

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 13, 2022**

MEETING CALLED TO ORDER: 7:30PM

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: Conway, Whittaker, Porretta, Norman, Hoffman and Blazer

Also present: Solicitor Angela Costigan, CJ Kaenzig and Jen Heller (Polistina & Assoc.)

APPROVAL OF THE WORKSHOP MEETING MINUTES August 9, 2022

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

There was a roll call vote with ayes all.

APPROVAL OF THE REGULAR MEETING MINUTES from August 9, 2022

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

There was a roll call vote with ayes all.

**PROCLAMATION
Knock Out Opioid Abuse Day
October 6, 2022**

WHEREAS, New Jersey is in the midst of a life-threatening opioid abuse epidemic; and
WHEREAS, the Partnership for a Drug-Free New Jersey has designated October 6, 2022, as Knock Out Opioid Abuse Day – an initiative with a multiple purposes: to raise awareness of the potential for dependency on prescribed pain medicine and its link to heroin and fentanyl use in our state; to reduce stigma of addiction and shine a light on the need for recovery support; and to communicate to physicians information on safer prescribing messages found in the Centers for Disease Control and Prevention guidelines for prescribing opioids, which include considering other therapies, setting realistic treatment goals with patients and discussing with patients the positives and negatives of opioids; and

WHEREAS, the State Senate and General Assembly jointly resolved that October 6 shall be permanently designated as Knock Out Opioid Abuse Day in New Jersey in order to raise awareness about the dangers of, and the link between, prescription opioid abuse and heroin addiction and to educate health care providers, community leaders, state lawmakers and

members of the public about the opioid abuse epidemic and its effects throughout the State of New Jersey and across the country; and
WHEREAS, the Borough of Folsom supports initiatives designed to raise awareness about opioid abuse in New Jersey and take steps to prevent addiction;

THEREFORE BE IT RESOLVED, that October 6, 2022, be recognized as Knock Out Opioid Abuse Day in the Borough of Folsom

MEETING OPEN TO PUBLIC: NONE

CLERK'S CORRESPONDENCE:

Shred Day will be September 17, 2022 from 10:00am – 1:00pm

Borough Hall offices will be closed on Monday, October 10, 2022 in observance of Columbus Day

ORDINANCES:

(Second Reading/Final Adoption)

BOROUGH OF FOLSOM

ORDINANCE # 08-2022

ORDINANCE VACATING THE EXISTING RIGHTS OF WAY FOR PORTIONS OF FOURTH ROAD AND 13TH STREET IN THE BOROUGH OF FOLSOM ATLANTIC COUNTY, STATE OF NEW JERSEY

WHEREAS, there has been a request to have the Borough of Folsom vacate the existing rights of way for portions of Fourth Road and 13th Street pursuant to Resolution 2022-6 adopted by the Borough of Folsom Land Use Board on July 20, 2022, in relation to an application requesting the renewal of the existing resource extraction operation at the intersection of Fourth Road and 13th Street designated as Block 1101, Lots 3-5, Block 2004, Lots 3-5 and Block 2201, Lot 4 on the tax map and is located in the F-20(Forest) Zone as required by ordinance section 200-55 for the period of August 15, 2022 through August 15, 2024 said rights of way being more particularly described in accordance with the descriptions set forth as Exhibit A, annexed hereto; and

WHEREAS, the matter has been referred to the Borough Engineer who has recommended that the Borough proceed with the vacation pursuant to a report dated July 25, 2022 set forth as Exhibit B, annexed hereto; and

WHEREAS, it was determined by the Borough of Folsom Land Use Board in its resolution of 2022-6 that the original approvals included a condition that the applicant request the Borough vacate the rights of way that run through the site at Fourth Road and 13th Street that had not yet been vacated; and

WHEREAS, the Land Use Board took testimony from Bruce R. McKenna, P.E.,P.L.S.,P.P. of Monarch Surveying and Engineering LLC that the applicant would take the steps necessary to request that the Borough vacate the unimproved rights of way within the site; and

WHEREAS, the Land Use Board specifically recommended that the Council of the Borough of Folsom vacate the rights of way that run through the site, at Fourth Road and 13th Street as indicated on the plans presented for the application and an adoption by the Council of the Borough of Folsom of a vacation ordinance for rights of way on portions of Fourth Road and 13th Street was a condition of the original approvals; and

