

**BOROUGH OF FOLSOM  
COUNCIL MEETING  
MINUTES  
May 14, 2024**

**MEETING CALLED TO ORDER: 6:31 PM**

**SALUTE TO THE FLAG LED BY MAYOR GLENN SMITH**

**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:** Mayor Glenn Smith, Deputy Clerk Susan Carroll, Solicitor Angela Costigan, and CJ Kaenzig from Polistina & Assoc.

**APPROVAL OF THE WORKSHOP MEETING MINUTES April 9, 2024**

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

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

**APPROVAL OF THE COUNCIL MEETING MINUTES April 9, 2024**

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

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

Approval for plans and specs for the Falcon's Nest Park Field Improvements.

Approval for plans and specs for the Falcon's Nest Park Dugout Improvements.

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

**MEETING OPEN TO THE PUBLIC: *No comments***

**CLERK'S CORRESPONDENCE:**

*Memorial Day Service to honor Veterans, Sunday, May 26, 2024 at 9:00am*

*Borough Hall will be closed on Monday, May 27, 2024 in observance of Memorial Day*

**ORDINANCES:**  
*(Second Reading/Final Adoption)*

**BOROUGH OF FOLSOM**  
**ORDINANCE NO. #4- 2024**

**AN ORDINANCE AMENDING CHAPTER 164, STORMWATER MANAGEMENT,  
AND CHAPTER 200, ZONING, OF THE CODE OF THE BOROUGH OF FOLSOM,  
COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

**WHEREAS**, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Borough of Folsom implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

**WHEREAS**, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8; and

**WHEREAS**, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 17, 2023.

**WHEREAS**, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 2023.

**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 1:** Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection D. as follows:

**D. Tables 1, 2 and 3** below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and

stormwater runoff quantity standards specified in **§164-14N, O, P, and Q**. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found in **Tables 1, 2, and 3** are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater BMP Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the NJDEP shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the NJDEP website at: <https://dep.nj.gov/stormwater/bmp-manual/>.

**SECTION 2:** Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection O. as follows:

**O. Groundwater Recharge Standards**

- (1) (No change.)
- (2) For all major development, the total runoff volume generated from the net increase in impervious surfaces by a the current\_10-year, 24-hour storm, as defined and determined in **§164-15H**, shall be retained and infiltrated onsite.
- (3) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a the current 10-year, 24-hour storm, as defined and determined in **§164-15H**, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.
- (4)-(5) (No change.)

**SECTION 3:** Chapter 164, Stormwater Management, Article III, Stormwater Control, Section 164-14, Stormwater Management Requirements, is hereby amended by revising subsection Q. as follows:

**Q. Stormwater Runoff Quantity Standards**

(1) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §164-15., complete one of the following:

- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in **§164-15H and I**, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in **§164-15H and I**, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in **§164-15H and I**, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

**SECTION 4:** Chapter 164, Stormwater Management, Article III, Stormwater Control,

Section 164-15, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

**§164-15. Calculation of Stormwater Runoff and Groundwater Recharge**

- A. Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is

available from the Natural Resources Conservation Service website at:  
<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States  
 Department of Agriculture Natural Resources Conservation Service,

- B. (No change.)
- C. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology at **A. above**. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- D. -- G. (No change.)
- H. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items **(1)** and **(2)** below:
  - (1)** The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:  
[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and
  - (2)** The applicant shall utilize **Table 5: Current Precipitation Adjustment Factors** below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

<b>County</b>	<b>Current Precipitation Adjustment Factors</b>		
	<b><u>2-year</u> Design Storm</b>	<b><u>10-year</u> Design Storm</b>	<b><u>100-year</u> Design Storm</b>
<u>Atlantic</u>	<u>1.01</u>	<u>1.02</u>	<u>1.03</u>

<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>
<u>Gloucester</u>	<u>1.05</u>	<u>1.06</u>	<u>1.06</u>

- I. **Table 6:** Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to **H.(1)** above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 6: Future Precipitation Change Factors**

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>100-year Design Storm</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>

**SECTION 5:** Chapter 164, Stormwater Management, Article III, Stormwater Control,

Section 164-16, Sources for Technical Guidance, is hereby amended as follows:

**§164-16. Sources for Technical Guidance**

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP’s website at: <https://dep.nj.gov/stormwater/bmp-manual>.

