

Minutes of the Regular meeting of the Township Committee of the Township of Commercial held on January 16 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
Edward Dennis	Engineer
Heather Sparks	Deputy Clerk
Hannah Nichols	Township Clerk

Those Absent:

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 that attendees join him in the flag salute and the Lord's Prayer.

Mayor said officials, we have the State Police

Trooper Reteteci, new station commander of the Port Norris Barracks presented a report. Trooper Reteteci said he was stationed here since the end of December and he was stations in Port Norris back in 1998 for about four years, that was the best time in his career I came back as a Sargent about six years ago. I'm really looking forward to getting back here. I'm here tonight to present a statistical analysis, some of the pro active and re-active stuff we did in township in December. We had 380 calls for service, 177 car stops, 6 reported motor vehicle accidents, 49 criminal investigations, 6 reported burglaries. Any burglaries that usually take place during the daytime between 6 & 6. People are usually going out to work or school or something like that. I think some of this can be deferred by locking doors. Reach out to neighbors, pay attention to when people are coming and going so that you recognize something unusual and don't hesitate to call the station if you see something suspicious going on. We will come out and ask some questions and try to figure out what they are doing. Trooper Reteteci concluded his report by thanking the Committee and expressed that he is looking forward to working with everyone.

Mayor Vizzard said we have minutes from previous meetings. We have the minutes of the Re-Organization meeting, January 6, 2020, minutes of the agenda meeting, December 16, 2019 and minutes of the regular meeting, December 19, 2019. Have you had a chance to review those meeting minutes? There is only one thing I want to point out, on the reorganization minutes and I'm sure its just a typographical error but 4 or 5 of the resolution titles have 2019 so just know they need to be corrected to 2020. That's all I saw. So, do I hear a motion to accept the meeting minutes.

Mr. Broughton said I make the motion. Mr. Jamison Seconded with a unanimous roll call vote.

Mayor Vizzard said we have the bill list for consideration for the month of January as prepared by the chief financial officer. Do I hear a motion to approve the bill list?

Mr. Jamison said I make a motion to approve the bill list. Mr. Broughton seconded with a unanimous roll call vote.

Mayor said can we have the Engineers report

Engineer, Ed Dennis said we had no changes from Monday, but I will go over the report. We do have an application in with the DOT for the 2020 Local Freight Impact Fund. This would be the next phase of the work we are doing down to the river. No word on that grant application yet. We will get started on the Red Fern Drive Grant we got for 2020 shortly. We will have something for the February meeting to get us moving on that project. We did receive a grant for \$305 thousand dollars last year. Under our existing capital projects, the 2019 Local Freight Impact fund are the river front roads, that project is moving ahead with survey preliminary design. Once we have a base plan we'll get with the county and talk to them about what they might be able to do on their bridges and then we can probably hold another information session just to show everybody where we are at and where we are heading and get some more feedback. The Whittier, Iris and Magnolia Drive project, we did go out and meet with the contractor on the 9<sup>th</sup> to go over the outstanding punch list items. There is some work that needs some touch up there are some more significant deficiencies the contractor is going to address. We did put that work off until the spring, the remedial work that way we have good weather and good results. The contractor has been notified we did update the punch list and sent it out and its documented everything we discussed in our walk thru. The last two projects are just in close out, just paperwork and under general engineering, there is really no update.

Mayor Vizzard thanked Mr. Dennis for pushing on the contractor for the repairs.

Mayor went over correspondence.

Memo from Heather Sparks requesting carry over of unused time off from 2019

Memo from Heather Whitaker requesting appointment of William White as Acting Construction Official in the absence of Lou Palena

Correspondence from Tony Stanzione of the Cumberland County Development Corporation regarding Commercial Township renewing membership with the Corporation.

Memo from the Cumberland County Purchasing Office offering Co-Op for Unleaded gasoline and on-road diesel.

The Clerk's office received an e-mail from Cheryl Ann Schmidt, daughter of Mary Jane Stiles, seeking relief on payback of Bayshore Housing Mortgages. Family has a buyer for the property. Listing price is \$10,000 and the payoff amount due for Bayshore Mortgages is more than sale price.

Mayor Vizzard asked the Deputy Clerk if there were resolutions for these correspondences.

Deputy Clerk responded there were resolutions for everything except the last item.

