

Minutes of the Regular Meeting of the Governing Body of the Township of Commercial, held on September 17, 2020 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
Hannah E. Nichols	Township Clerk
Heather Sparks	Deputy Township Clerk
Brian Rosenberger	Tax Assessor

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

Mayor said I don't see the state police, I'll give them a call and see if they can come next month and see how animal control is going.

Mayor Vizzard said we have our Tax Assessor, Brian Rosenberger, present tonight to try and explain the what we can do, if anything, with the tax increase we have this year.

Mr. Rosenberger said the Tax Increase ratio of June 30th feasibility is 125 percent. The increase in township ratables just made 20 million. We took a closer look at the ratio across the board, Cumberland County and School and was high ratio. So at this point we are waiting on the state to get the preliminary numbers telling us where we have to go. I think increase or decrease it will be around 114 per cent for next year. The Equalized Ratio Table will be out in October 1st and we can appeal within 45 days. Pam and I have been keeping an eye and running the list and doing the numbers where we feel it will be. The problem is we're not the only fish in the sea, we are working with 14 municipalities and the county, if Vineland has a bad year, tax appeals, guess who makes it up, all the municipalities. We could do a revaluation but it is costly. It is going to cost taxpayers money whether we hang on and ride it out, hopefully get some good sales but at this point we fell short, the ratio is up there, it's high. The last reval was 2009, I don't know how much it cost and I don't want to speculate. This is a double edge sword, our ratio is too high.

Mayor Vizzard; said am I thinking or should I be thinking along lines that the assessed value you can up, with that should assessed value be close to sale price of the house or should it be sold for lot more than the assessed value.

Mr. Rosenberger said I didn't set the assessments, the market today is a lot different and I can't change the assessments when it's based on sold. It's against the law in State of New Jersey, state doesn't allow you to do that. Physical changes to property is the only time I can change an assessment.

Mayor said so mathematically 100% is where we want to stay.

Mr. Rosenberger said If we stayed at 100% we'd be paying more. Issue is the lower our assessment the lower we pay in taxes. We don't want assessments down, we want the assessed value at 110%-115%

Mayor Vizzard asked so we should be at 114%, 115% will they finalize that? The assessed value on this list was \$43,000, it sold for \$2,000. Why is that?

Mr. Rosenberger said location is number one, Laurel Lake area of the township, lots not worth more than \$10,000 before 2009 but after 2009 they were assessed at \$40,000 and there again I can't do anything about that.

Mayor Vizzard said Davis here, we have a house that's just the opposite sold for a lot more than it was assessed at. In Port Norris we had a property assessed at \$198,000 and sold for \$400,000.

Mr. Rosenberger said that purchase was for multiple properties.

Mayor asked Committeeman Jamison and Committeeman Broughton if they had any questions, they did not and the Mayor thanked Mr. Rosenberger for his attendance and asked Ed Dennis for his engineer's report.

Mr. Dennis stated that he tried to get the approval from the Department of Transportation to allow the township to include the repaving of Ogden Avenue in our current project, she said no but then said she would have to talk with her boss who I assume didn't say yes or no but we just got a letter, they want us to apply for new grant funding for Ogden Avenue, apply for grant and what if next year the prices go way up. Mr. Dennis said that he was going to contact DOT again, we've got prices I haven't seen in ten years, so we'd get a better deal if we could include it in our current grant funds. Mr. Dennis said he was waiting on contractor on what the cost would be and try again.

Mr. Dennis said DOT has approved to go ahead on Red Fern Drive and the contractor should be starting in couple of weeks. Once they are done with that they will start the Riverfront Roadway Improvements.

Mayor Vizzard said the following items were reviewed at the agenda meeting:

Daughters of American sent a letter requesting that we adopt a Proclamation to proclaim September 17th, thru 23rd as Constitution Week, and Proclamation is on the agenda.

Letter from the Mauricetown Historical Society requesting \$500 from the township to help them financially to pay their utilities for the balance of the year. They have used their funding to pay for the heat and air conditioning to safeguard the records they maintain since March. They have not been allowed to open this year because of the virus.

Mayor said the committee approved the \$500.00, submit a voucher to CFO.