WHEREAS, the Mayor and Council does hereby determine that the afore mentioned rights of way as set forth in the description attached hereto as Exhibit A are no longer needed for public purposes and the Borough does not have any future plans for the property for any public development, the property is not under the jurisdiction of Green Acres and has never been used for recreational purposes; and

WHEREAS, pursuant to N.J.S.A. 40: 67-1(b) and N.J.S.A. 40:67-19, the Council of the Borough of Folsom may by ordinance, vacate any public street or portion thereof and rights of way dedicated to public use but not accepted by the Borough whether or not the same or any part has been actually opened or improved; and

WHEREAS, the Council of the Borough of Folsom is of the opinion that the public interest would be best served by abandoning, vacating, releasing, and extinguishing any and all public rights and rights of way which the Borough may have in and to any rights of way upon portions of Fourth Road and 13th Street as shown on Exhibit A attached hereto.

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

SECTION A

1. The rights of the public and the Borough of Folsom on portions of Fourth Road and 13th Street as described in the attached Exhibit A are hereby extinguished and vacated.
2. At least (7) days prior to the time fixed for the consideration of this ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Borough of Folsom to the owners of all real property as shown on the current tax map, whose property adjoins Fourth Road and 13th Street whose land may be affected by this Ordinance. This is notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.
3. At least (10) days prior to the time fixed for the consideration of this Ordinance for final passage a copy of this Ordinance, together with its notice of its introduction and the time and place when and where the ordinance will be further considered for final passage,

shall be published at least once in a newspaper published and circulated in the Borough of Folsom. This is also the notice required by N.J.S.A. 40:49-6 and N.J.S.A. 40:67-19.

4. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by and under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the County Clerk in accordance with the provisions of N.J.S.A. 40: 67-21.
5. The Applicant shall be responsible for the cost of the revision to the Tax Map of The Borough of Folsom.
6. The Applicant shall update the deed descriptions for the vacated portions of Fourth Road and 13Th Street to include all language in the Engineering report of Polistina Associates LLC dated July 25, 2022

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

PUBLIC COMMENT: NONE

A motion to approve Ordinance#8-2022 was made by Councilman Norman and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
ORDINANCE # 09- 2022**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF
FOLSOM, CHAPTER 151-PROPERTY MAINTENANCE AND
ENACTING CHAPTER 151-12.**

WHEREAS, there are a significant number of real properties in the Borough which are not being maintained which create a significant health and safety hazard to the residents of the Borough; and

WHEREAS, the governing body of the Borough of Folsom wishes to therefore enact an Ordinance enacting violations, penalties and establishing liens on such properties; and

WHEREAS, a municipality may enact ordinances for the health, welfare and safety of its residents pursuant to N.J.S.A. 40:48-2.

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

SECTION 1 CHAPTER 151-12 is enacted and titled: Brush, Trash, Debris

A. Removal Required.

The Zoning Officer of the Borough of Folsom and anyone acting under his authority may require the owner or tenant of a dwelling lying with the Borough of Folsom, when necessary and expedient for the preservation of public health, safety or general welfare or to eliminate a fire hazard, to remove from such lands or dwelling brush, weeds (including ragweed), dead and dying trees, slumps, roots, obnoxious growth, filth, garbage, trash and debris.

B. Notice to remove.

The Zoning Officer and anyone acting under his authority shall provide to the owner and/or tenant 10 days' written notice to remove or destroy same. In cases where the owner or tenant shall refuse and neglect to remove or destroy same in a manner within the time prescribed above, it shall be deemed a violation of this article.

C. Violations and penalties.

The penalty for violation of any provision of this article shall be as set forth in Chapter 151-7. Any such penalty shall in addition to the costs incurred in cutting and removing said brush, debris or other items. For the purposes of this article, each day in which said

condition exists after the expiration of the notice shall be deemed or constitute a separate offense under this article, and separate complaints may be filed for each such offense.