Mayor Vizzard said we need to talk about this letter from Cheryl Ann Schmidt. Basically, a summary is, these are the housing grants that were given out called Bayshore Housing grants with a total of about \$13,000 owed on those grants. As stated here she is selling for \$10,000.

Deputy Clerk said it is the seller that is seeking relief. They feel their buyer will not proceed if they are not able to get this relieved, but it is a legal binding mortgage note.

Solicitor Seeley said typically in the past the committee has been able to do certain things such as tax arrearage agreements and stuff like that. What your saying is the amount that is owed is more than the asking price.

Deputy Clerk said yes, the owner has it listed for \$10,000 and they have a buyer, but they found out through a title search that there are two Bayshore Housing grants which total around \$14,000 so what they owe is more than their asking.

Solicitor Seeley said there are two ways to look at this, you get the \$10,000 back whereas otherwise you don't get anything because she's not able to sell it or you allow her to sell it and have her give that amount because she may walk away.

Deputy Clerk said she has already indicated if the sale falls through, she will have to abandon.

Solicitor Seeley said she's gonna have to, if this is true and she can show us from the title company and there is \$14,000 owed, if she sells it for \$14,000, she isn't getting any money for it anyway. Is it a legit arm's length transaction? I mean is the buyer her brother or something like that. We need to find out if it's an arm's length transaction or not. What other information do we have besides her request?

Deputy Clerk said the request came from the daughter, the property is owned by a husband and wife, the husband passed away and its just an elderly woman and it's the daughter that has reach out seeking the relief. Tonight, when I came back for the meeting, I had a voice mail from the buyer.

Solicitor Seeley said and who is the buyer because I just want to make sure its not the wife's boyfriend or something like that.

Deputy Clerk said she did not know.

Solicitor Seeley I don't know anything about the house or anything else I would just want to know more about the deal. Who is the title company?

Deputy Clerk said Heritage title

Solicitor Seeley said If its not an arm's length transaction that \$10 grand will go to Commercial bayside grant its better to get then 10 than to lose the whole 14 if it's a straight up deal.

Mayor Vizzard said I would like to throw my thoughts into this. I don't want to set the precedent that we are going to relieve all these grants that are owed. They have known since 2002 that 50% of this

grant was supposed to be paid back to this township. Why relieve it now if we haven't relieved it since 2002.

Solicitor Seeley said I may be mistaken. Is the whole amount going to go to paying the township back or....

Deputy Clerk said the \$14,000 is the 50%. It was a much larger loan.

Solicitor Seeley said the only thing I would say to that is if the house is not worth that, It may just end up knocked down and because vacant land and now you have vacant land with a \$14,000 lien on it and no house and really no ability to sell it. If this person is truly going to sell it and the money is going to come back to the township, I mean I get what your saying but if it truly is a buyer that's buying it and isn't related to the seller then in my opinion just settle on that.

Mr. Broughton said so your saying we will give some relief but not all.

Solicitor Seeley said right instead of 14 you get 10

Mr. Jamison said apparently, they have two loans. One is in Maurice River township from 2001 and in 2009 they had one in Commercial

Deputy Clerk said yes, the larger one is with us

Solicitor Seeley said she has just asked for relief

Deputy Clerk said yes for the whole total. She wants the total amount relieved so when they sell, they get something.

Solicitor Seeley said is it a \$100,000-dollar house?

Deputy Clerk said she says the outside looks ok, but the inside is uninhabitable.

Mr. Jamison said so one of them is for 3400 hundred dollars and the other one is for \$10,850.

Solicitor Seeley said who does the \$10,000 go to?

Deputy Clerk said to us.

Engineer, Mr. Dennis asked who administers this program.

Solicitor Seeley said it was through us and Maurice river Township. We got a grant from the Federal government to fix up homes.

Engineer asked if the township has the authority to forgive it. If you forgive it then are you going to have to owe it.

Solicitor Seeley said No, we will not have to owe it.

Deputy Clerk said the payback is supposed to be reclaimed funds that we can then give to someone else.

Solicitor Seeley said and we are just about out of money. This money came in like 15 years ago and basically that money is used up.

Mr. Jamison said but Maurice River Township says they don't have any money because someone from here applied and...

Deputy Clerk said we are not getting the paybacks that we hoped.