Committee received a letter from Brian Will, 6746 Weymouth Roads, Mays Landing, offering \$500 for Block 259, Lot 6, 140X105. He said he would demolish and cleanup debts.

Mr. Rosenberger, Tax Assessor said that property is worth a lot more than \$500 dollars. It is almost riverfront property.

Committee decided to reject Mr. Will's bid and instructed clerk to send him a letter to that effect.

Mayo Vizzard said township's insurance carrier, Atlantic County Municipal Joint Insurance Fund has requested that all municipalities that they cover adopt a Cyber Risk Management Plan and Cyber Incident Response Plan.

Committee reviewed and approved the plans and resolution is on the agenda.

Mayor Vizzard said the Chief Financial Officer, Pamela Humphries, recommended that the township join an organization known as Sourcewell, which would allow township to purchase through National Cooperative Purchasing without going out to bid.

Mayor Vizzard said committee approves, and resolution is on the agenda.

Mayor Vizzard said clerk has provided us with new correspondence that are time sensitive and cannot wait until next month. He said the NJDOT will be accepting Local Freight Impact Fund application for 2021 by November 10th, 2020 and or engineer needs time to prepare that application.

Mayor Vizzard said we have a letter from Joanne Deckman, 6707 Chestnut Street, Port Norris, NJ. He husband had obtained a Bayshore Housing grant, he has passed away and she wants to pay the fifty percent payback which is \$6,200 but she has been informed that there is \$9,000 in interest and she can not afford the interest and it gets higher everyday. She asked the committee if they could waive the interest, she will pay the payback in full.

This Bayshore Housing grant was given from funds of Maurice River Township and they did not have a problem with waiving the interest.

Clerk stated this grant was one of the earlier Bayshore Housing grants and why they ever figured the interest this way. In 2004, the interest formula was changed.

Committeeman Jamison said if Mrs. Deckman will pay the full amount of the fifty percent payback I \$6,200 I don't have a problem with it, that's more than the grant they got.

Committeeman Broughton said he didn't have a problem with it.

Mayor Vizzard asked for a motion to approve and motion was made and seconded with a unanimous roll call vote.

Clerk asked Solicitor if he could prepare discharge for the next regular meeting.

Mayor Vizzard said we have a letter and some pictures from Donna Lombardi, 224 Daffodil Road, Laurel Lake. She has problems with flooding every time it rains and there is flooding on Daffodil Road which is going to create a very hazardous condition in the winter months, especially dangerous for kids waiting for school bus.

Mr. Dennis said that he would take a look at it.

Mayor Vizzard said financial officer has been investigating a new telephone system for the municipal hall and Max Communications will do the installation at \$2,856.70 at \$434.01 per month which is \$44.00 less per month than we are paying now. Mayor said our system is old and outdated.

Mayor and committee approved Max Communications with a motion and a second, with a unanimous roll call vote.

Mayor Vizzard said we have second reading and public hearing on Ordinance 2020-602.

**ORDINANCE 2020-602
AMENDING ANIMAL CONTROL ORDINANCE 97-383 TO BRING ORDINANCE
IN COMPLIANCE OF CS REGIONAL COURT ANIMAL CONTROL**

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

Committeeman Broughton made motion to open meeting to the public and Committeeman Jamison seconded. With no comments being made, Mayor asked for motion to close the public portion and to adopt the ordinance.

Committeeman Jamison made motion to close public portion and to adopt the ordinance. Committeeman Broughton seconded the motion with a unanimous roll; call vote.

Mayor Vizzard said we have an introduction of an ordinance to purchase equipment for the road department.

ORDINANCE 2020-603

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENT IN AND BY THE TOWNSHIP OF COMMERCIAL, IN THE COUNTY OF CUMBERLAND, NEW JERSEY, APPROPRIATING \$400,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COMMERCIAL, IN THE COUNTY OF CUMBERLAND, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Commercial, in the County of Cumberland, New Jersey (the "Township") as general improvements. For the several improvement or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the aggregate to \$400,000, and further including the aggregate sum of 420,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to ne issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvement hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows.

PURPOSE	APPROPRIATION & ESTIMATED COST	ESTIMATED MAXIMUM AMOUNT OF BOND&NOTES	PERIOD OF USEFULNESS
a)The acquisition of equipment, including, but not limited to, a wheel			

loader and further including all related costs and expenditures incidental thereto	\$160,000	\$152,000	15 Years
b)The acquisition of vehicles, including, but not limited to, dump trucks with accessories and a small dump truck and further including all related costs and expenditures incidental thereto	<u>\$240,000</u>	<u>\$228,000</u>	5 Years
Total	<u>\$400,000</u>	<u>\$380,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchase.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- a. The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- b. The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9 years.
- c. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$380,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- d. An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the

Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel consistent with the requirements of the Rule. In the event, that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law

Mayor Vizzard asked for a motion to adopt the ordinance on introduction and Committeeman Jamison made motion to adopt and Committeeman Broughton seconded the motion with a unanimous roll call vote.

Mayor Vizzard said second reading and public hearing will be held on October 15th, regular township committee meeting.

Mayor said we have a proclamation requested by Daughters of America for Constitution week from September 27th to September 23rd.

**PROCLAMATION
Constitution Week**

WHEREAS: it is the privilege and duty of the American people to commemorate the 233rd anniversary of the drafting of the constitution of United States of America with appropriate ceremonies and activities; and

WHEREAS: public Law 915 guarantees the issuing of a proclamation each year by the resident of United States of America designating September 17 through 23 as Constitution week,

NOW, THEREFORE the Township Committee of the Township of Commercial proclaim the week of September 17 through 23 as

Constitution Week

And urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves

In witness whereof, I have hereunto set my hand and caused to seal of this Township to be fixed this 17th day of September 2020.

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

The following resolutions were adopted:

RESOLUTION 2020-86

A Resolution Adopting Technology Risk Management Standards In Compliance With The New Jersey Municipal Excess Liability Joint Insurance Fund's Cyber Risk Management Plan's Tier One Requirements

WHEREAS, the Commercial Township is a member of the Atlantic County JIF which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance fund (NJ MEL); and

WHEREAS, through its membership in the Atlantic County JIF, the Township of Commercial enjoys cyber liability insurance coverage to protect the Township of Commercial from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJMEL developed and released to its members the NJMEL Cyber Risk Management Plan, and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1 and Tier 2 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Township of Commercial; and

WHEREAS, in addition to the reduction of potential claims, implementing the following best practices and standards will enable the Township of Commercial to claim a reimbursement of a paid insurance deductible in the event the member files a claim against Township of Commercial's cyber insurance policy, administered through the Atlantic County Jif and the Municipal Excess Liability Joint Insurance Fund;

NOW, THEREFORE BE IT RESOLVED, that the Township of Commercial does hereby adopt the following best practices and standards, a copy of which is attached hereto and incorporated herein by reference in accordance with Tier 1 of the NJ MEL Cyber Risk Management Plan:

**System and data back-up
Security and System patching
Defensive software**

**Security Awareness Training
Incident Response Plan**

And, Be It Further Resolved, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval

RESOLUTION 2020-87

Resolution Authorizing A Membership With Sourcewell For Cooperative Purchasing Agreement Contracts Pursuant To Local Finance Notice 2012-10 Dated May 14, 2012.

WHEREAS, Sourcewell maintains National Cooperative Purchasing Agreement Contracts, which are competitively awarded national leverage cooperative purchasing contracts, through which members can make purchases; and

WHEREAS, the Township of Commercial, membership number 65592, by joining Sourcewell, at no cost, can participate in the National Cooperative Purchasing Agreement Contracts; and

WHEREAS, the State of New Jersey passed Public Law 2011, Chapter 139, that allows local contracting units to utilize national cooperative contracts as an acceptable procurement method, explained in detail in the New Jersey Department of Community Affairs, Division of Local Government Services and Local Finance Notice No. LFN 2012-10- dated May 14, 2012; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland, State of New Jersey that it authorizes the Township clerk to execute the membership agreement with the Sourcewell for the purpose of purchasing from their cooperative contracts.

**COMMERCIAL TOWNSHIP
RESOLUTION 2020-88**

**Reappointment of Brian Rosenberger, As Commercial Township
Tax Assessor Retroactive to July 1, 2020 thru June 30, 2024
With Tenure Second Term Appointment**

WHEREAS, the Township Committee of the Township of Commercial has determined that it is in the best interest of the Township to Reappoint Brian Rosenberger to the position of Tax Assessor retroactive to July 1, 2020; and

WHEREAS, Brian Rosenberger, has the qualifications, pursuant to N.J.S.A. 40A:9-146 for said position and holds a current tax assessor certification issued by the New Jersey Department of Community Affairs; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that Brian Rosenberger be reappointed as Tax Assessor retroactive to July 1, 2020 through June 30, 2024, a four year appointment with Tenure.

BE IT FURTHER RESOLVED, that Committee determines that reasonable and appropriate funds are available in the Budget of the Township for said purpose.

BE IT FURTHER RESOLVED, that Brian Rosenberger shall be governed by the terms and conditions of the Collective Bargaining Agreement between the Township and its Collective Bargaining Unit.

**RESOLUTION 2020-89
Approving \$500 Donation To Mauricetown
Historical Society Due To Coronavirus**

WHEREAS, Mauriceton Historical Society is the Official Historical Society of the Township of Commercial; and

WHEREAS, because of the Coronavirus they were mandated closure by Governor Murphy during this pandemic which as a non-profit organization denied them access to funds which enable heat and air conditioning in the preserving of the official and historic documentation of the legislation creating Commercial Township back in 1878; and

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Commercial that a donation of \$500 is given to the Mauricetown Historical Society in helping them to continue the utilities to preserve the historic records.

BE IT FURTHER RESOLVED that Chief Financial Officer has verified the funds from the following account:

Account: 0.01.20.110.030 Line Item: Mayor & Committee O&E \$500.00

RESOLUTION 2020-90

**Authorizing Obtaining of Quotes For The Demolition
Of Block 251, Lot 6, Market St., Block 211, Lot 1, Yock Wock Rd**

WHEREAS, at the Commercial Township Agenda Meeting it was determined that there are properties within Commercial Township that are unsafe and are eminent health hazards to the community; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that the following properties have been declared unsafe, an eminent health hazard and that authorization has been given to obtain quotes for the demolition of the following:

**Block 251, Lot 6, 2513 Market Street, Port Norris
Block 211, Lot 1, 1769 North Avenue, Port Norris
(Owner-Gionang Estremera)**

Mayor Vizzard asked for a motion on the resolutions and Committeeman Broughton made motion to adopt and Committeeman Jamison seconded the motion. Roll call vote.

Mayor Vizzard asked for reports from officials.

Committeeman Broughton said Steve Desario Code Enforcement Officer responded to complaints of 2511 Violation Notices were sent out, on 2515 No violations were issued but he will do inspections periodically, and on Memorial Avenue he has given owner until September 30th to abate the issues.

Barney Hollinger said he has chicken coops in back of 2391.

Committeeman Jamison said there was a small incident at 2511 but it got straightened out. He said the big item is that Dagastines is down, contractor had to leave on an emergency but he returned very next day and the property got cleaned up.

Mayor Vizzard said he would like to see 2513 Market Street and property at corner of Yock Wock and North Avenue taken down before the end of the year. Mayor also said state wants a new state police barracks and I've asked the CCIA to see if they could come up with

the best way to approach this. Mayor said he was glad to see that Dagastines has been demolished.

Mayor asked for comments from the public and Ronald Sutton asked if the money used for demolishing Dagastine's came from grant money.

Mayor said no, it came from the Rental fines and the ordinance states it must be used for demolition.

Mr. Sutton asked what is the bond ordinance purchasing.

Mayor Vizzard said this is new equipment for the public works. A new truck

Mr. Peter Heath said there is a house on Milbourne that burned and it is an eye sore can't something be done about that, can't it be demolished?

Committeeman Jamison said last I talked with him he told me the paperwork was in the mail.

Mr. Heath asked about getting Milbourne paved, can't we get a grant for that.

Mr. Dennis, Engineer said we file applications each with two roads, if we get a grant for the priority road, the next road jumps to priority.

Mayor asked for additional comments and being none asked to close public portion and to adjourn the meeting.

Hannah E. Nichols, township Clerk