

Minutes of Regular Meeting of the Township Committee of the Township of Commercial, held on Thursday, March 21, 2019 at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ

Those Present;

Mike Vizzard	Mayor
Fletcher Jamison	Committeeman
Ryan Broughton	Committeeman
Thomas Seeley	Solicitor
Hannah E. Nichols	Township Clerk
Edward Dennis	Engineer

Those Absent:

Heather Sparks	Deputy Clerk
Clint Miller	Public Works Supervisor

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

Mayor Vizzard asked everyone to stand and join the committee in the Flag Salute and Lord's Prayer.

Mayor said we have no State Police this evening.

Mayor said we have the minutes of previous meetings for consideration.

Agenda Meeting Minutes of February 19, 2019
Regular Meeting Minutes of February 21, 2019

A motion was made and seconded to approve minutes with a unanimous roll call vote.

Mayor Vizzard said due to fact that auditors have been here for two weeks, the chief financial officer hasn't had time to register all the bills that have come in. She is asking the committee to approve a Bill List of all utility bills received for all municipal buildings and street light this evening and to approve all of the balance of Bills received up to March 28th at a special meeting.

Committeeman Jamison made motion to approve Bill List prepared up to March 21st and to approve balance of bills for March at a Special Meeting held on March 28th at 5:00 p.m.

Committeeman Broughton seconded the motion and a unanimous roll call vote was taken.

Mayor Vizzard read statement that before the committee can introduce the 2019 Municipal Budget the following items must be adopted: Chief Financial Officers Certification of Civil Rights Requirements. Signed Certification of Governing Body of Civil Rights of 1964 and passing of Resolution 2019-39. Mayor called for motion to approve chief financial officers certification and the signed affidavit of committee members.

Committeeman Jamison made motion to approve Certifications of Chief Financial Officer and Committee and Committeeman Broughton seconded the motion with a unanimous roll call vote.

Mayor Vizzard said we have introduction of the Civil Rights Act of 1964 and read same by title:

RESOLUTION 2019-39

Governing Body Certification Of Compliance With The United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to verify that the local unit's hiring practices comply with the United States Equal Employment Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" as amended, 42 U.S.C. 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Commercial hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017 c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Mayor asked for motion to adopt resolution.

Committeeman Jamison made motion to adopt and Committeeman Broughton seconded the motion with a unanimous roll call vote.

Mayor Vizzard said we have the following resolution for the introduction of the 2019 Municipal Budget.

RESOLUTION 2019-40
Introduction Of 2019 Municipal Budget

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the 2019.

BE IT FURTHER RESOLVED that the said budget be published in the Douth Jersey Times edition of April 4, 2019 as follows:

A hearing on the budget and tax resolution will be held at the Municipal Building on the 18th day of April 2019 at 6:00 o'clock p.m. , at which time and place objections to said budget and tax resolution of the Township of Commercial for the year 2019 may be presented by taxpayers or other interested persons.

Summary Of General Section Of Budget

Current Fund	
Municipal Purposes within "CAPS"	\$2,555,374.00
Municipal Purposes Excluded from "CAPS"	343,704.49
Reserve for Uncollected Taxes	<u>674,467.80</u>
Total General Appropriations	\$3,573,546.29
Less Anticipated Revenues	<u>\$1,988,367.93</u>

Local Tax for Municipal Purposes

Amount to be Raised by Taxation

\$1,585,178.36

Mayor Vizzard asked for motion.

Committeeman Jamison made motion to adopt the resolution and Committeeman Broughton seconded with a unanimous roll call vote.

Mayor Vizzard called upon Edward Dennis, Engineer, for his report.

Mr. Dennis said he didn't bring a written report tonight but that he would summarize the report he gave at the agenda meeting. Mr. Dennis said the township accepted bids for the Port Norris Drainage Improvement Project and that he sees that a resolution is on the agenda to award contract to Landberg Construction, LLC. and that he is hoping that construction will commence in May or June. He said on the Freight Impact Fund Grant application he has not heard anything. He said he has no update on the Whittier, Iris, Magnolia and Red Fern Drive applications from NJDOT Municipal Aid. Mr. Dennis said the Laurel Lake Drainage Project Phase III is being closed out along with the Berry Avenue and Lakeshore Drive. Tax Map and GIS Maintenance the cost for 2019 is \$7,000 and Tower is still on hold by Verizon. High Street Pipe Replacement waiting on permits.

