

Minutes of the Regular Meeting held on Thursday, February 20, 2020 by the Township Committee of the Township of Commercial. Meeting was held in the Township Hall, 1768 Main Street, Port Norris, NJ

Those present:

Mike Vizzard	Mayor
Fletcher Jamison	Committeeman
Thomas Seeley	Solicitor
Edward Dennis	Engineer
Hannah E. Nichols	Township Clerk
Heather Sparks	Deputy Clerk
Clint Miller	Public Works Supervisor
Ryan Broughton	Committeeman

Those absent:

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

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

Mayor Vizzard said I see Carol Hickman is here and she asked to be on the agenda.

Mrs. Hickman said that she had requested to speak with the committee and had given them a copy of the Maurice River Township's new ordinance regarding free roaming cats and Trap, Neuter, Vaccinate, Release Program. She stated that Commercial Township has a problem with cats and one of the ways to solve the problem is with neutering and spaying of pets, and feral cats. She told the committee that this has been proven in other municipalities. Mrs. Hickman said cats can reproduce in a very short period of time and most litters are five to seven kittens each time. Mrs. Hickman asked if there could be money budgeted by the municipality to help in the spaying and neutering, possibly using the late fees that are collected. She said there are clinics that do spaying and neutering at \$40.00. She suggested that the township try to apply for grant funding. Mrs. Hickman said it is essential that the township try and bring this severe cat problem under control and she feels the ordinance like the one Maurice River Township will be adopting will do the same for Commercial Township. She asked the committee to review it and to implement it.

Mayor called on Edward Dennis, Engineer, for Commercial Township.

Mr. Dennis said nothing to add to agenda meetings report. That an application had been filed for Phase II of the Port Norris Riverfront Roadway Improvements in the amount of \$769,752.50 from FY2020 NJDOT Local Freight Impact Fund, he said there is no update. He said the township received a NJDOT State Aid Program Grant in the amount of \$305,070.00 for Reconstruction of Red Fern Drive. Regarding the 2019 NJDOT Local Freight Impact Fund grant in the amount of \$1,500,000 for roadway improvements on High Street, Miller and Memorial Avenue, preliminary design in progress; bridge upgrades to be coordinated with County. Mr. Dennis said a contract was awarded to Arawak Paving Company Inc. for Whittier Drive, Iris Road and Magnolia Drive in the amount of \$209,600.00, construction is substantially complete, remedial work to be completed in the Spring. He said the Port Norris Phase I Drainage Project had been awarded to Landberg Construction LLC, in the amount of \$425,000 and closeout and NJDOT reimbursement pending final payment. Mr. Dennis said Laurel Lake Drainage Improvements, Phase III in the amount of \$213,044 awarded to Mathis Construction is in closeout process.

Mayor Vizzard said there are several letters of correspondence to the committee:

1. Mayor Vizzard said we have a Letter from the City of Millville, that a public hearing will be held on an Ordinance to Repeal and Replace Chapter 30, Land Use and Development Regulations on March 3, 2020 in the Richard McCarthy Chambers. Ordinance can be found on the City of Millville's website.
2. Mayor Vizzard said we have a letter from Township of Fredon requesting support from municipalities to put a referendum on the ballot to have school budgets voted on in the month of April, as it was for many, many years and residents got to know how much their school budget was going to be. Mayor said the state is approving budgets without consideration that the student enrollment has dropped, there should be a decrease. Presently residents have no idea how much the school budget is. I'm in favor of school elections to be in April.
3. Mayor said committee received a letter and the Statutorily required Annual Tax Collector's Annual Report from Leslie Kraus. He said tax collection rate is 91.25% and the tax office worked very hard to achieve this rate with the way the economy has been. He said the committee appreciated all of Leslie's and Gretchen's efforts.
4. Mayor said we have a letter from Comcast that our contract will expire this year. Mayor asked what is the procedure on this.