D. Failure to remove; associated costs.

In cases where the owner and/or tenant shall fail to remove said brush, weeds (including ragweed), dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris, the same must be removed within the direction of the Zoning Officer or his representative from the Borough of Folsom, said Zoning Officer or his representative shall certify the cost thereof to the governing body of the Borough of Folsom, which shall examine the certificate and if found correct, shall cause the cost as shown thereon to be charged against the property. The amount of said charge shall forthwith become a lien upon such lands and shall be added to and become in form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the tax collector in the same manner as taxes.

SECTION 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

SECTION 4. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

PUBLIC COMMENT: NONE

A motion to approve Ordinance#9-2022 was made by Councilman Norman and seconded by Councilman Porretta

There was a roll call vote with ayes all.

BOROUGH OF FOLSOM

ORDINANCE #10- 2022

AN ORDINANCE AMENDING CHAPTER 173, ARTICLE III OF THE CODE OF THE BOROUGH OF FOLSOM, §173-11 D AND §173-8 AND ENACTING §173-15

WHEREAS, the Council of the Borough of Folsom adopted Ordinances 9-2021 and 5-2022 on July 13, 2021 and May 10, 2022, respectively establishing fees and procedures for Cannabis businesses in the Borough; and

WHEREAS, the Mayor and Council of the Borough of Folsom wish to maintain the health, welfare and safety of its residents; and

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

NOW THEREFORE, BE IT ORDAINED that:

Section 1-§ 173-11 D License is amended to read:

The Application Fee for all classifications of licenses, is \$2,500.00. The license must be renewed yearly at a fee of \$1,500.00 per year.

Section 2-§173-15 shall be enacted as follows:

§173-15 Consumption, Possession and Unregulated Sale

A. Prohibition in Public Places.

No person shall consume, smoke, use, vape, aerosolize, immobilize or possess in any open container any Cannabis or Cannabis product in any Borough Park, lake area, recreation area and in any school and in any place that any other law prohibits the smoking of tobacco, including N.J.S.A. 2C:33-13 and the New Jersey Smoke-Free Air Act.” N.J.S.A. 26:3D-55 et seq.

B. Prohibition of Unregulated Sale of Cannabis

No person shall sell cannabis in the Borough without a state license and a Borough license.

Section 3-§173-8 Definitions is amended as follows:

A. Tobacco Product

Any definition of tobacco product in the Borough Code is amended to include Cannabis

and Cannabis Product.

B. Smoking

Any definition of smoking in the Borough Code is amended to include Cannabis and Cannabis Product.

Section 4. Repealer

Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Severability.

In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 6. Effective Date

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

PUBLIC COMMENT: NONE

A motion to approve Ordinance#10-2022 was made by Councilman Porretta and seconded by Councilman Whittaker

There was a roll call vote with ayes all.

BOROUGH OF FOLSOM

ORDINANCE #11- 2022

AN ORDINANCE REGULATING PARKING AND STORAGE OF UNOCCUPIED VEHICLES ON FRONT AND SIDE YARDS IN THE BOROUGH OF FOLSOM, ATLANTIC COUNTY AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 187, ARTICLE 1-PARKING

WHEREAS, the Governing Body of the Borough of Folsom is mindful of its parking ordinances; and

WHEREAS, the Borough acknowledges safety problems associated with the parking and storage of unoccupied and inoperable cars, pick- up trucks and RVs on the front and side lawns of residential properties located within the Borough of Folsom; and

WHEREAS, the Borough seeks to alleviate these problems.

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

Section 1. There shall be created Chapter 187-2 to be entitled “Parking and Storage of unoccupied vehicles on front and side yards as follows:

§ 187-2.

A. **Definitions.** Any words or phrases used in this chapter shall have the same meanings as those given to them in Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey, the New Jersey Administrative Code, specifically N.J.A.C 5:21 (2013).

“Driveway” means a defined and maintained private road, paved or stone filled, from a public road to a house, back yard or garage.

“Parking” means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signals.

“Front yard” means a yard extending across the full width of a lot between the front lot line to the nearest main building on the lot. In the case of a corner lot, any yard extending along the full length of a street line is considered a front yard.

“**Side yard**” means that it extends from the front yard, to the back yard of a lot and from the side lot line to the nearest main building. In the case of a corner lot, any yard that is not a front yard is considered a side yard.

“**Vehicles**” means recreational vehicles, motor homes, trailers, camper-trailers, small boats and inoperable vehicles.

“**Storage**” means the placement for more than seven (7) days.

