

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 14, 2021**

MEETING CALLED TO ORDER: 6:55 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, Porretta, Norman, Hoffman and Blazer

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

APPROVAL OF THE WORKSHOP MEETING MINUTES from August 10, 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 with the exceptions of Councilman Porretta, Hoffman and Blazer's abstentions.

APPROVAL OF THE REGULAR MEETING MINUTES from August 10, 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 with the exceptions of Councilman Porretta, Hoffman and Blazer's abstentions.

MEETING OPEN TO PUBLIC:

Cindy Norman (28 E. Park Avenue) updated Mayor and Council on the Historical Society. Cindy was here tonight requesting money to help restore some old photos.

Al Valentino (2107 14th St.) spoke about the speeding on 14th and throughout the Borough and the need for additional signs.

Clerk's Correspondence:

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

Borough Hall will be closed on October 11, 2021 in observance of Columbus Day

ORDINANCES:

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 Blazer and seconded by Councilman Norman

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
ORDINANCE NO. 13-2021**

AN ORDINANCE APPROPRIATING \$35,000 FROM THE CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A TOW-BEHIND BOOM LIFT FOR THE BOROUGH OF FOLSOM, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

WHEREAS, said monies exist in the Capital Improvement Fund of the Borough of Folsom for capital purposes.

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

SECTION I: The sum of \$35,000 is appropriated from the Capital Improvement Fund of the Borough of Folsom the purchase of tow-behind boom lift.

SECTION II: Payment for the project shall be made by the Borough of Folsom upon presentation of duly executed vouchers by an authorized vendor and certification by the Chief Financial Officer that the Local Public Contracts Law has been compiled with, and further, in accordance with a policy adopted by the Borough Council of the Borough of Folsom.

SECTION III: The Ordinance shall take effect upon passage and publication according to law.

A discussion ensued over tree removal training and use of new equipment.

A motion to approve Ordinance# 13-2021 was made by Councilman Norman and seconded by Councilman Whittaker

There was a roll call vote with ayes all.

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:

2021-81 A RESOLUTION REVISING RESOLUTION 2021-27 TO INCLUDE THE FOLLOWING APPOINTMENTS (**Kristen Gummo-Lubrano**)

2021-83 RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PURCHASE & INSTALLATION OF ELECTRONIC SIGN

2021-84 KNOCK OUT OPIOID ABUSE DAY

2021-85 RESOLUTION ACCEPTING THE RESIGNATION OF ZONING OFFICER ROSEMARY FLAHERTY

A motion was made by Councilman Hoffman to approve Resolutions 2021-81 and 2021-83 thru 2021-85 and seconded by Councilman Porretta

There was a roll call vote with ayes all.

2021-82 RESOLUTION SUSPENDING THE APPLICATION AND ENFORCEMENT OF THE VACANT AND ABANDONED PROPERTY ORDINANCE IN THE BOROUGH OF FOLSOM

A motion was made by Councilman Conway to approve Resolution 2021-82 and seconded by Councilman Blazer

There was a roll call vote with ayes all.

SOLICITOR'S REPORT:

Ms. Costigan updated Mayor and Council on the status of the contract with the Fire District.

FIRE CHIEF REPORT: No report

ENGINEER'S REPORT:

NJDOT FY2020 - Resurfacing of Lake Drive

The contractor is replacing the pedestrian warning signs in the center of the crosswalk.

NJDOT FY2021 - Resurfacing of Park Avenue

The contractor will begin the drainage work on Park Avenue at the end of the September/beginning of October. Paving will follow the 30-day minimum settlement period. The project is anticipated to be completed by the end of November.

South River Drive

After a recent storm, a pipe in the roadway at 28 South River Drive collapsed. Public Works filled the hole with crushed stone and covered it with a steel plate. We will be preparing a plan and specification to solicit informal bids for the replacement of the damaged pipe and trench restoration. We expect to award a contract next month and have the repair completed this fall.

The Borough should consider applying for discretionary funding from the NJDOT Municipal Aid to replace the corrugated metal pipes in this area to prevent any future sink holes. We can work with Public Works to identify any pipe crossings that need to be replaced.

Eighth Street Bridge

The bridge is still closed. A full detour for Eighth Street continues to be in effect indefinitely.

MAYOR'S REPORT: *Mayor Schenker read correspondence he received from the County regarding the COVID-19 shot, Greg also read a letter from the NJDOT referencing roadwork on Rt 322, and the last letter was from the Atlantic County Senior Transportation in reference to a prior Webinar. Mayor wished everyone to please use caution with Halloween approaching and school being in session.*

COUNCIL MEMBER'S COMMITTEE REPORTS:

Councilman Conway: *Greg reported on the lantern fly and reminded residents to go to the Borough Website for more information. Greg read public works report.*

Councilman Norman: *Al stated he is still getting complaints about the unkempt properties in Folsom including old vehicles. A long discussion ensued over properties and ordinances.*

Councilman Porretta: *no report*

Councilman Whittaker: *Jim stated that the State Police are still working on the new system and hopes to have a Folsom Call Report in the near future. Jim will address speeding issues with the State Police.*

Councilman Hoffman: *Jim asked for an update on the digital sign.*

Councilman Blazer: *Jake updated Council on a grant for the tennis courts and maybe move forward on the purchase of swings.*

PUBLIC COMMENTS: NO COMMENTS

PAYMENT OF BILLS IN THE AMOUNT OF: \$13,221.50 and \$983,708.07

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

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, October 12, 2021 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:05 respectfully submitted,

Patricia M. Gatto
Municipal Clerk