Mayor Vizzard said we had several pieces of correspondence at the agenda meeting, some just required resolutions which are on the agenda this evening and some needed explanation.

Mayor said approval was given to Heather Whitaker, Wellness Coordinator, she has suggested that the employees have Defense Training and the cost would be paid from the Safety Incentive Award the employees earned.

Committeeman Jamison said he voted for the training but he wants at least ten employees to sign up for it, not just one or two. He said he would tell Mrs. Whitaker.

Mayor said we received a letter from the Commercial Township Baseball Association and they are requesting assistance with building a playground for young children who come with their parents to watch their brothers play ball and that the T-Ball players need a dugout. Mayor said we were concerned and asked members of the association to attend because we didn't know what type of assistance they wanted from the township. Mayor asked Shannon String and Shaun Madigan and his wife to come up. He said exactly what assistance do you want from the township, use of our public works, to buy equipment and the association will build it, let us know what.

Mr. String said we do not have the funds to build the playground nor the Dugout so financial support, or if you buy the equipment, we would try to get volunteers to build it. Help from the road department, we will accept any help that you can give us. He said it's the parents of the little kids that have requested the playground or set of swings for the little kids. He said most of their funds go for insurance and uniforms for the kids that can't afford them. There aren't many fund raisers anymore.

Committeeman Jamison said the playground had been submitted some time back and if I remember correctly it was a matter with insurance, particularly with insurance regarding a playground, I'm checking into it to see what it was that stopped it. Committeeman Jamison said you know that there is money through Clean Communities and if you could get the parents to do a cleanup or two that would give you a thousand dollars toward something.

Mr. String said he was aware of the program and they did a cleanup before but it's hard to get volunteers.

Mayor thanked them for coming and said the committee would look into it and see what they could do, they'll get back to the association.

Mayor said township has been notified that Earthtect is selling out to Gold Medal Environmental New Jersey and that Gold Medal will be taking over by May 1st. Our contract should remain the same with no changes in trash and recycling collection.

Mayor said we received a bid of \$200.00 on 40X100 vacant lot adjoining 251 Canary Road, Laurel Lake from Tracy Riggio. Committee accepted the bid and a landsale for the property will take place on May 16th regular township meeting. All adjoining owners will be notified 30 days prior to sale.

Mayor Vizzard said committee continue the tabling of Emergent America regarding Cannabis in New Jersey and property for sale in Commercial Township.

Mayor Vizzard said we have several resolutions for consideration. Resolutions are read by title only under Consent Resolution 2019-1.

RESOLUTION 2019-41
Authorizing The Transfer Of Recording Fees

WHEREAS, on January 31, 2019, Richard Young redeemed Certificate #19-00020 in the amount of \$121.88 which was levied against Block 35, Lot 5460 located at 145 Satinwood Road; and

WHEREAS, the tax certificate was not recorded at the Cumberland County Clerk's office by the outside lien holder through the recording fees of \$53.00 was collected by the tax office; and

THEREFORE BE IT RESOLVED, that the Township Committee of Commercial Township authorizes the Tax Collector to transfer the \$53.00 recording fee collected to next upcoming quarter as a credit.

RESOLUTION 2019-42
Approving The 2019 Annual New Jersey Devilman Triathlon

BE IT RESOLVED, by the Township Committee of the Township of Commercial that approval is given to the New Jersey Devilman Triathlon Organization to conduct their annual triathlon Bicycle Race on the roads in Port Norris in Cumberland County; and

BE IT FURTHER RESOLVED that the resolution and their full application, bicycle route, and liability insurance will be forwarded to the Cumberland County Road Department for final approval.

RESOLUTION 2019-43
Approving Heather Sparks and Hannah Nichols As Liaisons To The New Mel Employment Practices Helpline.

BE IT RESOLVED, by the Township Committee of the Township of Commercial that Deputy Clerk, Heather Sparks and Municipal Clerk Hannah Nichols be appointed as Liaisons to the New Mel Employment Practices Helpline; and

BE IT RESOLVED, that the MEL Helpline will be available to municipalities from 9:00 a.m. to 5:00 p.m.; and any employment related topic or policies and procedures related to issues such as: Hiring, Termination, Harassment, Discrimination, promotion/Demotion and other issues will be addressed.

