

Minutes of the Agenda Meeting of the Township Committee of the Township of Commercial, held on July 18, 2016 at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ

Those present:

Ronald L. Sutton, Sr.	Mayor
Fletcher Jamison	Committeeman
Mike Vizzard	Committeeman
Thomas Seeley	Solicitor
Hannah E. Nichols	Township Clerk
Edward Dennis	Engineer
Clint Miller	Public Works Supervisor
Heather Sparks	Deputy Mayor

Mayor Sutton presided and called the meeting to order with the announcement that the meeting had been advertised, that it was being electronically recorded and being held in full compliance of the Open Public Meeting Act.

Mayor Sutton said people listed on the agenda have not arrived as yet so I'm going to call Rich Crouthamel, National Energy Partners, who wants to discuss landfill property for solar project.

Mr. Crouthamel said I sent everything that Ed Dennis sent to me that had been done before and I contacted Whitman Engineering, big engineering company, and this is the response that I got. They said they checked with Unimin and that they weren't interested in doing anything at this time and I guess they are talking about the whole company, from local to Connecticut and I don't understand that because if you go on their website, they have this big thing about sustainability in everything, but no solar.

Mr. Ed Dennis, Engineer, said he spent hundreds of hours working with them on it.

Mr. Crouthamel said Whitman said the school is too far away, it is not directly beside a generating facility, also they were looking over something regarding fifty grand for engineering fees and finally they wanted to put it out to bid.

Mr. Dennis said no.

Mr. Crouthamel said I didn't think so but there is a statute that would allow them to be named the developer for the site once the mediation work was done.

Mr. Dennis said the township adopted a redevelopment plan, that allows the township to negotiate with any developer directly without having to go out to bid. The fifty thousand dollars refers to, is the cost township pays to hear that plan. The mediational landfill there's a closure plan that inflates what the closure plan has been fully executed at. That would be part of say for example you were engaged as the redeveloper of the site, that would go under your umbrella as part of the solar project would be for you to come in quoting the landfill and the solar panels that way.

Mr. Crouthamel said there's a company out of Lindenwald and they do a lot of work around the Mullica Hill area, I'll let them look at this too and see what we can work out. There may be a way for us to direct off shoot to AC electric, of course they are not going to pay you the rate that you would get if you sold it to someone privately. Mr. Crouthamel said he stopped at the school and dropped off a packet and I wasn't sure if we could do anything at the landfill with the schools but we can't, but that school and the other school on Brown Street, this company NEP specializes in schools. Winslow Township has done schools in Hawaii, Andover, North Jersey, they are doing another five point.

Mayor Sutton said unfortunately we don't have any say over what the school

Mr. Dennis said we tried to pull them into our project and they wouldn't come.

Mr. Crouthamel said I know that you don't but I was just saying I'll stop over and talk with them, I don't know how successful I'm going to be with that. He said I was talking with Fletcher the other day and he was talking about the lighting, there was some kind of confusion, I thought you guys had a lighting meter on the pole that fed a lot of lighting in the township and there was a piece of vacant ground next to it, you could put a ground mount.

Mayor Sutton asked Clint Miller if we had some lights that were metered?

Mr. Miller said our street lights are all metered.

Mr. Crouthamel said if I could get some information about that I might be able to help you with that.

Mayor Sutton said talk with Pam about it.

Mr. Crouthamel said he did but she didn't know and said she would try and talk to Clint about it.

Mr. Dennis said the market had rebounded in the past few months and three developers have contacted me regarding the landfill, I sent all the information out to them. He said at least there seems to be a positive trend here in the market, hopefully it will continue to head in that direction and we can get someone in here to make it work, we haven't given up on it yet. It's like anything else, no one is going to do it unless they can make a buck on it.

Mayor Sutton thanked Mr. Crouthamel and told him to keep the committee informed and said we'll have the engineer's report now.

Committeeman Jamison said before we do the engineer's report, I'd like to ask Mr. Dean if he knows what the people's complaints are on three and four of the agendas.

Mr. Dean said like Hannah said, number three is Jerry Davis' daughter who owns property in Laurel Lake, nice properties, and she is concerned with properties that are full of trash, lawns not mowed, etc., the other person works for Jerry and knows how much they do in putting a new house in the Laurel Lake area. Number two is Frances and Jerry Davis and he has a proposal.

Mayor Sutton said which we can't do anything about.

Committeeman Jamison said okay that's what I was trying to get to.

Mayor said can we have the engineer's report.

