retail facility at Block 2301, Lot 5, 1005 Black Horse Pike, located in the Forest Commercial Receiving Zone in the Borough of Folsom; and

WHEREAS, the Borough has reviewed and considered the request of the License-Applicant to conduct the cannabis business at the location described above; and

WHEREAS, the Borough has determined that it has authorized the type of cannabis business license being sought by the License-Applicant to operate within its jurisdiction; and

WHEREAS the Borough has determined that the proposed location is suitable and appropriate for the proposed activity related to the operations of the proposed cannabis business to be conducted by the License-Applicant.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Folsom County of Atlantic, State of New Jersey, that the Mayor and Council hereby support the operation of a state licensed cannabis retail facility by EAST COAST DOUBLE DOSE within the Borough of Folsom; the intended location is zoned by the municipality for the proposed use

**BOROUGH OF FOLSOM
RESOLUTION # 2023-85
A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY**

WHEREAS, the Borough of Folsom owns a parcel of real property Seneca Avenue, known as Block 2714 Lot 479 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 2714 Lot 479 for \$500.00 by Anthony Cozza, Jr.; and

WHEREAS, Anthony Cozza, Jr. is a contiguous property owner to Block 2714, Lot 479 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 Anthony Cozza, Jr.; and

WHEREAS, furthermore, the public property was placed for public sale by the Borough of Folsom on July 21,2021 for Block 2714 lot 479 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 Seneca Avenue, Block 2714 Lots 479 to Anthony Cozza, Jr. for \$500.00.

BOROUGH OF FOLSOM

RESOLUTION #2023-86

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE THE
SHARED SERVICES AGREEMENT WITH THE ATLANTIC COUNTY
IMPROVEMENT AUTHORITY
FOR THE PURPOSE OF ESTABLISHING THE VACANT FORECLOSED HOME
REGISTRY SYSTEM WITH HERA PROPERTY REGISTRY LLC.**

WHEREAS, the Borough of Folsom, recognizes an increase in the number of vacancies and abandoned properties located throughout the municipality; and

WHEREAS, the Atlantic County Improvement Authority has established a county-wide registration program to be administered by Hera Property Registry LLC, who will identify a

contact person to address safety and aesthetic concerns to minimize the negative impacts that occur as a result of foreclosures and vacant properties; and

WHEREAS, the Borough of Folsom wishes to join the Atlantic County Improvement Authority in a Shared Services Agreement to participate in the county-wide registration program with Hera Property Registry LLC to facilitate communication with the contact person responsible for abandoned and foreclosed homes.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Folsom that the Mayor and Borough Clerk are authorized to execute the Shared Services Agreement with the Atlantic County Improvement Authority for the purpose of participating in the county-wide registration program with Hera Property Registry LLC.

A motion to approve Resolutions #2023-81 thru 2023-86 was made by Councilman Hoffman and seconded by Councilman Porretta.

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: *No report*

FIRE CHIEF REPORT: *Al read Fire Chief report.*

ENGINEER'S REPORT:

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 anticipate submitting the plans and specs to the Borough and NJDOT for approval in October or November. Once we receive proper authorization, we will advertise the project, receive bids, and award at the November or December council meeting.

We would like to meet with the Roads Committee to review the plans when the design is complete. Once the project has been awarded, we recommend completing the drainage work in the winter followed by paving work in the spring when temperatures are suitable.

ACIA CDBG FY 2020 - Court Room Automated Door Operators

Automated Access Systems plans on installing the door operators and push plate

MAYOR'S REPORT: *Greg reminded residents to drive with caution now that the kids are back to school. Greg asked Clerk Gatto to reach out to the County to have them cut the grass at the 14th Street Bridge. A discussion ensued over the scheduling of maintenance work in the Borough. Council advised the Clerk to advertise for a Temporary Part-Time Laborer.*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg reported he is having knee surgery in October and will not be at the next meeting. Veteran's Day will be Sunday, November 12, 2023 at 9:00AM at Borough Hall. Greg asked public works to place the decorated trash cans through the Parks. Greg reported that the River Council had a concern regarding derailments with containers carrying hazardous materials going over the Great Egg Harbor River. Greg also expressed concerned over railcars carrying hazardous materials traveling through Folsom. The state is getting involved with this issue to pass a resolution to notify communities and fire departments what materials these railcars are carrying. Greg stated he will speak with our Public Safety Director Jim Whittaker.*

Councilman Norman: *Al stated that he talked to CJ about finding a grant to enclosed the hallways with safety doors. A discussion ensued.*

Councilman Porretta: *No report.*

Councilman Whittaker: *absent*

Councilman Hoffman: *No report*

:

Councilman Blazer: *No report*

MEETING OPEN TO THE PUBLIC: *No comments*

PAYMENT OF BILLS IN THE AMOUNT OF: \$231,023.96

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, October 10, 2023 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:00PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