RESOLUTION 2019-44

Adopting JIF Workplace Wellness Best Practices As Part Of Commercial Township Policy and Procedure Manual As Of March 21, 2019

Commercial Township recognizes our ability to achieve our objectives successfully depends on the wellbeing of our employees. We acknowledge that the key elements of workplace wellness include the physical and cultural environments as well as the policies, practices and procedures that guide our work.

Commercial Township will provide a healthy workplace that values and enhances the health and wellbeing of all employees by implementing our workplace wellness program. This wellness policy provides the foundation for developing activities and modifying work environments and practices to support the health and wellbeing of all our employees. Positive benefits are also likely to extend beyond employees to positively impact families and the community as well.

Commercial Township has chosen to enhance its workplace wellness in a number of ways including:

1. Encouraging and supporting a workplace wellness committee, where appropriate
2. Creating and supporting a workplace wellness program
3. Consulting with employees to ensure workplace wellness strategies meet the need of the Workforce.
4. Supporting employees participation in wellness activities
5. Supporting employees to adopt and maintain healthy behaviors and reduce unhealthy behaviors.

The Township Committee of Commercial Township will do all they can to enhance the Wellness of employees by providing workplace environments and systems that are supportive of employees wellness. In addition, providing opportunity for employees to participate in offered wellness activities is critical for the success of such a wellness program. Contributing ideas and expertise of work to the wellness committee or wellness coordinator will ensure the needs of the employees are address.

Employees of Commercial Township will be encouraged to contribute ideas and voluntarily participate in the wellness program.

The Commercial Township workplace wellness committee or wellness representatives in conjunction with management and JIF Wellness Director will review the policy annually or as otherwise deemed appropriate by management and incorporates this program into the Commercial Township Personnel Policy Procedure Manual effective March 21, 2019.

RESOLUTION 2019-45

Approving Annual Laurel Lake Triathlon Sprint On July 27, 2019

BE IT RESOLVED that the Commercial Township Committee approves the Annual Laurel Lake Triathlon Sprint on July 27, 2019; and

BE IT FURTHER RESOLVED that sprint is held in honor of William Laubengeyer and sponsored by DQ Events, 316 Crestwood Avenue, Haddonfield, NJ

BE IT FURTHER RESOLVED that this resolution, application, liability insurance coverage will be forwarded to the Cumberland County Road Department for final approval.

RESOLUTION 2019-46
Awarding Contract To Landberg Construction, LLC
For Port Norris Drainage Improvements In The Amount of \$415,283.05

WHEREAS, the Township of Commercial accepted bids for the Port Norris Drainage Improvements Project on March 14, 2019 at 11:00 a.m.; and seven bids were received and reviewed by Engineer, Edward Dennis, for completeness; and

WHEREAS, in accordance with the Local Public Contracts Law NJSA 40A:11-1, et. Seq the contract is normally awarded to the lowest responsible bidder;

THEREFORE, BE IT RESOLVED, that the Township Committee awards a contract to Landberg Construction LLC of 82 Tuckahoe Road, Dorothy, NJ 08317 for Alternate Bid 1 in the amount of \$415,283.05 if approved by municipal solicitor and Certificate of Funding by Chief Financial Officer.

BE IT FURTHER RESOLVED, that Chief Financial Officer has Certified Funding for Landberg Construction LLC in the amount of \$415,283.05 from the following accounts:
G-02-41-851-000 Port Norris Drainage Improvements NJDOT Grant: \$400,000.00
Amount in line item \$400,000.00

Pending Adoption of 2019 Municipal Budget-Reserve for Road Improvements:
9-01-44-905-000 \$15,283.05
Amount in Line Item: \$20,000
Amount Certified: Total Not To Exceed \$415,283.05

RESOLUTION 2019-47
Authorizing The Release Of Land Use Board Escrow

WHEREAS, on February 27, 2019 the Land Use Board approved the releae of the remaining escrow balances for applications stated below. Said applications have met all reviews and requirements pursuant to the Land Use Law and Township Ordinances; and

WHEREAS, pursuant to procedure, the Township Committee must also approve the release of said remaining escrow balances; and

THEREFORE BE IT RESOLVED, the Township Committee of Commercial Township authorizes the Land Use Board Secretary to release the following escrow balances to the account holder or proper authority:

Block	Lot	Name On Escrow	Application Type	Escrow Balance
112	6645	Beatty	Re-Subdivision	\$ 138.66
177	5	Johnson	Site Plan/Variance	\$1,473.71

RESOLUTION 2019-48
Acceptance Of Center Designation Extension
June 20, 2020

BE IT RESOLVED, by the Township Committee of the Township of Commercial that the committee has accepted the extension of Commercial Township's Center Designation until June 20, 2020; and

BE IT FURTHER RESOLVED that the State Planning Commission will be informed of committee's decision.

