

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
February 14, 2023**

**MEETING CALLED TO ORDER: 6:40PM**

**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, Hoffman, Norman and Blazer

**Also present:** Mayor Greg Schenker, Solicitor Angela Costigan, and Jen Heller from (Polistina & Assoc.)

**APPROVAL OF THE RE-ORGANIZATION MEETING MINUTES January 3, 2023**

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

**APPROVAL OF THE WORKSHOP MEETING MINUTES January 10, 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.*

**APPROVAL OF THE COUNCIL MEETING MINUTES January 10, 2023**

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

*There was a roll call vote with ayes all.*

**MEETING OPEN TO PUBLIC:**

Dillon Thompson (1233 Mays Landing Rd.) came before Mayor and Council to express his concerns about speeding on Mays Landing Road and asked that Council, please attend a county meeting and ask the County to take measures to reduce speeding.

**CLERK'S CORRESPONDENCE:**

Borough Hall Offices will be closed on February 20, 2023 in observance Presidents' Day

Next E-Waste Drop-Off Day is March 11, 2023 from 8:00AM to 11:00PM

Free Rabies Clinic is scheduled for March 25, 2023 from 9:00AM to 11:00AM at the Borough Garage located on Backline Rd.

*ORDINANCES: (First reading/adoption)*

**BOROUGH OF FOLSOM  
ORDINANCE 01-2023**

**CALENDAR YEAR 2023**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Folsom in the County of Atlantic finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$9,198.84 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Folsom, in the County of Atlantic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Folsom shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$1,024,536 and that the CY 2023 municipal budget for the Borough of Folsom be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**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 February 14, 2023 and said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on March 14, 2023 at 6:00 P.M.

*A motion to approve Ordinance#1-2023 was made by Councilman Blazer and seconded by Councilman Norman*

*There was a roll call vote with ayes all.*

**BOROUGH OF FOLSOM  
ORDINANCE 02-2023**

**AN ORDINANCE ESTABLISHING AND FIXING SALARIES FOR VARIOUS OFFICIALS AND EMPLOYEES 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:

<b><u>Salaried Positions</u></b>			
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
<b><u>Hourly Positions:</u></b>		-	
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.** The provisions of this Ordinance shall be retroactive to January 1, 2023, and shall apply to employees continually employed since January 1, 2023.

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

**SECTION V.** This Ordinance shall become effective immediately upon final passage and publication according to 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 February 14, 2023 Said Ordinance was approved for final adoption at a public hearing held in the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> St., Folsom, NJ on March 14, 2023 at 6:00 P.M.

*A motion to approve Ordinance#2-2023 was made by Councilman Hoffman and seconded by Councilman Norman*

*There was a roll call vote with ayes all.*

## **BOROUGH OF FOLSOM**

### **ORDINANCE #03-2023**

ORDINANCE TO AMEND CHAPTER 103 TITLED FEES OF THE CODE OF THE BOROUGH OF FOLSOM TO INCREASE FEES FOR USE OF ATHLETIC FIELDS

**WHEREAS,** the Council of the Borough of Folsom wishes to increase fees for use of athletic fields due to rising costs; and

**WHEREAS,** fees for use of athletic fees have not been increased for 8 years; and

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

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

**SECTION 1.** Chapter 103 Fees, Article II-Use of Athletic Fees shall be amended as follows:

§ 103-6-Permit Fee.

The annual permit application is \$600.00. The charge for use of lights shall be \$135.00 each time a request is made, in addition to the permit fee of \$600.00. The permit fee must be paid at the time of application, no full or partial refunds of any fees shall be made by the Borough once the fees are paid.

**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 the law.

*A motion to approve Ordinance#3-2023 was made by Councilman Norman and seconded by Councilman Hoffman*

*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.