Mr. Dennis said we basically have three projects out there, we're going to open bids on August 11, 2016, at 11:00 a.m. for municipal street lights in Haleyville and that will allow us to award a contract at the next week's meeting. Mr. Dennis said with the lights we tried to bid it with as much flexibility as we could, for example we bid with certain base number of lights and then we'll have an option if the budget allow to add additional lights, we'll get a price per light to build on based on what your budget is. We're also going to do an alternate bid for the standard light and then as an option do a led, that way you will be able to see the different prices on the different lighting options. He said on Raymond Drive Phase III, you have a letter in your packet from Hannah, saying the governor passed an executive order "210" on DOT Trust Funded Projects, it is raising havoc with a lot of municipalities, at least we're in a situation where all of our projects are done, so we didn't have to stop in the middle of the project but what it is doing is we can't get Raymond Drive Phase III released to go out to bid, we are hoping to bid it this month but we'll have to see. He said on Capital Projects we did, and solar project we just discussed, I've had couple of inquiries, it seems that the market is rebounding. Our

township building solar project, are we doing the PPA, it will be approved on Thursday. The developer just received a part one interconnection approval, which is their approval to install. I spoke with Dave Dean and also with Glen, their attorney, we do not need to come to them to go over this project, it is a township project, the PPA can get approved this Thursday and the way it will play out as long as everything is on schedule if they can pull their building permits and all everything will be installed by September.

Mayor Sutton said we have a letter from John Reeves, 206 Spring Road who states township lot next to his property has some dead trees on it which are leaning toward his property, that he already had one tree near his pool taken down. He said lot was in the last land sale but he didn't make it. He would like to buy it.

Mayor Sutton asked what would you bid.

Mr. Reeves stated he has \$800 into it there's another \$1500 to take the rest of the trees down, \$400 for the conveyance fee. He would bid \$500.

Mr. Miller told Mr. Reeves that he wouldn't have to worry about the trees, township would take care of it.

Clerk reminded the committee that this is a 107X100 lot, it is a corner lot that is buildable.

Mayor Sutton asked Clint Miller if he had looked at the property.

Mr. Miller said that he had, the road department can't do it, there is about three trees that need to come down and the contractor charges \$1800 a day and cuts down as many trees that he can in eight hours.

Committeeman Vizzard said it's going to cost the township \$1500 anyway and the man is only trying to take care of his structures, let him have it.

Committeeman Jamison said I have no problem with it.

Mayor said okay advertise it for next month.

Clerk said if someone else bids on it, they're not going to take the trees down not unless you make that part of the advertisement.

Mr. Seeley said you'll have to advertise it in your bid notice and he needs to remember someone else can bid on it.

Mayor Sutton said we'll put it on the agenda for advertisement at Thursdays meeting and the sale will be at the August 18th, regular meeting.

Mayor Sutton said we have a request from the County and Ted Baker for \$500 from the municipalities in the Verizon lawsuit to hire an expert who can testify in the case. Mayor asked committee what is our pleasure. Committeeman Jamison and Vizzard both agreed it was a good cause and have resolution for regular meeting.

Mayor Sutton said we have the letter from Department of Transportation stating governor has passed Executive Order 210, putting stop to all Trust Fund Grants, so our Raymond Drive Phase III won't be able to go out to bid this month as hoped, not until order is lifted.

Mayor Sutton said we have a letter from Michael Gruccio, Attorney, for Unimin Corp and he is requesting a three month extension on their current sand mining license which expires in September, but due to fact land use board has cancelled July and August meeting

Unimin will not be presenting their case until September and adoption of resolution of approval will not be until October. This request is for Phase 1 and 4A Mining Location, Block 172, Lot 1, Block 173, Lot 2, Block 174, Lots 1-6 and Block 269 Lots 1.01 and 1.02.

Mayor Sutton said he didn't have a problem with the extension, Committeeman Jamison and Committeeman Vizzard agreed and Clerk was told to prepare resolution for the regular meeting.

Mayor Sutton said we will introduce the bond ordinance for the municipal street lights in Haleyville. It will be for 30 lights, bond will be \$130,000. He said do resolution for regular meeting authorizing Remington/Vernick & Walberg to prepare spec, advertise and solicit bids. He asked Committeeman Jamison and Committeeman Vizzard for any comments and there were none. Mayor said this will finish the street light projects we've done Laurel Lake, Mauricetown, Port Norris and now Haleyville will get their lights.

Mayor said we have several resolutions for the regular meeting:

- Submitting Application For Electronic Tax Sale
- Transfer of Overpayment of Taxes
- Extension of Trash & Recycling With Earthtech December 31, 2018
- Governing Body Certification Of Annual Audit
- Corrective Action Plan For Municipal Court
- Renewing Thomas P. Mahoney's Contract Fire SubCode Official three years
- \$500 Contribution to Cumberland County For Expert Testimony Verizon Case
- Remington/Vernick & Walberg Engineers to prepare Specs, Advertise, Solicit Bids For 30 Street Lights In Haleyville

Mayor Sutton said he has received a letter from Heather Whitaker, she wants to get her certification as a tax collector. He said he has no problem with getting her certification but he has asked Solicitor to prepare and send her a letter that township will pay for classes but she must stay with Commercial Township after getting her certification for three years, if she chooses to leave she must pay back all of the money the township paid for classes and traveling.

