

Minutes of the Agenda Meeting of the Township Committee of the Township of Commercial held on October 17, 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	Road Supervisor
Heather Sparks	Deputy Clerk

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 he was going off of the agenda by inviting a residents to address the committee regarding outstanding taxes owed on his property.

Mayor called Norman Schlenger of 7210 Dove Place, Laurel Lake. Said he owns a property his daughter is living in and he has gotten behind in the taxes of about \$1800. He said he would like to make monthly payments so he can get caught up. He understands he must make monthly payments on the arrears and also keep all of the quarterly taxes paid as they come due.

Mayor Sutton said we always try to make some arrangements with individuals who have a problem, the clerk will check with the tax collector to see what the arrearages are and then a payment plan will be set up for you. Mayor said we will try and have something ready for Thursday's night meeting. Call the clerk in a day or two and she'll have all the information you will need to go forward with this.

Mayor said next item on the agenda is that our Engineer, Ed Dennis has a representative from Mobilities Utility.

Mr. Dennis said we received a letter back in August from a company called Mobilities and we received a couple of these in the towns we handle. He said this is a little out of the ordinary of what we normally see. You guys have a street opening ordinance now so we've been getting applications from utility companies. This is a little out of the ordinary and they can explain exactly what they are doing such as putting a large utility pole in the road right of way that will be used for communication and whether or not they would rent it out to cell providers or whatever it might be, I thought that they should come in and do a presentation before we issued any kind of approval.

Sam Lavner, said it sounds like the committee would like a brief explanation. He said the way to explain it is in narrative form and he can do this by a commercial on tv which shows maps of areas of the United States and along the Rockies the color is only fair but the rest of the country is in red or blue and that indicates their coverage near the Rockies is not so much, rest of area good coverage but even in Manhattan and Philly have a variation of how good the coverage is so they are not all performing perfectly. The biggest strain on performance is the increase in the demand for data, it's not phone calls, it's data, the phone is handling data and phone calls and they are handled differently by the network now because of that we really don't need a full blown cell tower we just need small sites that will take some of the demand on the nearby cell phone site and handle that, it's called off road.

Mayor Sutton asked if it would make cell phone service better?

Mr. Lavner said what it will make better is your data use. When you think your services are no good, your call drops or you can't get a call, right.

Mayor Sutton said yes, it will hang up on you while you're talking.

Mr. Lavner said what this will do is address something that you might not have even noticed yet and that is your screening is to slow when you try downloading it gets stuck. He said the owners of the company about five years ago decided that the demand was not going to be somewhat for the full cell sites but on more little supplemental sites. He figures where would be the best place to put these and not just because of it wouldn't be intrusive visibly but also there would be easiest approval process and the answer was in the rights-of-way. So what he did then was to get public utility status or called C-lect status in all 50 states for territory. In New Jersey it is C-lect status and there aren't any sites designated in New Jersey yet.

Mayor Sutton asked if he had pictures.

Mr. Lavner said he can show him pictures of what they have done in other states. New Jersey hasn't designated sites yet. So what we are doing because we have C-lect status is claiming title to the right-of-way just like the phone company has and Atlantic Electric. So that gives us access to the right-of-way. You also have certain rights on how we do it, some places they don't give it any thought and some places they care more about it. So my purpose is to work something out with you that we are both happy with in getting these poles up.

Mayor Sutton asked how far off of the road?

Mr. Lavner said I'll have to check and see what your requirements are but they would be in line with your other utility poles. So we want to put that pole up and on top of it will be a three foot high cone and about seven inches wide which will be the whole antenna. So from there there's really nothing else and we'll pull power from the nearby pole.

Mayor Sutton said who comes out if they get hit by a car.

Mr. Lavner said they have people that will come out, all the companies have crews that come right out and perform whatever is necessary to get the pole back in operation.

Solicitor Seeley asked if they were governed under BPU.

Mr. Lavner confirmed that they were.

Engineer Ed Dennis said there is a letter in with the plan.

Mr. Seeley said just this year we are running into a problem with Verizon whereby they state that we no longer qualify for ratables to our poles because we don't have enough usage. So it appears to me that there is certainly a question that if we put up more infrastructure that we've lost our ratables that's a major concern to this township because we've lost \$20,000 in ratables.

Mr. Lavner said you mean Verizon, you mean landline with telephone company.