## **Borough of Folsom**

### **RESOLUTION # 2023-32**

#### **RESOLUTION SUPPORTING STRONGER MUNICIPAL OFF ROAD ATV ORDINANCES FOR RIVER COUNCIL MUNICIPALITIES**

**WHEREAS**, The Great Egg Harbor River Council was established to manage the long- term protection of the natural, cultural and recreational value for which the Great Egg Harbor River was designated by Congress in 1992; and

**WHEREAS**, The Great Egg Harbor River was designated because of its outstanding resource values or ORVs, such as, rare and endangered species habitat, anadromous fish habitat, recreational value, historic and cultural values, and scenic values; and

**WHEREAS**, Outstanding remarkable values of the Great Egg Harbor Watershed are being significantly damaged by illegal off-road ATVs on public lands including habitat for the threatened Pine Barrens Tree Frog; the anadromous fish, River Herring, and aquatic and terrestrial ecosystems; and

**WHEREAS**, Illegal off-road ATVs diminish recreational values for legitimate recreation such as hiking, fishing and wildlife observation, and pose a threat to public health safety or welfare, and are dangerous, or impossible to pursue by law enforcement; and

**WHEREAS**, Rigorous enforcement of stronger penalties for illegal ATVs on public roads and rights of way would provide increased deterrents to help to reduce the damage that is being done by illegal off-road ATVs in environmentally sensitive and valuable areas, and help to protect public safety; and

**WHEREAS**, While most River Council Municipalities have adopted ATV ordinances based on N.J.S.A. 39:3C-35 and existing state laws which prohibit the use of off-road ATVs on public roads and allow impoundment of illegal vehicles, this has not worked to deter illegal ATV use and there has been an increase in the use of illegal off-road vehicles on public roads, highways, and rights of way; and

**WHEREAS**, In order to increase protections against illegal ATV operators, the State of New Jersey has passed a new law that states that all-terrain vehicle or dirt bike operated on any public street, highway, or right-of-way in violation of N.J.S.A. 39:3C-17 which poses an immediate threat to the public health, safety or welfare and hereby designates such all-terrain vehicles or dirt bikes so operated as contraband subject to forfeiture in accordance with the provisions of N.J.S.A. 2C:64-1 et seq. and allowing that an all-terrain vehicle or dirt bike so forfeited pursuant to the provisions of N.J.S.A. 2C:64-1 et seq. may be destroyed; and

**WHEREAS**, Egg Harbor Township, Vineland City, Atlantic City, Absecon City and Pleasantville City have determined that illegal ATV operations are a growing threat and have adopted new ordinances this year based on existing and new NJ State Laws regarding ATVs and Dirt Bikes; and

**WHEREAS**, Vineland City, Atlantic City, Absecon City and Pleasantville City have adopted additional municipal ordinances that prohibit the direct sale of gasoline into the tank of illegal off- road vehicles to further deter the use of illegal off-road ATVs; and

**WHEREAS**, Adoption of similar ordinances by other River Council Municipalities would serve as a strong deterrent against illegally operated ATVs and Dirt Bikes that are endangering public safety and damaging aquatic and terrestrial ecosystems throughout the watershed; and

**WHEREAS**, The Great Egg Harbor River Council Staff has created model ordinances for both the forfeiture and destruction of illegal off-road vehicles as well as prohibition of the sale of gasoline to illegal off- road vehicles that can be further crafted to fit the needs and desires of RC municipalities,

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Folsom that it strongly recommends the creation and adoption of stronger off-road ATV ordinances for River Council Municipalities.

**AND BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the River Council Municipalities, the Pinelands Commission, the Pinelands Municipal Council, the Pinelands Preservation Alliance, and the New Jersey Natural Lands Trust.

**RESOLUTION 2023-33  
BOROUGH OF FOLSOM**

**A RESOLUTION GRANTING A RAFFLE LICENSE TO COLLINGS LAKES CIVIC  
ASSOCIATION TO BENEFIT AND IMPROVE COMMUNITY BEACHES AND PUBLIC  
AREAS**

**WHEREAS**, the Collings Lakes Civic Association has applied for a license to conduct an on-premise raffle to be held on April 1, 2023, May 6, 2023 and December 4, 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.

**Borough of Folsom #2023-34  
PARTICIPANT'S RESOLUTION  
LEAP IMPLEMENTATION GRANT**

**WHEREAS**, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the County of Atlantic and (Folsom Borough) propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to have Atlantic County purchase portable traffic lights and make them available to municipalities on an as need basis at no cost, which will benefit the residents of all participating local units; and

WHEREAS, the County of Atlantic has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the (Borough of Folsom), that the (Borough of Folsom) does hereby join with the County of Atlantic in applying for a LEAP Implementation Grant to support implementation of this shared service.