Mr. Jamison said we aren't in charge of it anymore, Maurice River township is.

Solicitor Seeley said well that's the easy way out.

Mayor Vizzard said I just want to clarify what I was saying. If they are going to sell this place for 10 grand and they can't sell it for anything more than that and the township was going to get the whole 10 grand well that would be something to consider. She is asking for full relief and that's not something I want.

Solicitor Seeley said no what I'm saying is it would all have to go to the township.

Mayor Vizzard said which it probably won't. They are going to have other charges from real estate agents, you know.

Mr. Broughton said unless they are selling out right with cash.

Solicitor Seeley said which is probably the only way they can do it but it's not my decision.

Mr. Jamison said I agree with Mike, I don't think we should just not get anything out of it.

Mayor Vizzard said if the whole 10 comes back to the township then that is something to consider.

Solicitor Seeley said so we need the title work and I can investigate the buyer and see if they have a relation to the seller and make sure its not an arm's length transaction.

Mayor Vizzard said I have one other question regarding this. \$3,438 dollars of this goes back to Maurice River, Correct? So out of the \$10,000 we have to give them their share.

Deputy Clerk said according to Maurice River, the whole total needs to go to them because they are the ones managing the reclaimed funds.

Mr. Jamison said then let them deal with it.

Solicitor Seeley said let Frank DiDomenico handle it.

Mayor Vizzard said what do we want to do, do we want to table this until we find out more about this then we will get back to them.

Mr. Jamison said yes.

Mayor Vizzard said Ok, we have an Ordinance for Introduction. Ordinance 2020-597 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank. Do I have a motion to adopt Ordinance on first reading?

Mr. Jamison said I make that motion on first reading

Mr. Broughton said I second it.

There was a unanimous roll call vote.

Mayor Vizzard said there will be second reading and public hearing on February 20<sup>th</sup>.

Mayor Vizzard said we have resolutions, I'll read them then we will go on to adoption.

**COMMERCIAL TOWNSHIP  
CUMBERLAND COUNTY  
NEW JERSEY**

**RESOLUTION 2020-25**

**A RESOLUTION AUTHORIZING A DEFAULT OF TAX ARREARAGE AGREEMENT  
OF BLOCK 120, LOT 9552 TO PAMELA GIFFORD**

**BE IT RESOLVED**, by the Township Committee of the Township of Commercial, County of Cumberland as follows:

**WHEREAS**, Pamela Gifford was approved on August 1, 2018 for a Tax Arrearage agreement for the repayment of unpaid taxes to the township of commercial have fallen delinquent under the agreement, and

**WHEREAS**, the property owners of this property commonly known as 416 Satinwood Road, Millville, NJ, Block 120, Lot 9552 were sent notice of the delinquency both certified and regular mail by the Township Tax Collector and said Tax Collector has not received a response from said property owner nor have delinquencies been brought current, and

**WHEREAS**, as stated in the signed agreement, any delinquency of the installment plan or current taxes will result in a default of the installment agreement, and

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Commercial, County of Cumberland and State of New Jersey default the above installment agreement and authorize the tax Collector along with the Township Solicitor to proceed with a foreclosure action or other action deemed appropriate pursuant to statute.

**COMMERCIAL TOWNSHIP  
CUMBERLAND COUNTY  
NEW JERSEY**

**RESOLUTION 2020-26**

**A RESOLUTION AUTHORIZING A DEFAULT OF TAX ARREARAGE AGREEMENT  
OF BLOCK 144, LOT 10494 TO TROY HUNTLEY, SR**

**BE IT RESOLVED**, by the Township Committee of the Township of Commercial, County of Cumberland as follows:

**WHEREAS**, Troy Huntley, Sr. was approved on March 1, 2018 for a Tax Arrearage agreement for the repayment of unpaid taxes to the Township of Commercial have fallen delinquent under the agreement, and

**WHEREAS**, the property owners of this property commonly known as 409 Lark Road, Millville, NJ, Block 144, Lot 10494 were sent notice of the delinquency both certified and regular mail by the Township Tax Collector and said Tax Collector has not received a response from said property owner nor have delinquencies been brought current, and

**WHEREAS**, as stated in the signed agreement, any delinquency of the installment plan or current taxes will result in a default of the installment agreement, and

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Commercial, County of Cumberland and State of New Jersey default the above installment agreement and authorize the tax Collector along with the Township Solicitor to proceed with a foreclosure action or other action deemed appropriate pursuant to statute.