(1) (No change.)

(2) Additional maintenance guidance is available on the NJDEP’s website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.

**B.**

(1) Submissions required for review by the NJDEP should be mailed to:

The Division of Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

(2) (No change.)

**SECTION 6:** Chapter 200, Zoning, Article II, Definitions, Section 200-6, Definitions, is hereby amended by adding the following definitions:

**DIVERT or DIVERSION** – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

**HYDROLOGIC UNIT CODE-11 or HUC-11** – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

**NONCONSUMPTIVE USE** – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

**SECTION 7:** Chapter 200, Zoning, Article VII, Borough Development Standards, Section 200-47, Water quality, is hereby amended by repealing and replacing subsection E. as follows:

**E. Water Management**

- (1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.
- (2) A diversion within Folsom Borough that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.
  - (a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

- (b)** The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.
- (3)** A diversion within Folsom Borough involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at **(2)(a)** and **(b)** above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at **(4)** below.
- (4)** Within Folsom Borough a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(4)(c)** through **(f)** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.
- (a)** When evaluating whether the proposed diversion meets the criteria set forth at **(4)(c)** through **(f)** below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.
- (b)** The standards set forth at **(4)(c)** through **(f)** below shall not apply to:
- [1]** A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:
- [a]** Be approximately the same depth as the existing well;
  - [b]** Divert from the same aquifer as the existing well;
  - [c]** Have the same or lesser pump capacity as the existing well; and
  - [d]** Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;
- [2]** Any proposed diversion that is exclusively for agricultural or horticultural use; or



[3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

- (c) A proposed diversion shall be permitted only in the following Pinelands Management Areas: Rural Development Area; Agricultural Production Area; and the Pinelands Village of Folsom.
- (d) A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.
- (e) A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.
- (f) An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

**SECTION 8:** Chapter 200, Zoning, Article VII, Borough Development Standards,

Section 200-55, Resource extraction, is hereby amended by revising subsection A. as follows:

- A. Application requirements. Any application filed for approval of resource extraction operations in the Borough shall include at least the following information:
  - (1) – (17) (No change.)

(18) If the application includes a proposed diversion from the Kirkwood-Cohansey aquifer, a hydrogeologic report that identifies the volume of the diversion, the volume of water to be returned to the source, a description of the route of return to the source, the methodology used to quantify the volume of water returned to the source and a description of any other existing or proposed water diversions or discharges on or from the parcel. The report shall also include a map that depicts the location of the diversion, the location of the return to source, the location of all existing or proposed resource extraction operations and the location of all wetlands on or within 300 feet of the parcel on which the diversion is proposed.

**SECTION 9. 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 10. 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 11. Effective Date**

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

NO PUBLIC COMMENT

*A motion to approve Ordinance #04-2024 was made by Councilman Norman and seconded by Councilman Blazer*

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

**BOROUGH OF FOLSOM  
ORDINANCE #05- 2024**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF FOLSOM,  
CHAPTER 151 ADDING SECTION 15 TITLED LAWNS**

**WHEREAS**, the Council of the Borough of Folsom wishes to address maintenance of properties within the Borough; and

**WHEREAS**, the Council recognizes the need to have grass upon lawns properly cut and kept;  
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 personal property and for the preservation of public health, safety and welfare of its inhabitants.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Folsom that:

**Section 1**-Chapter 151 is amended to add new section 151.15 Titled LAWNS stating that the height of all grass shall be no higher than 6 inches.

**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.

NO PUBLIC COMMENT

*A motion to approve Ordinance #05-2024 was made by Councilman Porretta and seconded by Councilman Whittaker*

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

**BOROUGH OF FOLSOM**

**ORDINANCE # 06-2024**

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE  
OF NON-CONFORMING REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS**

**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 is without capital improvements; and

**WHEREAS**, the Borough Council deems it in the best interest of the Borough 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 as an auction limited to contiguous property owners to be held at the Borough Municipal Building, 1700 12<sup>th</sup> Street Folsom New Jersey 08037 on June 10,2024, at 6 p.m. or such adjourned date as may be determined by the Borough; 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 Council 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 on June 10, 2024 at 6:00 p.m. at the Borough of Folsom Municipal Building, 1700 12<sup>th</sup> Street, 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 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 Township 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. Successful bidder must merge property purchased with bidder's existing property.