**RESOLUTION 2023-35  
BOROUGH OF FOLSOM**

**A RESOLUTION AUTHORIZING PERSON-TO-PERSON TRANSFER OF A RETAIL  
PLENARY DISTRIBUTION LICENSE**

**#0110-44-005-005 Ruchirag, LLC to Ruphas, LLC**

**WHEREAS**, an application has been filed for Person-to-Person Transfer of Plenary Retail Distribution License Number 0110-44-005-005, heretofore issued to Ruchirag LLC, with a mailing address of 10 East Black Horse Pike, Unites B, C and D Folsom, NJ 08037; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statues, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of

Folsom, do hereby approve February 14, 2023 the Person-To-Person Transfer of Plenary retail Distribution License No 011-44-005-005, to Ruphas, LLC for premises located at 10 E. Black Horse Pike, Units B,C and D, Folsom New Jersey 08037, and does hereby direct the alcoholic Beverage Control Secretary to endorse the license certificate to the new ownership.

**RESOLUTION 2023-37  
BOROUGH OF FOLSOM**

**A RESOLUTION TO AMEND RESOLUTION #2023-27 STREETS AND ROAD  
COMMITTEE**

**WHEREAS**, Councilman Conway of the Streets and Road Committee wishes to step down from the Chairman position and Committee due to his added responsibilities to the borough; and

**WHEREAS**, Councilman Blazer is willing to Chair the Committee along with Councilman Norman; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom, that this resolution go into effect immediately.

*A motion was made by Councilman Norman to approve Resolutions #2023-32 and 2023-37 excluding Resolution 2023-36 and seconded by Councilman Whittaker.*

*There was a roll call vote with ayes all.*

**SOLICITOR'S REPORT:** *No report*

**FIRE CHIEF REPORT:** *No report*

**ENGINEER'S REPORT:**

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

Arawak has completed all contract work on the project. We have sent them a punch list for additional corrective work as requested by the Borough and Public Works. Arawak anticipates returning in March to address the punch list items and to complete turf repairs with topsoil, fertilizing and seeding.

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

The Borough has been awarded a municipal aid grant in the amount of \$261,640.00 to resurface Cherokee Road, Erie Road, Seneca Lane, Mohawk Drive, and Lenape Terrace. A proposal for the work has been submitted to the Borough to be considered and included in the upcoming budget. Once the proposal is approved by the Borough, we will proceed with the surveying and design for approval by NJDOT in late spring, with the start of construction to follow in summer or fall of 2023.

**NJDOT FY 2023 - 14th Street Bike Path**

The Borough has been awarded a bikeway grant in the amount of \$331,000.00 to construct a bike path along 14th Street from South River Drive to Back Line Road. A proposal for the work has been submitted to the Borough to be considered and included in the upcoming budget. If the Borough decides to move forward with the project and the proposal is approved, we will proceed with the surveying and design for approval by NJDOT in late spring, with the start of construction to follow in summer or fall of 2023.

**NJDCA FY 2023 - Local Recreation Improvement Grant**

We have submitted a grant application on behalf of the Borough for the New Jersey Department of Community Affairs' Fiscal Year 2023 Local Recreation Improvement Grant. We requested \$60,000 in funding to renovate the Babe Ruth League baseball field.

**MAYOR'S REPORT:** *Mayor Schenker discussed the letter residents received regarding contaminated wells.*

**COUNCIL MEMBER'S COMMITTEE REPORTS:**

**Councilman Conway:** *Greg read the Public Works Report.*

**Councilman Norman:** *No report*

**Councilman Porretta:** *No report*

**Councilman Whittaker:** *Jim read the State Police report.*

**Councilman Hoffman:** *Jim reminded residents not to dump bulk items along side the road. Call Public Works to pick up. Please don't dump.*

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**Councilman Blazer:** *Jake updated Council on Parks & Rec.*

**PUBLIC COMMENTS:**

*Resolution:*

**RESOLUTION 2023-36  
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 Personnel matter.
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 Resolution #2023-36 was made by Councilman Norman and seconded by Councilman Blazer**

**There was a roll call vote with ayes all**

Public asked to leave room.

Council entered into executive session at 7:40PM

Council returned from executive session at 8:18PM

**PAYMENT OF BILLS IN THE AMOUNT OF: \$233,422.18, \$240,618.08 and \$206,710.34**

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

*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](http://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, March 14, 2023 starting at 6:00 pm in Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:26PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk





