

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
September 8, 2020**

MEETING CALLED TO ORDER: 8:10 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, Jantz (via Zoom), Porretta, Arena, and Blazer

Absent: Councilman Hoffman

Also present: Mayor Greg Schenker, Attorney Kris Facenda (via Zoom) and Jen Heller (Vince Poistina & Assoc.)

APPROVAL OF THE WORKSHOP MEETING MINUTES from August 11, 2020

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

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

APPROVAL OF THE REGULAR MEETING MINUTES from August 11, 2020

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

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

Jen Heller updated Mayor and Council on some issues with Leisure Pools. It was agreed the Borough will not issue tickets at this time but Leisure Pools must submit permits as soon as possible.

MEETING OPEN TO PUBLIC: No Comments

All in favor of submitting generator grant application

CLERK’S CORRESPONDENCE:

Next E-Waste Drop-Off day is September 12, 2020 from 8:00AM to 1:00PM at the Borough Garage

Annual Shred Day is scheduled for September 19, 2020 from 10:00AM to 12:00PM

2020-76 AMENDING ORDINANCE 7-2020 AS INTRODUCED, MAKING A MINOR CORRECTION WHICH DOES NOT CONSTITUTE A MATERIAL CHANGE TO THE SUBSTANCE OF THE ORDINANCE

A motion to approve Resolution #2020-76 made by Councilman Arena and seconded by Councilman Porretta

There was a roll call vote with ayes all.

ORDINANCES: (Second Reading/Adoption)

**BOROUGH OF FOLSOM
ORDINANCE NO. 7-2020**

**AN ORDINANCE OF THE BOROUGH OF FOLSOM
AUTHORIZING THE SALE OF BOROUGH OWNED LAND**

WHEREAS, the properties identified on the Official Tax Map of the Borough of Folsom as set forth on the attached **Exhibit "A"** (hereinafter collectively the "Properties") are owned by the Borough of Folsom and are not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, it is in the best interest of the Borough to advertise this land for public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13.

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

1. The Borough Clerk and/or the Borough Solicitor are authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the Properties pursuant to the provisions of N.J.S.A. 40A:12-13.
2. The minimum bids for the Properties shall be as set forth in Exhibit "A".
3. No bid less than the minimum amount set forth will be considered.
4. The Borough Clerk and/or the Borough Solicitor is authorized to notify by letter the contiguous owners of record in accordance with the current tax assessments and to advise each such contiguous owner of the lot being offered for sale. Unless legally required, the failure, however, to notify any contiguous owner shall not invalidate the sale. The Borough Clerk and/or the Borough Solicitor is further authorized to notify by letter or telephone any other property owners, real estate developers, builders, real estate brokers

and agents, and other potentially interested parties and other potentially interested parties as the Borough Clerk and/or the Borough Solicitor may deem appropriate.

5. The Properties being offered for public sale hereunder is not necessary for public municipal purposes and the best interest of the public shall be served in selling the Properties by public sale to the highest bidder at or above the minimum price set forth in paragraph 2 above, with the Borough Council reserving the right to accept or reject any and all bids or otherwise remove any of the Properties from sale. The public sale shall take place at the Folsom Borough Hall, Borough of Folsom, 1700 12th Street, Folsom, NJ 08037 on a date and time to be established by the Clerk. Bids shall be received by the Borough Clerk in accordance with procedures to be announced by the Borough Clerk. A deposit by certified check, bank check or money order made payable to the Borough of Folsom in an amount not less than ten percent (10%) of the bid must be paid by the successful bidder at the time of the sale. The Clerk may by the announcement made at the time and place scheduled for the public sale adjourn the sale to another date and time and such announcement shall be deemed adequate notice to all interested parties.
6. All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13 and the Borough reserves the right to accept the highest bid or to reject any and all bids for the Properties. The deposits with respect to any unsuccessful bid and any rejected bid shall be returned.
7. The successful bidder shall be responsible for the cost of preparation of the deed of conveyance and any related documents for the transfer of title, not to exceed \$750.00. The balance of the purchase price, together with cost of preparation of the deed of conveyance and related documents for the transfer of title must be paid by certified check, bank check or money order made payable to the Borough of Folsom and provided to the Borough Clerk within ten (10) days of the date of sale. The successful bidder shall be responsible for the recording of the deed and for the cost of such recording.
8. A bargain and sale deed without covenants shall be delivered at the Office of the Borough Clerk on or before 45 days after the sale. The Mayor and Borough Clerk are hereby authorized to execute said deeds and other conveyance documents and the Borough Solicitor is authorized to prepare such deeds and documents.
9. In addition to the terms and conditions set forth herein, the successful bidders agree to the imposition of the following conditions by the Borough:
 - a. Properties listed together above (if any) must be bid and purchased together.
 - b. In the event that the successful bidder fails to close title, the bidder agrees to forfeit to the Borough any and all monies deposited with the Borough.
 - c. The Borough does not warrant or certify title to the Properties and in no event shall the Borough be liable for any damages to the successful bidder. If title is found defective or unmarketable for any reason, and the bidder waives any and all rights and damages and liens against the Borough, the sole remedy of the successful bidder shall be the right to receive a refund, prior to closing of title, of