Mayor said he didn't remember approving 43 at the agenda meeting.

Committeeman Jamison said he would approve Resolutions 2019-41 thru 2019-48.

Committeeman Broughton seconded the motion with a unanimous roll call vote.

Solicitor Seeley said he had letter from mediator with the list of items that have been settled between Commercial Township and Judson Moore and he listed those items in the form of a resolution and asked the committee to adopt in order to present them to Judge McDonnell.

RESOLUTION 2019-49
Commercial Township
Cumberland County, New Jersey

WHEREAS, the Township of Commercial, County of Cumberland and State of New Jersey hereby instituted an injunctive action and Civil Action filed against Judson Moore et al, on or around November 6, 2018, under Docket No. CUM-1-781-18; and

WHEREAS, the parties were directed by the Honorable Judge Ann McDonnell to return to the Mediation, which had produced a previous Amended Memorandum of Understanding; and

WHEREAS, said Mediation was scheduled and took place on or around March 19, 2019 before retired Judge Eugene J. McCaffrey, Jr.; and

WHEREAS, as a result of the above mentioned Mediation the parties involved as listed above were able to reach an amicable resolution; and

WHEREAS, the governing body of the Township of Commercial was represented by the firm of Kevin B. Riordan, Esquire, LLC and the Defendants were represented by Doug Long, Esq; and

WHEREAS, the following are the terms of the said Agreement reached and executed by all parties at said Mediation, held by the above mentioned Judge McCaffrey.

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland and State of New Jersey that Defendant Judson Moore is to resign his position representing District 2 of the Cumberland County Democratic Committee and he further agrees he shall not hold any elected or appointed position in the Township of Commercial hereafter; and

BE IT FURTHER RESOLVED, that in the future Judson Moore shall be provided notice of any alleged violation of this Agreement thirty (30) days prior to the Township initiating litigation to enforce same; and

BE IT FURTHER RESOLVED, that in exchange for this Agreement the Township of Commercial shall pay Judson Moore \$10,000 towards his attorneys fees within forty (40) days of the approval of the governing body; and

BE IT FURTHER RESOLVED, that the Amended Memorandum of Understanding will remain in full force and effect and strictly subject to the terms of this Addendum.

BE IT FINALLY RESOLVED, that the governing body, after having carefully considered the costs, which could have been incurred by continued litigation, have reasonably agreed to agree to the above settlement terms and therefore all claims filed shall be dismissed to all parties involving Docket No. CUM-L-781-18 at this time.

Mr. Seeley asked the committee to approve the resolution as stated.

Mayor Vizzard asked for a motion.

Committeeman Jamison made motion as stated.

Mayor Vizzard seconded the motion

Roll call vote: Committeeman Jamison	Yes
Committeeman Broughton	Abstain
Mayor Vizzard	Yes.

Mayor Vizzard asked for reports of the committee.

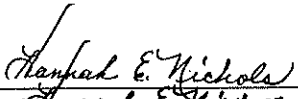
Committeeman Broughton gave a summation of reports of the Construction Office addressing progress of the officials of that office, Lou Palena, Construction Official, Steve DeSario, Code Enforcement and the outstanding job that is being done by sending out violation notices and appearing in court when absolutely necessary.

Committeeman Jamison said he would like to set up a meeting with our Municipal Judge Van Embden. He asked clerk to try and set the meeting up prior to court at the judge's convenience.

Mayor asked for motion to open to the public.

He asked for Mr. & Mrs. _____, Laurel Lake said that they had their property up for sale but no one wanted to live in a neighborhood with so much debris and broken bottles in the street. She said Mr. DeSario filed violation notices and had the street and area cleanup in no time and that they had people coming to look at their house the next day. They also provided the committee with areas of abandoned trailers that need to be boarded up.

Committee thanked them for appearing and Mayor asked for motion to adjourn.



Hannah E. Nichols, Town Clerk