(c) The Borough does not warrant or certify title to the property and in no event shall the Borough 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 clerk 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 \$350 for the legal services incurred by the Borough; (2) the Borough'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 Resolution, 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 Buyer. Additional work performed by the Township 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 Borough 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 owing 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.

(m) No employee, agent or officer of the Borough has any authority to waive, modify or amend any of the conditions of sale.

(n) 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.

(o) 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(1) 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.

(p) 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.

(q) The sale shall be subject to final approval by the Council of the Borough of Folsom.

(r) 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 Municipal Attorney within seven (7) days of their being notified that they are the successful bidder of the sale.

(s) Bidder must 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 regulations.

(t) The sale is subject to all terms and conditions as provided for in the Notice of 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 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, the Borough 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 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 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.

NO PUBLIC COMMENT

*A motion to approve Ordinance #06-2024 was made by Councilman Norman 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.

**BOROUGH OF FOLSOM  
RESOLUTION #2024-51**

**A Resolution to Authorize Conveyance of a Phase Air Raid Siren to Collings Lake Volunteer Fire Department**



**WHEREAS**, the Borough of Folsom wishes to convey a fire siren to the Collings Lake Volunteer Fire Department; and

**WHEREAS**, the siren is no longer needed for public use by the Borough because its municipal fire company was dissolved; and

**WHEREAS**, the Collings Lake Volunteer Fire Department currently provides fire prevention services to the Borough and is now in need of a fire siren; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36(2) a municipality may convey public property to any body politic within the State when such property is no longer needed for public use.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the Borough of Folsom that the Borough is authorized to convey the Phase Air Raid Siren to the Collings Lake Volunteer Fire Department and it is **FURTHER RESOLVED** that the Borough Clerk is authorized to execute all documents for conveyance.

BOROUGH OF FOLSOM  
2024-52

**A RESOLUTION CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045**

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don't want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the (*insert name of municipality*) in the County of (*insert name of County*) respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, (*insert name of State Senator*), (*insert name of Assembly representatives*), Governor Murphy, and the New Jersey League of Municipalities.

**RESOLUTION 2024-53  
BOROUGH OF FOLSOM**

**A RESOLUTION TO CANCEL CERTAIN GRANT RECEIVABLE BALANCES**

**WHEREAS**, certain Grant Receivable Balances remain on the Balance Sheet; and

**WHEREAS**, it is necessary to formally cancel the receivable balance and its' offsetting appropriation reserve balance from the balance sheet; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Folsom, that the following grant receivable, appropriation reserve balances and appropriation reserve balances matching portion be canceled:

	<u>Grant Receivable</u>	<u>Appropriation Reserve</u>	<u>Cash Match</u>
Sustainable Jersey Grant	\$2,500	\$2,500	\$0

**RESOLUTION 2024-54  
BOROUGH OF FOLSOM**

**A RESOLUTION AMENDING THE 2024 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A.40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for an equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Folsom in the County of Atlantic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$4,172.56, which is now available from the 2021 Recycling Tonnage Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$4,172.56 is hereby appropriated under the caption Recycling Tonnage Grant.

**RESOLUTION 2024-55  
BOROUGH OF FOLSOM**

**A RESOLUTION ACCEPTING THE ENGINEER'S PROPOSAL FOR PROFESSIONAL  
ENGINEERING SERVICES FOR 2208 EVERGREEN DRIVE CONCRETE CURBING**

**WHEREAS**, a proposal for CONCRETE CURBING AT 2208 EVERGREEN DRIVE has been submitted by Polistina & Associates, LLC for approval of the council.

**WHEREAS**, the professional services are as follows:

Total Engineering Services	\$2,000.00
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**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Folsom, County of Atlantic, State of New Jersey, that the proposal submitted by Polistina & Associates LLC is accepted and authorization is given for 2208 Evergreen Drive Concrete Curbing.

*A motion to approve Resolutions #2024-51 thru #2024-55 was made by Councilman Norman and seconded by Councilman Porretta*

*There was a roll call vote with ayes all*

**FIRE REPORT:** No report.

**ENGINEER'S REPORT:** CJ read report

**NJDOT FY 2023 - Resurfacing of Erie Road, Cherokee Road, Mohawk Drive & Seneca Lane**

A pre-construction meeting was held on Tuesday, May 7 that included Polistina & Associates, Arawak Paving Co., Public Works, and NJDOT. Arawak anticipates starting drainage construction on or around June 3. Once drainage construction is complete, Arawak will follow up with concrete, paving, and all other work in July or August.