Mr. Seeley confirmed. They have basically said we fall under a very arbitrate figure, under statute under two percent they are not providing over fifty percent they can drop you as being able to maintain us as a ratable. This matter is being argued right now. So this year we are going to have to pay back.

Mr. Dennis said you are a private company and you're going to be running outfits.

Mr. Lavner said we are providing infrastructure is the way we look at it.

Mr. Dennis said correct me if I'm wrong but the real genius of your plan is that normally the old school cell tower that go up pay a lease to the property owner and you're going around and putting your poles in the right-of-way without having to compensate the owner of the right-of-way for locating that pole.

Mr. Lavner said just like the utility companies do.

Mr. Seeley said no because for fifty years they have compensated the township.

Mr. Dennis said I'm not saying what you are doing is illegal or wrong I'm just saying that is the genius of your plan.

Mr. Seeley asked where is our compensation coming in as to

Mr. Lavner said you're not, our compensation has been covered.

Mr. Seeley said then that brings us back to Verizon, if you know south jersey at all you will know that Verizon has ignored us and the county is suing them for not providing us with coverage and this could just be another way to upgrade for those in the so called areas of coverage but ignoring the people that don't have the coverage. So the people are not happy with communication companies as far as I'm not saying you, nobody should be mad at you but they should be mad at Verizon for just ignoring us because we're not densely populated and don't make them huge amounts of money.

Mr. Lavner said I would not look favorably to a company that would do that, taking advantage of a public situation like that.

Mr. Seeley said if your company looks at the bottom line, this is what Verizon has said basically and the BPU has approved it, is that if we fall below 52%, of providing 52% of the people in that area, they don't have to do anything.

Mr. Lavner said I really can't with any kind of confidence address that specific issue on what a landline property obligations are in your town but I can tell you that the benefits you would, the genius of it

Mr. Dennis said when you said the genius of it there's a lot of really good companies out there just like you, one thing is bad when you are regulated by BPU and the BPU also regulates what kind of compensation you can get.

Mr. Lavner said what we can pay you, you can charge us so we're regulated. The big advantage though is that we're in an unapproved area for putting these long cell sites, we are meeting the demand in an area where people aren't really going to notice it, it is going to be in a row of telephone poles and that's a good thing. There's another good thing that I haven't even gotten to yet and that is that you can use our pole, you can put a camera on there, no charge, if you want a line for 911, we can make the pole a light pole for you, there are other benefits in addition. In regards to cost, this project right now use to review thousands of applications around the country, can you imagine the number of cell towers or rooftop adapters and we would have to leave space for \$2,000 a month for 30 years. This project would never be able to get done, it would be like the telephone company paying \$2,000 a month for each pole, so it is not like that, this is respective business models.

Mr. Seeley said you have Sprint as a customer, so likely you would encourage companies to also join jumping on your tower, correct.

Mr. Lavner said yes.

Mr. Seeley said they have already decided the majority of our township is not worth putting their infrastructure into it.

Mr. Lavner asked who has?

Mr. Seeley said Verizon for one.

Mr. Lavner said but we want to come in.

Mr. Seeley said this is where it is a little bit changed, you want to come in, Verizon has already decided that they don't want to be here, what is the chance of Verizon wanting to jump on one of your poles.

Mr. Lavner said we have agreements with all third parties because sometimes we need to go on their poles.

Mr. Seeley said I would like to see that because they basically have come in and said we are not cost effective to provide us with service.

Mr. Dennis said I don't know but maybe this would be a cost effective way to enhance services.

Mr. Seeley said being under litigation with him being here, you think that might be an answer that they would bring up, we're going to try to provide service to a customer based on that he is unhappy because we don't feel we are making enough money off of them. I'm just saying, I'm not attacking you, our experience has left us with a very bad taste in our mouth because we are getting basically nasty end of the stick.

Mr. Lavner said the service area from just this pole would be quite small, probably maybe a block in each direction.

Mayor Sutton said that's the only one you are going to put in the township.

Mr. Lavner said in the seeable future maybe one or two more.

Mr. Dennis said this would benefit that neighborhood. He asked if it would enhance phone call reliability at all.

Mr. Lavner said not yet, our license is to deal with data and because of the equipment we are just doing software, eventually it will be phone calls.

Mr. Dennis said can we stop you from this based on your BPU status.

Mr. Seeley said BPU have stated that we have an obligation to negotiate a deal with you.