**COMMERCIAL TOWNSHIP  
CUMBERLAND COUNTY  
NEW JERSEY**

**RESOLUTION 2020-27**

**A RESOLUTION AUTHORIZING A DEFAULT OF TAX ARREARAGE AGREEMENT  
OF BLOCK 150, LOT 1187 TO ARTHUR & SUNDAE CALDWELL**

**BE IT RESOLVED**, by the Township Committee of the Township of Commercial, County of Cumberland as follows:

**WHEREAS**, Arthur & Sundae Caldwell was approved on January 1, 2019 for a Tax Arrearage agreement for the repayment of unpaid taxes to the township of commercial have fallen delinquent under the agreement, and

**WHEREAS**, the property owners of this property commonly known as 7335 Samuel Drive, Millville, NJ, Block 150, Lot 1187 were sent notice of the delinquency both certified and regular mail by the Township Tax Collector and said Tax Collector has not received a response from said property owner nor have delinquencies been brought current, and

**WHEREAS**, as stated in the signed agreement, any delinquency of the installment plan or current taxes will result in a default of the installment agreement, and

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Commercial, County of Cumberland and State of New Jersey default the above installment agreement and authorize the tax Collector along with the Township Solicitor to proceed with a foreclosure action or other action deemed appropriate pursuant to statute.

**RESOLUTION 2020-28  
RESOLUTION TO AUTHORIZE SOLICITOR  
TO PROCEED WITH IN REM FORECLOSURE**

**WHEREAS**, N.J.S.A. 54:5-104.35 provides the authority for the governing body to proceed with the "In Rem" foreclosure process on those municipally held tax sale certificates held for more than six months from date of Tax Sale, and

**NOW, THEREFORE, BE IT RESOLVED**, by the township Committee of the Township of Commercial, County of Cumberland, State of New Jersey, hereby authorizes the Township Solicitor to proceed with "In Rem" foreclosure, by conduction title searches, filing a copy of the complaint and any documentation required to all proper courts and authorities including the offices of the Tax Collector, County Clerk and Attorney General of the State of New Jersey, for those properties as appearing on the attached Tax Foreclosure List as prepared by the Tax Collector.

**RESOLUTION 2020-29  
Awarding a Contract with Major Petroleum Industries  
As a Member of the Cumberland County Cooperative  
Contract Pricing System Identifier # 64CCCPS**

**WHEREAS**, Commercial Township is a member of the Cumberland County Cooperative Pricing System # 64-CCCPS; and

**WHEREAS**, the Cumberland County Cooperative Pricing System went out to bid for a new contract in the delivering of on-road diesel fuel for the members of #64-CCCPS; and

**WHEREAS**, a contract was awarded for supplying and delivering on-road diesel fuel for participating members of the Cumberland County Cooperative Contract Pricing System to Major Petroleum Industries; therefore

**BE IT RESOLVED**; by the Township Committee of the Township of Commercial that they approve a contract with Major Petroleum Industries for the supplying and delivering of on-road diesel fuel for our public works department commencing December 1, 2019 and terminating November 30, 2021.

**RESOLUTION 2020-30  
Awarding a Contract with Mansfield Oil Co  
As a Member of the Cumberland County Cooperative  
Contract Pricing System Identifier # 64CCCPS**

**WHEREAS**, Commercial Township is a member of the Cumberland County Cooperative Pricing System # 64-CCCPS; and

**WHEREAS**, the Cumberland County Cooperative Pricing System went out to bid for a new contract in the delivering of gasoline for the members of #64-CCCPS; and

**WHEREAS**, a contract was awarded for supplying and delivering gasoline for participating members of the Cumberland County Cooperative Contract Pricing System to Mansfield Oil Co; therefore

**BE IT RESOLVED**; by the Township Committee of the Township of Commercial that they approve a contract with Mansfield Oil Co for the supplying and delivering of gasoline for

our public works department commencing December 1, 2019 and terminating November 30, 2021.