Clerk, Hannah Nichols, informed mayor and committee that there is an ordinance and she believes it is two years mandatory employment.

Mayor Sutton asked why didn't the committee make Jeanne Hitchner pay the money back for classes.

Clerk stated this ordinance was created after she left.

Mayor Sutton said also any time, vacation, sick, personal, that they had coming to them at time of leaving will be frozen until money is fully reimbursed to the township.

Clint Miller said he thought Donna Moore, Mayor at that time, wanted to do that but solicitor said it was illegal.

Solicitor Seeley said you can't force them to stay, but you can force them to pay all the fees back.

Mr. Miller said you can freeze their vacation, sick, and personal days until money is refunded.

Solicitor said that is something we'll have to look at regarding the union contract

Mayor stated Mrs. Frye has not appeared this evening and we asked the construction official to be here, also her landlord was present, the solicitor and the township committee

made it appoint to be present to review her complaints at property she had been renting in Port Norris. Mayor stated that the committee is not going to reschedule this meeting, she confirmed yesterday that she would be here and we requested everyone to be here to respond to her questions. Mayor told Clerk to send her a letter advising her of that fact.

Mr. Seeley thanked the landlord for taking her time to appear, also Mr. Dean for taking his evening off to come.

Committeeman Vizzard said he would like to sign Dave's card and also get him a badge of identification when he's out on inspections, something for the car that states what department is out there.

Mr. Seeley said the law is changing and now code enforcement officials are being covered when they are out there doing inspection and it will be against the law for anyone to threaten them or do bodily harm.

Mayor asked for a motion to open the meeting to the public.

Mr. Robert & Kathy Hudoka, 3307 Lakeshore Drive said they are here again regarding the upper portion of Lakeshore Drive. Mrs. Hudoka said the road is in such deplorable condition that it appears she may be tipsie when she walks her dog because you are trying to walk between the holes and zig zaggy back and forth.

Mayor Sutton said he remembers their appearance before the committee earlier this year but this road is not an easy fix, it just can't be patched and the cost would be for the upper portion of Lakeshore Drive would be approximately \$100,000 for a quarter of a miles of road. He said we are not trying to ignore you but we just do not have \$100,000 in capital to do the road and the chances of getting a grant to do that section of Lakeshore probably would not qualify but we will ask our engineer to see what is out there and hopefully we can come up with something for this upcoming year.

Committeeman Jamison said what the road department could do, it would take some extra work on the guys but with this DBA you have to dig down a couple of inches fill it then use your tamper if you have one and hopefully this will help.

Mr. Miller said at one time Lakeshore was paved and years later it had a one inch roll over top of that, so it is flaking off in layers, so there's basically nothing for patch to adhere to.

Mayor Sutton said we have haven't forgotten about you but you're going to have to give us time to come up with something because paving is not cheap.

Mayor Sutton said we'll all come down and take a look at it.

Committeeman Jamison said I'll probably come down and take a look at it tomorrow.

Mayor Sutton asked the engineer if he thought they could do a couple inches overlay.

Mr. Dennis said not if it is a base issue, if it's just the surface then we could but if it's the base itself that has the potholes and it is settling, you can't.

Mr. Hudoka said you have potholes that are running up the road right next to one another. Mr. Hudoka said he is a member of the Laurel Lake Property Owners Association and he wanted to know if they could put a sign up that says "No Trespassing After Dark".

Solicitor said if it is privately owned, sure they can, you can post your property, right. Mr. Seeley said do you have a problem that they want to put a sign up or where they want to put the sign.

Mr. Hudoka said just that they can put a sign up.

Mrs. Hudoka said there is a property and 3401 Lakeshore Drive, that has been abandoned then someone came and started to fix it up and then they left and now I don't know if it has been rented but there are about ten or twelve people there, you have guys and girls hanging out in the garage, so we don't know what is going on. The grass is four or five feet high. She said these people are not relatives but they are using the property for something.

Committee asked Mr. Dean if he knew of this and he said he did, he has had people in court. He said the owner's son was going to fix it up but he doesn't know what has happened.

Solicitor Seeley said do these people make you nervous then call the police.

Committeeman Vizzard said you know they don't belong there call the police that's one way to get started on it.

Mr. Seeley said call the state police, are they making you nervous being there, you know they don't live there, call the state police they are breaking in. If they are new owners you'll find that out too when you call the state police.

Mayor Sutton asked for additional comments from the public and being none asked for motion to close the public portion. He said under additional consideration. Just want to repeat that Mrs. Frye did not show up, we have the landlord present, Mr. Dean, Code Enforcement present and we will not schedule another hearing with her.

Mr. Seeley said she had been intouch with his office for several days and said she would appear this evening. I want to thank landlord and Mr. Dean for being here.

Mayor Sutton said can I have a motion to adjourn. Motion was made and seconded to adjourn.


Hannah E. Nichols, Township Clerk