Mr. Lavner said it is my understanding that we are entitled to the same kind of access to the right of way as the utility companies have like the phone companies, and electric.

Mr. Seeley, so we are obligated to negotiate some type of arrangement with you.

Mr. Lavner said there can't be any discriminatory treatment of us, there would have to be a very good reason. We want to do the deal and you would like revenue I'm sure, that is limited by what the BPU says can be charged and what we can pay.

Mr. Dennis asked would there be some type of compensation to the township.

Mr. Lavner said there would be fees that would be fair with whatever the cost to the township. There would be some flexibility there but I don't know.

Mr. Seeley asked if there are other townships in the area.

Mr. Lavner said not yet, we are doing this all over the country, we're doing it with the counties, we have several hundreds with NJDOT right now to go on their right of way.

Mr. Seeley asked if the company had any up and running projects yet.

Mr. Lavner said not in New Jersey, no.

Mr. Seeley said they would pick Laurel Lake because it is densely populated and hundreds of residents would be served, whereas they would not pick Port Norris because the installation would only help a few people.

Committee thanked Mr. Lavner and said he could send an agreement to Mr. Seeley for review and consideration.

Mayor said we have someone in the audience that has a question for you.

Mr. Barney Hollinger asked what happens when the electric goes out, does it have a battery backup. He said this is an area that power could be out for days at a time.

Mr. Lavner said I will check it out and get back to the township.

Mayor Sutton called upon Ed Dennis regarding Resource Renewal's Expression Of Interest.

Mr. Dennis said I have mentioned to the committee that my office has been getting calls from companies that are interested in our landfill solar project and this Resource Renewal is the first that has submitted and Expression of Interest which has been prepared in accordance to the Redevelopment Plan that we adopted many years ago. So I have invited them to send a representative to give a brief introduction with the understanding that the next step would be for you guys to have the opportunity to review the package, then we would do due process that we have done in the past where we had couple of guys to come in and see if it would work out. Next step would be if you wanted to give this team a crack at it, perhaps at the next meeting or a future meeting you would do a resolution naming them to do as conditional redeveloper, basically that would be a temporary status to allow them to get into the nitty gritty work with numbers and then they would be able to tell after that process if this is something that they can make work financially.

Mr. Steve Jaffey, said I am a real estate developer and started to develop brown fields some time ago under New Jersey Redevelopment Law, also residential, commercial, and I found out that landfills have great use in developing solar. My group has affiliated with several solar developers over the years and have found that in today's solar environment we hooked up with a group called Citizens Environmental Energy website with Joseph Kennedy, former congressman. Kennedy and his group have been able to figure out ways to take the solar and go right into the grid instead of having to locate an off site grid and make the financial structure work, developing landfills and solar and your landfill came across us recently and we did some very preliminary research such as location, size, connection to the power grid and found that it was work taking the next step and filling out this letter of interest. I contacted Ed and we've been trying for a month or two putting this together. Ed invited me to the meeting a few days ago, I couldn't corral a representative from Citizens or my partners from Resources Renewal to come with me, they are very interested and want to come the next time but I figures that I would take the opportunity, all though it is short notice to show up this evening and introduce myself, introduce the group and express personal interest instead of just the paper we submitted a couple of weeks ago. So in a nut shell we would like to have some period of due

diligence to really wrap our arms around the landfill, wrap our arms around substation connection issue and wrap arms around the cost to close the landfill and build a solar field here.

Citizens has done some preliminary review of the solar opportunity here and felt inclined to partner with us, to come here and take it to the next step.

Mr. Seeley said we have had other people come and do presentations in the past and it looked promising and we always start out with a memorandum of understanding. You don't want to put your time and energy into a project where we could just turn around and provide it to someone else in the meantime. What is your turnaround time.

Mr. Jaffey said we would want some sort of control before we've

Mr. Dennis said because this falls under the redevelopment ordinance, it is equivalent to the memorandum of understanding and would just be conditional redevelopment status. It basically gives them, we are basically allowing them to do their due diligence but we wouldn't be entertaining proposals from other providers,

Mr. Seeley said we would not.

Mr. Dennis said we would not be entertaining proposals from other providers because it is worth their efforts to go in and do the due diligence. Now this is what has happened in the past, months go by and we never hear from you again. We're just going to rescind the resolution.

Mr. Seeley said no, there has to be something a little more concrete. He said we will need to negotiate terms and conditions that the township is going to want to see in a realistic time frame.