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

A pre-construction meeting was held on Tuesday, May 7 that included Polistina & Associates, Think Pavers, Public Works, and NJDOT. Think Pavers anticipates starting drainage construction on or around May 27. Once drainage construction is complete, Think Pavers will follow up with concrete, paving, and all other work in July or August.

**NJDCA FY 2023 Local Recreation Improvement Grant - Field Renovations at Falcon's Nest Park**

We have divided the project into two separate contracts: Falcon's Nest Park Field Improvements and Falcon's Nest Park Dugout Improvements. The Field Improvements contract involves regrading and sodding around the infield perimeter; regrading the infield with an infield topsoil mix; rebuilding the pitcher's mound and batter's boxes; furnishing and installing new bases; and extending the existing irrigation system up to the home plate area. The Dugout Improvements contract involves constructing

concrete floor slabs and installing new benches in the existing dugouts.

We have completed the plans and specifications for both projects, which are included on tonight's agenda for approval by Council. Once granted authorization, we will distribute the plans and specifications to prospective bidders and solicit informal quotes, review all informal bid submissions, prepare a bid tabulation, and make a recommendation to the Borough regarding the award for each project. We can complete these services and put the Borough in a position to award at the June Council meeting.

The Borough received \$50,000 in grant funding for these improvements, and our combined cost estimate for the two contracts is \$49,801.

### **ACIA FY 2024 CDBG Application**

We have submitted an application on behalf of the Borough for the Atlantic County Improvement Authority's FY 2024 Community Development Block Grant requesting \$119,392.50 for ADA, Parking and Drainage Improvements at 13th Street Park.

The proposed improvements include an ADA accessible asphalt walkway at the Park to extend the existing walkway to the basketball / pickleball courts; an ADA accessible asphalt walkway at the Borough's Community Garden; construction and proper grading of asphalt parking lots at the Park and Community Garden, which will include ADA accessible parking and signage; drainage improvements; ADA compliant concrete curb ramps and a pedestrian crosswalk with signage connecting the Park and the Community Garden across 13th Street; and wood split-rail fencing for additional pedestrian and vehicular safety. The project narrative and conceptual plan have been provided for Council's reference.

**SOLICITOR'S REPORT:** *No report. Angela wished everyone a safe Memorial Day.*

**MAYOR'S REPORT:** *Glenn reminded residents of the Memorial Day Service at Borough Hall on Sunday, May 26, 2024 at 9:00AM.*

### **COUNCIL MEMBER'S COMMITTEE REPORTS:**

**Councilman Conway:** *Greg reported that trash was picked up on 14<sup>th</sup> Street and Park Ave. on May 4, 2024. Greg thanked the Boy Scouts Troop 98 for their help. Greg also thanked DPW for their support. Greg thanked the Galloway Knights of Columbus for the flag display for forgotten soldiers. Greg thanked the Hammonton American Legion for their help with the flag. .Greg reported that the Environmental Commission is getting the Community Garden reading for planting is anyone is interested in getting a plot free of charge.*

**Councilman Norman:** *no report*

**Councilman Porretta:** *No report.*

**Councilman Whittaker:** *Jim read the State Police incidents report. Jim discussed the Active Shooter Alarm that was activated at the school by accident.*

**Councilman Hoffman:** *no report*

**Councilman Blazer:** *Jake reminded Council that a travel baseball team will be using our fields for a tournament this weekend. A discussion ensued.*

**MEETING OPEN TO THE PUBLIC:**

*Mark O'Toole (3315 S. Pinewood Dr.) asked what is the status of the swale next to his driveway. CJ responded that nothing can be done until final inspection is made.*

**PAYMENT OF BILLS IN THE AMOUNT OF: \$245,500.47**

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

*There was a roll call vote with ayes all*

Mayor Smith 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, **June 11 ,2024** starting with a workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting in Borough Hall, 1700 12<sup>th</sup> Street, Folsom, NJ

With no other discussion the meeting was adjourned at 7:30PM.

Respectfully submitted,

Patricia M. Gatto  
Municipal Clerk