B. The outdoor parking and storage of unoccupied recreational vehicles, motor homes, trailers, camper-trailers, or small boats shall be permitted on a single-family lot, provided that:

1. Such parking and storage shall not be located in any required front or side yard.

2. The vehicle shall not exceed 35(thirty-five) feet in length and 8(eight)feet in width.

3. Only one vehicle shall be permitted to be parked and stored.

4. Vehicles exceeding 35(thirty-five) feet in length may be stored only within the required building setback lines.

5. Any such vehicles stored in accordance with this section shall not be occupied and shall not be provided with utility connection other than for the maintenance of such vehicles.

6. No vehicle stored in conformance with this section shall remain in such storage for longer than 3 (three) consecutive months.

C. It shall be unlawful for any person to park or store any vehicle which has missing tires, wheels, engines or any essential parts, or which displays extensive body damage or deterioration, or which does not display a current, valid State license, or which is wrecked, disassembled or partially disassembled on any front or side yard.

D. **Penalties.** Any person who violates any one or more sections of this chapter shall be subject to a fine in the minimum amount of \$250.00 for each separate offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

PUBLIC COMMENT: NONE

A motion to approve Ordinance#11-2022 was made by Councilman Hoffman and seconded by Councilman Porretta

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 NO. 2022-78
BOROUGH OF FOLSOM**

RESOLUTION ACCEPTING THE RESIGNATION OF EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Borough Council of the Borough of Folsom having received notification from Kyle Smith by way of letter as to his intent to resign from the Office of Emergency Management position he currently holds on behalf of the Borough of Folsom effective August 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that the resignation from the OEM of Kyle Smith (copy attached) is hereby accepted.

**RESOLUTION NO. 2022-79
BOROUGH OF FOLSOM**

**RESOLUTION ACCEPTING THE RESIGNATION OF PUBLIC WORKS DEPARTMENT EMPLOYEE
ZACHERY CHRISTY**

WHEREAS, the Borough Council of the Borough of Folsom having received notification from Zachery Christy by way of letter as to his intent to resign from the Public Works Department laborer position effective September 13, 2022; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that the resignation from Zachery Christy (copy attached) is hereby accepted.

THIS RESOLUTION was adopted by the Borough Council of the Borough of Folsom on September 13, 2022

A motion was made by Councilman Blazer to approve Resolutions #2022-78 and 2022-79 and seconded by Councilman Norman.

There was a roll call vote with ayes all.

SOLICITOR'S REPORT: *No report*

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

ENGINEER'S REPORT:

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

Arawak Paving Co. has provided drainage submittals and will be ordering the required materials so that drainage construction can begin as soon as possible. They anticipate performing test pits within the next week or so to verify that there will be no utility conflicts, and construction will begin once the materials are received.

Eighth Street Bridge

The temporary repairs to the bridge have been completed and Eighth Street has been re-opened. Some minor pavement repairs are still needed within the work zone, and we have been informed by the County that the repairs will be addressed by their Contractor as part of their project punch list. The County anticipates that construction for the full bridge replacement will begin in about a year.

There was a discussion on Lupin Lane.

Mark O'Toole had a question about drainage on his street.

MAYOR'S REPORT: Mayor Schenker asked residents if anyone is interested in helping the Historical Society to please contact Borough Hall. Greg also asked if anyone had an item for display. Greg reminded residents that Shred Day is this Saturday.

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg reminded residents to check on the website under CODE 360 for all the new Borough Ordinances.*

Councilman Norman: *No report*

Councilman Porretta: *No report*

Councilman Whittaker: *Jim stated that he is still working with the State Police to reduce speeding in the Borough. Jim reported that the State Police stalker trailer was vandalized. Jim reported that there were no significant issues last month in the Borough.*

Councilman Hoffman: *No report*

Councilman Blazer: *Jake reported he is still waiting for resurfacing dates for the tennis courts. Jake also reported that he received the final quote for sealcoating the walking path. Jake stated he is still waiting for the final quote for fencing.*

Councilman Blazer made a motion to move forward with the sealcoating and Councilman Norman seconded that motion.

PUBLIC COMMENTS: *None*

PAYMENT OF BILLS IN THE AMOUNT OF: \$427,487.18

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, October 11, 2022 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:00PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