Clerk said there are requirements and the committee must contact Comcast within four month of the date of this letter. She said if committee has specific issues they want addressed then they can negotiate with Comcast, there is nothing that precludes an informal meeting. She suggested that Comcast be contacted and a meeting setup.

5. Mayor Vizzard said the committee has received 13 letters from residents of Commercial Township stating they want to submit a resolution for Second Amendment rights, that they are law abiding firearm owners and, in their opinion, the current administration in Trenton has infringed on their rights. Mayor Vizzard said at the agenda meeting I made a Statement that I wanted added to the resolution at the regular meeting.

**ADDED STATEMENT:**

Commercial Township will not authorize or appropriate Government Funds, Resources, Employees, Agencies, Contractors, Buildings, Detention Centers, or Offices for the purpose of enforcing laws that unconstitutionally infringe on the people's rights to keep and bear arms.

Mayor Vizzard said we have an ordinance for second reading and public hearing:

**ORDINANCE 2020-597  
COMMERCIAL TOWNSHIP**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Mayor Vizzard made motion to open meeting to the public and Committeeman Jamison seconded same.

Mayor asked for comments from the public and being none asked for motion to close the public portion and to adopt the ordinance on second reading.

Committeeman Jamison made motion to close public portion and to adopt ordinance.

Mayor Vizzard seconded and a unanimous roll call vote was taken of members present.

Mayor Vizzard stated that committee had asked Shore Animal Control Services, our current animal control company, to give the committee a proposal to do a dog census and that the following proposal was submitted:

Shore Animal Control Services, LLC            Dog Census            \$4,800.

Mayor said that the money for the census could come from the Clerk's Animal Account and therefore have no bearing on the 2020 Municipal Budget. Resolution is on the agenda.

Mayor Vizzard said the committee had received a request from John Nardone, Chairman of the Commercial Township Environmental Commission to pass two resolutions at the regular meeting to file with their application to renew the Township's Sustainable New Jersey status. Mayor said both resolutions will be on the agenda, Green Building Practices and Support New Jersey's Wildlife Action.

Mayor Vizzard said the following resignations have been received from members of the Land Use Board: Russell Storms, Current Chairman, Doris Tomlinson, 20 year member, Kenneth McGill, long time member as representative from Commercial Township Environmental Commission. Mayor asked for motion to accept resignations.

Committeeman Jamison made motion to accept resignations and Mayor Vizzard seconded with unanimous roll call vote of the members present.

Mayor Vizzard said we have several resolutions and they will be read by title only under Consent Resolution 2020-1.

**RESOLUTION 2020-35  
Appointments To Land Use Board**

WHEREAS, several resignations were received and accepted by the Township Committee at their regular township meeting on February 20<sup>th</sup>, leaving a void to be filled: and

WHEREAS, the Land Use Board is a very important and functioning working source of the municipality;

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Commercial that the following individuals are appointed to fill the vacancies.:

- Edward Fox            4 Year Member            To Fill Doris Tomlinson Position
- Jose Esquillin            1 Year Member            To Fill Russell Stormes Unexpired Term
- John Nardone            1 Year Member            To Fill Kenneth McGill Environmental Com
- Matt Wheatly            1 Year Alternate I            Term: Expires December 31, 2020
- Heike Wheatly            2 Year Alternate II            Term: Expires December 31, 2021

**RESOLUTION 2020-36  
Authorizing The Release Of Land Use Board Escrow Funds  
Port Norris Properties, LLC**

WHEREAS, on January 29, 2020 the Professionals of the Commercial Township Land Use Board approved the release of the remaining escrow balance for application stated below. Said application has 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
225/17	Port Norris Properties, LLC	Site Plan/Variance	\$883.64

**RESOLUTION 2020-37**  
**Pledge of Municipal Support For New Jersey's Wildlife Action Plan**

This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies

Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community Commercial Township Municipality pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities,

WHEREAS, New Jersey's wildlife and wild places are under threat from development fragmentation, invasive species and the impacts of people,

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats,

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined,

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens,

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State.

WHEREAS, the New Jersey Wildlife Action Plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey.

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW, THEREFORE, we the Township of Commercial, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Commercial Township an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

#### RESOLUTION 2020-38

#### A Resolution Endorsing The Adoption Of Green Building Practices For Civic, Commercial and Residential Buildings

WHEREAS, buildings account for 39% of C-02 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of portable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council)

WHEREAS, green building – also referred to as sustainable or high performance building is a collection of better design, construction, and operation practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Township of Commercial's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the Township desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices (e.g., improve water conservation, reduce light pollution, and increase construction waste recycling).

WHEREAS, the township additionally wishes to support green building in the private sector through a combination of voluntary actions (e.g., including a green building scorecard as a discussion item within the Site Plan approval process), actions that may be required in the future although not at the time of the adoption of this resolution (e.g., amending the Site Plan approval checklist to directly incorporate those green building standards available to a municipality), and educational actions (e.g., making available information on green building programs, guidelines, rebates etc. to residents of the municipality).

NOW, THEREFORE, BE IT RESOLVED that the Township of Commercial hereby implements a Green Building Policy that:

1. will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities; AND
2. will encourage green design for commercial and residential buildings.

#### RESOLUTION 2020-39

Acknowledging Satisfaction In Full By Mary Jane Stiles Of The Bayshore Housing Program Mortgage Held By Commercial Township And Authorizing The Execution Of A Discharge Of Mortgage

WHEREAS, Mary Jane Stiles previously qualified for participation in the Small Cities Grant known as the Bayshore Housing Program for the rehabilitation of housing units and received the sum of twenty one thousand seven hundred dollars and zero cents (\$21,700.00) on December 17, 2009 and a mortgage lien evidencing said indebtedness was recorded with the Clerk of Cumberland County in Mortgage Book 4076, page 4207 n November 9, 2010 and

WHEREAS, said mortgage has been paid in full or otherwise satisfied and is to be discharged of record.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Commercial that the mortgage held by the Township of Commercial and given by Mary Jane Stiles as set forth above shall be discharged.

BE IT FURTHER RESOLVED, that the Township Committee hereby authorize the Mayor and Municipal Clerk to execute and deliver a Discharge of Mortgage.

#### RESOLUTION 2020-40

A Resolution Of The Township Of Commercial Declaring Commercial Township a Second Amendment Township

WHEREAS, the Constitution of the United States of America is the supreme law of our nation, and

WHEREAS, the Second Amendment to the Constitution states, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

WHEREAS, the U.S. Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed that the Second Amendment right to keep and bear arms is not connected in any way to the service of the militia; and

WHEREAS, the U.S. Supreme Court in United States v. Miller, 307 U.S. 174 (1939) stated firearms that are part of ordinary military use (Weapons of common use ) that can contribute to the common defense and are protected by the Second Amendment; and

WHEREAS, there are an estimated 12 million Americans who lawfully carry concealed firearms; and

WHEREAS, abridging the rights of lawful gun owners does not reduce the criminal use of firearms by violent offenders; and

WHEREAS, New Jersey Second Amendment Society and Mark Cheeseman vs. Christopher S. Porrino U.S. District Court 3<sup>rd</sup>, stated "The Second Amendment extends, prima facie to all instruments that constitute bearable arms, even those not in existence at the time of the founding"

WHEREAS, New Jersey Attorney General Burton Sills, who "closely participated in the drafting and presentation of the (1966) Gun Control Law," and whose views the New Jersey has relied upon to decide close interpretive questions concerning that legislation. See Service Armament Co. v. Hyland, 362 A.2d 13, 18, 70 N.J. 550,560 (1976). In the lead-up to the 1966 Gun Control Law, Attorney General Sills had publicly explained that there was presently "no law against walking down the street with a weapon in your hand or on your body so long as it isn't concealed," and that individuals without concealed-carry permits were free to carry guns "in plain view".

WHEREAS, In the A-165 Debates of 1966, Attorney General Sills explained that under the new law, "standards are set forth to determine if the issuance of a permit to ...carry a pistol or revolver would be in the interest of public health safety, or welfare, "and" (f)or those who wish to carry a pistol or revolver, permits will be required as they are under present New Jersey law: and

WHEREAS, violations of existing laws, statutes and regulations are already criminal offenses, many being felonies; and

WHEREAS, gun control laws, including a plethora of current proposed legislation, are not evidence-based: and

WHEREAS, New Jersey's Gun control Law is highly purposed and conscientiously designed toward preventing criminal and other unfit elements from acquiring firearms while enabling the fit elements of society to obtain them with minimal burdens and inconveniences" (Burton v. Sills 53 N.J. 86 (1968) 248 A.2d 521 at 105.

WHEREAS, A law abiding citizen of the State of New Jersey who possess a N.J. Firearms Purchaser Identification card has met the burden of proof to be a law-abiding citizen, And is immune from further legislation and laws that are in violation of the constitution of the United States of America.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Commercial, State of New Jersey, as follows:

The Township Committee declares Commercial Township to be a 2<sup>nd</sup> Amendment/Lawful Gun Owner township as defined herein:

- a. The Township of Commercial supports the rights of lawful gun owners to lawfully use firearms; to defend themselves, their loved ones and other innocents; to lawfully hunt

to provide sustenance for their families; and to lawfully participate in shooting sports up to and including Olympic Sports.

- b. The Township of Commercial opposes holding accountable the violent criminal offenders, rather than irrational and/or disproven attempts to control lawful tools of self-defense, hunting and sport.
- c. The Township of Commercial opposes gun control, "gun safety" legislation, or "red flag laws", State, Federal, or local, Agenda No. XI 26 Page 2 of 2
- d. The Township of Commercial espouses holding accountable the violent criminal offenders, rather than irrational and/or disproven attempts to control lawful tools of self-defense, hunting and sport.
- e. The Township of Commercial Recognizes said township is not immune from past present or future laws and or legislation passed by the N.J. legislature regarding state and local firearms laws or statute. Therefore all residents of Commercial Township can be prosecuted for ignoring or breaking present state laws in force.

MAYOR VIZZARD'S ADDED STATEMENT: Commercial Township will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing laws that unconstitutionally infringe on the people's rights to keep and bear arms.

#### RESOLUTION 2020-41

#### Awarding Contract To Shore Animal Control Services To Perform Animal Census in 2020 In Amount of \$4,800

WHEREAS, it has been several years since a dog census has been performed in Commercial Township; and

WHEREAS, the Township Committee is aware that Commercial Township has one of the largest successful rabies clinics each year with residents getting protection for their families and pets, but not purchasing a dog license which is a state and municipal requirement; and

WHEREAS, the Township Committee requested the current animal control company to provide a proposal to perform a dog census in 2020 and said proposal was submitted in the amount of \$4,800; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that a contract is awarded to Shore Animal Control Services to perform a dog census in 2020 in the amount of \$4,800.

Mayor Vizzard asked for motion to adopt resolutions.

Committeeman Jamison made motion to adopt Resolutions 2020-35 thru 2020-41.

Mayor Vizzard seconded the motion and a unanimous roll call vote was taken of the members present.

Mayor asked for reports of the officials.

Committeeman Jamison said he didn't have any.

Mayor Vizzard stated that Commercial will have Rabies Clinic at Laurel Lake Fire Hall on Saturday, March 14, from 9:00 am to 12:00 noon. That the committee has authorized a door to door dog census this year and the committee is considering moving Commercial Township Municipal Court To Upper Deerfield Township, commencing July 1, 2020.



Mayor asked for motion to open the meeting to the public and Committeeman Jamison made that motion but with no input from the public made a motion to close the public portion and to adjourn the township meeting.

Mayor Vizzard seconded those motions and meeting was adjourned.

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Hannah E. Nichols, Township Clerk