the deposit paid. It is the right of the successful bidder to examine title prior to closing. In the event of closing and a later finding of a defect of title, the Borough shall not be required to refund any money or correct any defect in title and shall not be held liable for damages. Acceptance of an offer to purchase shall constitute a binding agreement and the successful bidder shall be deemed obligated to comply with the terms and conditions contained herein.

- d. The deed of conveyance shall be subject to all matters of record which may affect title, what an accurate survey would reveal, the Ordinances of the Borough of Folsom, and the reservation of an easement for all natural or constructed drainage systems, swales, pipes, drains, inlets, waterways and easements, if any, on the land and a continued right of maintenance and flow thereof. The Borough shall be without obligation to provide access, public or private, or to provide any improvements.
 - e. The deed will contain a covenant that neither the purchaser nor any future owner or potential developer of the lot may assert a claim against the Borough of Folsom based upon the inability to develop or use the lot including, but not limited to, a claim for inverse condemnation or damages of any kind.
 - f. The Borough makes no warranties whatsoever regarding said lands and assumes no responsibility for environmental conditions, known or unknown, regarding said lands. The bidder shall be responsible for the exercise of due diligence in determining the condition of the land, including but not limited to, the determination of any title conditions, environmental conditions, zoning and development restrictions and any other condition or restriction that might impact the use of the land.
10. The Borough Clerk, the Mayor and the Borough Solicitor are authorized to prepare and execute any and all such documents and to take any and all such actions as may be required to effect the transactions set forth herein.
 11. The Borough Clerk shall file with the Director of Local Government Services in the Department of Community Affairs any required affidavits verifying the publications of the advertisements required by N.J.S.A. 40A:12-13(b).
 12. The sale of such lands is subject to applicable New Jersey Law concerning the disposition of municipal real estate and all other applicable laws and ordinances of the State of New Jersey and the Borough of Folsom.
 13. All potential sales are subject to final approval by the Borough Council.
 14. The Borough reserves the right to waive any and all defects, informalities and irregularities in any bid. The Borough further reserves the right to reject all bids in each instance where the highest bid is not accepted and to, in its discretion, re-advertise the Properties for sale. No bid shall be considered finally accepted until confirmed by the Borough Council.

All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE BOROUGH COUNCIL OF FOLSOM BOROUGH, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD AUGUST 11, 2020 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID BOROUGH COUNCIL TO BE HELD IN THE BOROUGH HALL, IN SAID BOROUGH ON SEPTEMBER 8, 2020.

A motion to approve Ordinance#7-2020 was made by Councilman Blazer and seconded by Councilman Arena

There was a roll call vote with ayes all.

RESOLUTIONS:

2020-75 MUNICIPAL ALLIANCE GRANT APPLICATION

A motion to approve Resolution #2020-75 was made by Councilman Blazer and seconded by Councilman Porretta

There was a roll call vote with ayes all

SOLICITOR'S REPORT: no report

FIRE CHIEF REPORT: Clerk will email report to Council.

ENGINEER'S REPORT: no report (see prior Leisure Pool discussion)

MAYORS REPORT: Mayor Schenker asked Council to form a committee to review and update our ordinances. Greg read Collings Lakes Civic Association report.

Mayor Schenker may ask the school to limit the use of our playground equipment.

COUNCIL MEMBER'S REPORTS:

Councilman Conway: Greg read the Public Works Department monthly report.

Councilman Jantz: no report

Councilman Porretta: no report

Councilman Arena: no report

Councilman Hoffman: absent

Councilman Blazer: Jake reported that the Borough received a grant for \$10,000.00 to use towards playground equipment.

Mayor Schenker may ask the school to limit the use of our playground equipment.

Mayor Schenker stated that he would like to move forward with the purchase of some Public Works equipment.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: No comments

PAYMENT OF BILLS IN THE AMOUNT OF: \$218,582.77

A motion to approve payment was made by Councilman Arena 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 13, 2020 starting at 6:00 pm in Borough Hall, 1700 12th Street, Folsom, NJ

With no other discussion the meeting was adjourned at 8:32PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