Mr. Jaffey said absolutely and the last thing that we want to do is tie up your landfill unjustly, but we're not going to need much time to figure out if we can make a deal. The expectations for a lease payment, the expectations for cost for closing the landfill are always costs that we don't know yet but we need to spend time in figuring that out and once we get to that point we'll come back within an agreed timeframe to tell you what we found.

Mr. Dennis said I think you guys need to take your time and review their Expression of Interest, check their background and I'll discuss with you guys off line.

Mr. Jaffey said he can come back with his partners if you wanted to meet someone from Citizens and my partners this can be arranged.

Mr. Seeley asked what is your timeframe.

Mr. Jaffey said 90 to 120 days.

Mr. Seeley asked how many landfills had they been involved in.

Mr. Jaffey responded several and right now they are working on three, one in south jersey, National Park right by West Deptford. He said they are also doing with that is not a landfill but a brownfield and that is in Gloucester City and that's a pretty big project that we are involved in.

Committeeman Vizzard asked if there would be any expense to the township.

Mr. Jaffey said the costs would be absorbed by them.

Mayor Sutton said next item was complaint of John Ball, he has not shown up so we'll hold it until later, if he shows up we will address it.

Mayor Sutton we have a bid of \$400 for Block 26, Lot 4306, 80X100, corner lot.

Decision: Contact Mr. Bonanno and tell him bid not acceptable, minimum bid \$800.

Mayor said we have a letter from Russell Stormes, Commercial Township Food Pantry, requesting that Xerox Copier on GovDeals be given to Food Pantry. Decision: Mayor asked if it works, to find out if it does, and to put it on the agenda for the regular meeting.

Mayor said we have a letter from the Shiloh Baptist Church requesting the township place and add in their Souvenir Booklet in celebrating their centennial anniversary. Full page \$100. Decision: Committee approved full page ad for \$100 and said to approve at the regular meeting on Thursday, October 20th.

Mayor said we have a memo from Building Ecological Solutions To Coastal Community Hazard regarding erosion, sedimentation and movement of the channel and loss of wetlands with the Mouth of the Maurice River. Decision: Mayor said this is point of interest and Barney Hollinger is deeply involved with anything that goes on with our river and keeps up envolved.

Mayor said we have a letter from Judge Curio regarding municipal court's budget for 2017 being sent to court administrators by November 1st, about compliance of the ADA, American's Disability Act, and the adoption of a security plan for the court. Decision: Budget has been sent, ADA Commercial is in compliance and committee will meet to discuss the adoption of a security plan for the court in 2017.

Mayor Sutton said we had forwarded a complaint to David Dean, Housing Officer, 304 Olive Road, Laurel Lake, grass overgrown, people hanging about trying to break in. etc., Decision: Mr. Dean responded that he had talked with the son of the owner who has passed away and he states he wants nothing to do with the property. Committee said they could have public works cut the grass, access lien on the property and if son does not want to pay taxes the township will eventually foreclose. Committee wondered why he just didn't sell it, and they are assuming that since every house that has been sold in Commercial has resulted in owners having to put in new septic system first, some systems with limited amount of space costing \$29,000.

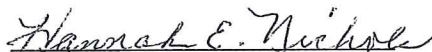
Mayor Sutton said our recording system is old and Maryann Court Administrator has obtained a quote for a new system by Gramco Business Communications at \$5,967.00. This has been discussed with CFO and cost would be divided and charged to new equipment of the three offices that will use it, court, land use board and clerk. Decision put on agenda of regular meeting.

Mayor Sutton said we will have several resolutions for regular meeting:

Authorize advertisement for one year animal control services
Surplus Property On GovDeal
Authorize advertisement for Professional Services and Cleaning Services
Adopting Office Emergency Management "Debris Management Plan
Approving payment \$8000 to Pashman, Stein, Walder, Hayden
Transfer of Overpayment To Other Tax Years, Refund, by Tax Collector
Executive Session To Discuss Litigation.
Awarding Contract to Gramco for Sound Recorder
Appointing Mike Vizzard as Alternate To Bayshore Council
Payment Plan For Norman Schlenger, Block 104, Lot 10160

Mayor Sutton asked for reports and being none asked for motion to open to public. With no input Mayor asked for motion to close public portion and to adjourn the meeting.

It was so moved.


Hannah E. Nichols, Township Clerk