**RESOLUTION 2020-31**  
**Authorizing Employees to Carry Unused Vacation and Personal Time to 2020**

**BE IT RESOLVED**, the Attendance Clerk has calculated that the following carry over days and presented them to the Township Committee for consideration;

Hannah Nichols	40 ½ Vacation Days ½ Personal Day
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Heather Sparks	2 Vacation Days
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**WHEREAS**, reason for carry over is due to Township business and shortage of office coverage. It was not possible for these remaining days to be taken in 2019.

**THEREFORE, BE IT RESOLVED**; that the Township Committee hereby approves the request and has authorized attendance clerk to add time to 2020 paid time off.

**RESOLUTION 2020-32**  
**Approving Membership in the Cumberland Development Corp.**

**BE IT RESOLVED**, by the Township Committee of the Township of Commercial that enrollment into the Cumberland Development Corp., has been unanimously approved by the governing body for 2020 at a membership fee of \$2,850.00 to be paid quarterly at \$712.50 for a term of one year commencing January 1, 2020 to December 31, 2020.

**RESOLUTION 2020-33**  
**Authorizing Acting Construction Official**

**WHEREAS**, the Township of Commercial presently employs Louis Palena as its Construction Official, and

**WHEREAS**, William White is a licensed Construction Official who is available to fill in for Mr. Palena, Construction Official for the Township of Commercial.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Commercial that in the absence of Louis Palena, Construction Official who is temporarily unavailable to perform his duties, William White shall be authorized to perform such duties in the absence of the official. This authorization shall be valid if Mr. White continues to hold all the appropriate licenses required to perform the duties of Construction Official, or until such time as this authorization is withdrawn by an appropriate resolution.

**RESOLUTION 2020-34**

**RESOLUTION APPROVING AN INSTALLMENT PLAN FOR BLOCK 59, LOT 579,  
GERALD PASSARELLA SR.  
DUE TO TAX OFFICE ERROR**

**WHEREAS**, it was discovered that due to an error and miscommunication by the tax collector, monies were transferred from block 58, lot 509, 1301 Lakeshore Drive assessed to Gerald Passarella Jr. to property located at block 59, lot 579 1201 Lakeshore Dr. and block 59, lot 584, Mist Road assessed to Gerald Passarella Sr. Said transfer occurred on March 7, 2019 for a payment that was taken on February 22, 2019, and

**WHEREAS**, it was determined that the payment should have remained on block 58, lot 509; 1301 Lakeshore Dr.

**WHEREAS**, since the payment was improperly transferred, block 59, lot 579 and lot 584 reflected paid and Gerald Passarella Sr. was not aware the balances were due and,

**WHEREAS**, the amount due on block 59, lot 579 and lot 584 is \$1,879.07 and,

**THEREFORE, BE IT RESOLVED**, in to avoid any further inconvenience and on complete fairness to Gerald Passarella Sr., the Township Committee of Commercial Township approve a non interest bearing installment plan of \$50.00 a month to be established for Gerald Passarella, Sr. to pay the tax balance that is open due to the office error. Said noninterest installment plan was discussed and approved by the township finance officer and the municipal auditor to solve the issue.

#### **CERTIFICATION**

I, Heather Sparks, Deputy Clerk of the Township of Commercial hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held on January 16, 2020 at the Township Hall, 1768 Main Street, Port Norris, NJ

  
Heather Sparks, Deputy Township Clerk

Mayor Vizzard asked do I have a motion to approve resolutions 2020-25 thru 2020-34

Mr. Jamison said I make that motion

Mr. Broughton seconded with a unanimous roll call vote.

Mayor Vizzard said reports from officials

Mr. Jamison said I have a letter here from Pam where we were discussing the courts. I want you guys to look it over when you get a chance and we can discuss it more at the next meeting. Its about hiring two part time employees and the savings with that. That's all I have.

Mr. Broughton said I just have a list of code violations. Its 14 for the month of December. That's it.

Mayor Vizzard said I have nothing more to report.

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

Mr. Broughton said I make the motion to open to the public.


Mr. Jamison seconded

Mayor asked if there was anyone from the public?

With no one from the public Mr. Jamison made a motion to close to the public and Mr. Broughton seconded.

Mayor asked if there was any additional considerations from anyone and with none, a motion was made to adjourn and seconded.

Respectfully Submitted,



Heather Sparks, Deputy Clerk